

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - SOUTH

Tuesday, 19 December 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, 18 December 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, 8 December 2023.

AGENDA

Planning Committee - South - 2.00 pm Tuesday, 19 December 2023

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

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

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

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 17 - 24)

To approve the minutes from the previous meeting.

3 Declarations of Interest

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

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

4 Public Question Time

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

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

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 5pm on Wednesday 13 December 2023.

5 Planning Application 21/00311/OUT - Land to the North of Somerton Road, Adj The White Bungalow, Somerton Road, Langport. (Pages 25 - 80)

To consider an outline planning application for up to 100 dwellings, associated open space and infrastructure with all matters reserved except access.

6 Planning Application 21/01035/OUT - Land OS 6925, Coat Road, Martock. (Pages 81 - 126)

To consider an application for up to 100 dwellings with associated works including access, public open space and landscaping.

7 Planning Application 18/04057/OUT - Land East of Mount Hindrance Farm, Mount Hindrance Lane, Chard. (Pages 127 - 256)

To consider an outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.

8 Appeal Decisions (for information) (Pages 257 - 294)

Other Information:

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

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

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

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

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

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

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

The order of speaking will be:-

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

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

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

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

Although not an exhaustive list, these might include:

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

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

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

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

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to democraticservicessouth@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

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

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

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

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

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

Presentation of planning applications

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

The role of Officers during the debate of an application

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

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

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

Recording of the Meeting

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

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



Councillor reminder for declaring interests

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

Non participation in case of Disclosable Pecuniary Interest

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

Disclosure of Other Registerable Interests

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

If your Other Registrable Interest relates to -

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

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

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

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not**

take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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

Where a matter arises at a meeting which affects –

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

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

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

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

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

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

Disclosable Pecuniary Interests*

1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.
2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.
3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.
4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

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

Other Registerable Interests**

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

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Planning Committee – South - 19 December 2023

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Minutes of a Meeting of the Planning Committee - South held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Tuesday, 28 November 2023 at 2.00 pm

Present:

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

Cllr Steve Ashton	Cllr Mike Best
Cllr Henry Hobhouse	Cllr Tim Kerley
Cllr Sue Osborne	Cllr Oliver Patrick
Cllr Evie Potts-Jones	Cllr Richard Wilkins

In attendance:

Cllr Tony Lock	Cllr Jo Roundell Greene
Cllr Andy Soughton	

Other Members present remotely:

Cllr Simon Coles	Cllr Andy Kendall
Cllr Liz Leyshon	

44 Apologies for Absence - Agenda Item 1

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

It was noted that Councillor Richard Wilkins was attending as substitute for Councillor Jeny Snell.

45 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - South held on Tuesday 14th November 2023 be confirmed as a correct record.

46 Declarations of Interest - Agenda Item 3

Councillor Andy Kendall declared a personal interest in Item 6 - Planning Application 23/00606/FUL and Item 7 - Planning Application 23/00861/ADV as he had previously supported the Yeovil Refresh program.

Councillor Steve Ashton declared a personal interest in Item 5 Planning application 23/00606/FUL as he had previously been employed by the applicant SSW Developments Ltd. He confirmed he no longer worked for the company and had no interest in this application.

47 Public Question Time - Agenda Item 4

There were no questions from members of the public.

48 Planning Application 23/00606/FUL - Land at Merryfield Lane, Ilton, Ilminster TA19 9HA - Agenda Item 5

The Planning officer introduced the application to the Committee and together with the aid of a power point presentation, he provided the following comments including:

- No heritage assets were positioned within the site.
- Highlighted the location of the public right of way through the site.
- Explained the connection to the grid.
- Confirmed that no hedgerows or trees are to be cut back with a new hedgerow and landscaping scheme proposed.
- Highlighted the temporary compound and access during the construction phase.
- Confirmed the measurements of the solar panels and associated units on the site.
- Showed proposed fencing and cameras around the site.

He also advised that should members be minded to approve permission, additional conditions be included that requires a noise mitigation plan be approved prior to use to ensure that there is no undue disturbance to neighbouring properties, and that a condition survey of Merryfield Lane be undertaken prior to construction and any damage made good.

He referred to the key issue being the visual impact on the character of the landscape versus the provision of renewable energy and detailed the reasons for recommending approval.

Councillor Jo Roundell-Greene Divisional member addressed the committee. She raised concern regarding the public safety during the construction phase on the very narrow Merryfield Lane. She asked that a condition be included to ensure public safety during this phase.

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

- This proposal would be an efficient scheme with minimal adverse impact.
- Confirmed that a road condition survey would be carried out prior to commencement of development.
- Proposed equipment is acoustically insulated.
- Stringent construction and environmental management plan is proposed.
- Future access to the site will be improved.
- Will provide a Biodiversity net gain.
- Scheme will fit with Council's climate emergency and provide sufficient carbon free electricity for over 700 homes.

The Planning Officer responded on points of detail and technical questions from members including:

- Reiterated that should members be minded to approve the application, a condition be imposed to ensure that a road condition survey be carried out which will allow the ability to control the safety of public users.
- Confirmed that the agricultural land was Grade 3 but unsure of the exact class, however this scheme would allow for the continuation of agricultural use and designed to allow the grazing of sheep. He also confirmed this was a temporary permission for a period of 41 years (including 1 year construction) and then the land would revert back to its original use.
- Believed the noise levels to be very low but that a condition be imposed to ensure a noise mitigation plan is in place.

During discussion members raised comments including:

- Raised concern regarding the public safety of the users of Merryfield Lane and the poor condition of the lane. They agreed that a condition should be included to ensure a road condition survey is carried out.
- Raised concern regarding the noise disturbance of the site and the need to ensure the transformer buildings are properly soundproofed.
- Need to ensure the requirement of construction and environment plan.
- Voiced their frustration regarding the clarity around the precise grading of the agricultural land.

Following a discussion, it was then proposed by Councillor Richard Wilkins and

seconded by Councillor Henry Hobhouse to approve the application as per the officer's recommendation, with additional conditions to include:

1. Road condition survey
2. Noise mitigation plan for 2 x switching units.

On being put to the vote the proposal was carried unanimously.

RESOLVED:

That planning application 23/00606/FUL for the Installation of groundmounted photovoltaic modules together with sub stations to create a small solar farm generating carbon-free electricity at land At Merryfield Lane, Ilton, Ilminster, Somerset TA19 9HA be APPROVED, subject to the imposition of conditions as per the officer recommendation as detailed in the agenda report and with additional conditions to include:

1. Road condition survey
2. Noise mitigation plan for 2 x switching units.

(voting: unanimous)

49 Planning Application 23/00860/R3C - Land at The Triangle, Middle Street, Yeovil BA20 1LQ - Agenda Item 6

The Planning officer introduced the application to the Committee together with Planning Application 23/00860/R3C. He provided the following updates to the conditions:

- Condition 4 appended to Application 23/00861/ADV and Condition 5 appended to Application 23/00860/R3C - The hours of operation should read Monday - Sunday 'inclusive' not 'including' and that
- Condition 3 appended to Application 23/00860/R3C should include that the operation management plan be implanted in accordance with those details.

He explained the reason why both applications had been brought to committee as the applicant is Somerset Council and with the aid of a powerpoint presentation highlighted the following:

- Site and location plan.
- Confirmed the site was located outside the town's conservation area.
- Proposed elevations of the screen.
- Explained the use and purpose of the application.

He highlighted the key considerations for application 23/00606/FUL and comments

in summarised form were:

- Principle – Considered to be compatible with the town centre and wider range of initiatives.
- Scale, design, and visual impact – Located against a building not within a conservation area or nearby heritage assets.
- Impact on residential amenity/neighbouring uses – Conditions to ensure safeguarding hours and crime prevention as agreed with by the Police and Licensing.
- Access and highway safety – Located within an area with other shop fronts and not considered a main concern regarding any highway safety. A Traffic Regulation Order (TRO) would be required to restrict access.
- Ecology and Impact on the Somerset Levels and Moors Ramsar/SPA – No notable Ecology or Ramsar implications.

He proceeded to explain the reasons for approval along with the conditions listed within the report including the requirement for a Traffic Regulation Order.

He also highlighted the key considerations for application 23/00861/ADV being the impact on amenity and character of the area and on public safety and reasons for approval along with the conditions listed within the report.

The applicant addressed the committee. Some of his comments included:

- This was a key element of the proposed public square at The Triangle.
- Had considered the lighting, noise and that suitable conditions and acknowledged conditions to be imposed.
- Confirmed that an application for a premises license to run in parallel with the operating plan.
- Acknowledge concerns regarding antisocial behaviour and were working with the police to safeguard crime prevention.
- Would look to install the screen in the spring of 2024.
- Expectation to work in future with other partners regarding the operating plans.
- Explained the primary use of the screen would be intended for entertainment with commercial advertisement secondary.

The Planning officer responded on points of detail and technical questions from members including:

- Members should look at the key considerations of this application and not whether there is a need.
- Screen is capable of broadcasting events.
- Explained the reason a condition is imposed for the operating hours.
- Explained conditions imposed to ensure what can and cannot be displayed

and detailed an operation management plan.

The Legal officer also confirmed that a Public Space Protection Order (PSPO) is currently in place which allows fixed penalty notices to be issued. She felt this could help with crime and anti-social behaviour within the area but that this would need to be looked at when the premises licence is considered.

During members discussion comments were made including:

- The proposal would be positive for the town centre and help bring both people and businesses to the town.
- Felt the PSPO be looked at alongside the premises application to ensure there is no opposition or conflict with each.
- Felt there was not the need to impose conditions regarding the operating hours as believe these safeguards already exist in practice.

Following a further debate and advice from the Planning and Legal officers, it was proposed by Councillor Peter Seib and seconded by Councillor Oliver Patrick that application 23/00860/R3C be amended to remove condition 5 for the reason that this condition does not meet the test for the use of planning conditions. On being put to the vote this was carried unanimously.

It was then proposed that planning application 23/00860/R3C be approved as amended and subject to the imposition of conditions as per the officer recommendation as detailed in the agenda report. On being put to the vote this was carried unanimously.

RESOLVED:

That planning application 23/00860/R3C for Proposed Large LED Screen at Land at the Triangle, Middle Street, Yeovil BA20 1LQ be APPROVED, subject to the imposition of conditions as per the officer recommendation as detailed in the agenda report but with the removal of condition 5 for the reason that this condition does not meet the test for the use of planning conditions.

(voting: unanimous)

50 Planning Application 23/00861/ADV - Land at The Triangle, Middle Street, Yeovil BA20 1LQ - Agenda Item 7

It was proposed by Councillor Peter Seib and seconded by Councillor Oliver Patrick that application 23/00861/ADV be amended to remove conditions 4 and 5 for the reason that these conditions do not meet the test for the use of planning conditions.

On being put to the vote this was carried unanimously.

It was then proposed that planning application 23/00861/ADV be approved as amended and subject to the imposition of conditions as per the officer recommendation as detailed in the agenda report. On being put to the vote this was carried unanimously.

RESOLVED:

That planning application 23/00861/ADV for Proposed Large LED Screen at Land at the Triangle, Middle Street, Yeovil BA20 1LQ be APPROVED, subject to the imposition of conditions as per the officer recommendation as detailed in the agenda report but with the removal of conditions 4 and 5 for the reason that these conditions do not meet the test for the use of planning conditions.

(voting: unanimous)

51 Appeal Decisions (for information) - Agenda Item 8

Members noted the planning appeals.

(The meeting ended at 3.30 pm)

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CHAIR

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Officer Report On Planning Application: 21/00311/OUT

Proposal:	Outline planning application for up to 100 dwellings, associated open space and infrastructure with all matters reserved except access.
Site Address:	Land To The North Of Somerton Road, Adj The White Bungalow, Somerton Road, Langport, Somerset,
Parish:	Huish Episcopi
CURRY RIVEL AND LANGPORT Division	Cllr Mike Stanton Cllr Richard Wilkins
Recommending Case Officer:	Colin Begeman (Principal Specialist)
Target date:	30th April 2021
Applicant:	Langport LVA LLP
Agent: (no agent if blank)	PCL Planning Ltd 13A - 15A Old Park Avenue Exeter EX1 3WD
Application Type:	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

All major applications that are not in accordance with the Town/ Parish Council's recommendation are referred directly to the Planning South Committee under the Somerset Council's Scheme of Delegation.

the primary connection between Langport and Somerton, linking to the A372 at the roundabout southwest of the site.

The site is within convenient walking and cycling distance of a range of facilities, including employment, retail, leisure facilities, and local schools. The town centre is within a 10-15 minutes walk. The closest bus stop to the site is situated approximately 200m (a 3-minute walk) from the site on Somerton Road ('Picts Hill'), providing services to Taunton, Somerton, Yeovil, and other destinations.

The site is not subject to any national or local ecological or landscape designations (such as Site of Special Scientific Interest (SSSI) or AONB - Area of Outstanding Natural Beauty) and is situated within Flood Zone 1 (lowest probability of flooding). However, it is within the 'impact risk zone' for Aller Hill SSSI and Wet Moor SSSI. Wet Moor SSSI forms part of the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar site.

The proposal for the residential development is made in outline, with all matters reserved except for means of access. The site is considered suitable and capable of accommodating approximately 100 dwellings. The illustrative masterplan shows a mix of house types and sizes, providing housing options for a mixed community. The proposed access to the site is from Somerton Road to the south, with pedestrian footways on both sides of the access road.

The development plan for the area includes the South Somerset Local Plan 2006-2028, Somerset Minerals Plan, and Somerset Waste Core Strategy DPD. The South Somerset Local Plan designates Langport/ Huish Episcopi as a 'Market Town,' and the site falls within the 'Direction of Growth' area for Langport/ Huish Episcopi. The plan sets a requirement of at least 374 dwellings to be built in the Local Plan Period, with at least 85 dwellings needed in addition to the 289 already committed.

The application for the proposed residential development is considered to be in accordance with the relevant planning policies and takes into account considerations for flood risk, ground conditions, access and transport, ecology, landscape, and archaeology/heritage. The applicants have submitted a Design and Access Statement and provided a summary of proposed heads of terms for the Section 106 agreement.

The application concludes that the proposed development is acceptable in planning terms, meets the requirements of the Development Plan, and should be granted planning permission, given that there are no material considerations that point to a decision contrary to the Development Plan.

PROPOSAL

The proposed residential development is an outline application for a scheme located on land to the north of Somerton Road, Langport with all matters reserved apart from access. The application seeks permission for residential development with associated public open space and infrastructure. The key details of the proposed development include:

Housing: The site is considered suitable for accommodating approximately 100 dwellings. The proposed housing mix includes a variety of house types and sizes to cater to a diverse community. The development aims to provide both market housing and affordable housing in line with the local plan's policy.

Access: Access to the development will be gained directly from Somerton Road to the south. The proposed access road will be 5.5 meters wide, with a 6-meter radius. Pedestrian footways will run on either side of the access road, connecting to existing footways on the northern side of Somerton Road.

Layout: The development is presented in outline form, with all matters reserved except for access. An illustrative masterplan has been provided, demonstrating the proposed layout of the development. The masterplan includes a "green street" running through the site, offering opportunities for informal open space, biodiversity enhancement, and water attenuation. There will also be a gateway square to create a welcoming sense of arrival into the site.

Open Space: The proposed development includes generous areas of public open space and landscaping, incorporating a play area, an orchard, and surface water attenuation features.

Density and Design: The layout adopts a well-structured hierarchy of streets, including home zones and east-west streets, maximizing opportunities for solar gain. The development proposes lower density housing towards the edges of the site and higher density closer to the existing settlement edge. The design and access statement emphasises high-quality design to enhance the local distinctiveness and character of the area.

Sustainability: The proposed development aligns with policies promoting low carbon travel. The Transport Assessment includes provisions for travel information packs, charging of electric vehicles, green travel vouchers, cycle parking facilities, travel plans, and sustainable transport measures.

Flood Risk and Drainage: A Flood Risk Assessment and Drainage Strategy have been prepared to manage drainage effectively on the site. The site is situated in Flood Zone 1, the lowest probability of flooding, and the proposed drainage strategy utilizes surface water attenuation features, ensuring no increase in flood risk to existing properties.

Ecology: An Ecological Impact Assessment has been conducted, considering the impact of the proposals on protected sites and species. The assessment outlines that the proposed development would not significantly impact the integrity of designated areas or protected species.

Landscape and Visual Impact: The Landscape and Visual Impact Assessment (LVIA) has been undertaken to assess the potential landscape and visual impacts of the development. The LVIA concludes that the development would not significantly alter existing scenic views or landscapes. The proposed mitigation measures, such as tree and hedgerow planting, would integrate the development into its landscape setting.

Archaeology and Heritage: An archaeological evaluation, including geophysical survey and trial trenching, has been conducted to identify any heritage assets within the application area. The results indicate that there are no significant archaeological remains on the site that would hinder the proposed development.

Section 106 Agreement: The application includes provisions for up to 35% affordable housing (in accordance with Local Plan Policy) provision, with the specific tenure split to be agreed. The Section 106 agreement also covers on-site public open space provision and management.

Overall, the proposed development seeks to provide a high-quality residential scheme that is well-integrated with the existing town, addressing local housing needs while considering environmental and heritage considerations. The outline application allows for flexibility in detailed design at the reserved matters stage.

HISTORY

No relevant planning history

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 Paragraphs 2,

11, and 12 of the NPPF requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).
Policies of the South Somerset Local Plan (2006-2028)

SD1 - SUSTAINABLE DEVELOPMENT

SS1 - SETTLEMENT STRATEGY

SS4 - DISTRICT WIDE HOUSING PROVISION

SS5 - DELIVERING NEW HOUSING GROWTH

SS6 - INFRASTRUCTURE DELIVERY

LMT2: LANGPORT / HUISH EPISCOPI DIRECTION OF GROWTH

EP3 - SAFEGUARDING EMPLOYMENT LAND

HG3 - PROVISION OF AFFORDABLE HOUSING

HG5 - ACHIEVING A MIX OF MARKET HOUSING

TA1 - LOW CARBON TRAVEL

TA4 - TRAVEL PLANS

TA5 - TRANSPORT IMPACT OF NEW DEVELOPMENT

TA6 - PARKING STANDARDS

HW1 - PROVISION OF OPEN SPACE, OUTDOOR PLAYING SPACE, SPORTS,
CULTURAL AND COMMUNITY FACILITIES IN NEW DEVELOPMENT

EQ1 - ADDRESSING CLIMATE CHANGE IN SOUTH SOMERSET

EQ2 - GENERAL DEVELOPMENT

EQ3 - HISTORIC ENVIRONMENT

EQ4 - BIODIVERSITY

EQ5 - GREEN INFRASTRUCTURE

EQ7 - POLLUTION CONTROL

National Planning Policy Framework

Part 2 - Achieving sustainable development

Part 5 - Delivering a sufficient supply of homes

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

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

Part 15 - Conserving and enhancing the natural environment

Part 16 - Conserving and enhancing the historic environment

Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

National Design Guide October

Other

Somerset County Council Parking Strategy

Somerset County Council Highways Development Control - Standing Advice Policy

PMT1

Local Plan Review

On 21 July 2021, the Government announced that, subject to Parliamentary approval, a new unitary council for Somerset would be formed on 1 April 2023 to replace the existing county and district councils. However, Exmoor National Park Authority remains as the Local Planning Authority for the area of National Park within Somerset.

Given these timescales and the numerous stages in Local, Mineral and Waste Plan preparation the existing councils will therefore no longer be progressing new plans through the statutory process based on their individual geographies. Existing county and district councils are working closely to scope the content and timescales for new Development Plan(s) to be prepared in the future as part the single unitary council. This includes ongoing work to progress and align key evidence base documents. Relevant documents, including an updated Local Development Scheme (LDS) for the new Somerset Council will be published in due course as the councils work through the transitional arrangements.

5 Year Land Supply

The LPA cannot demonstrate a 5 year housing land supply and limited weight that can be applied to policies of housing restraint. On this basis the tilted balance set out in the NPPF applies where sustainable development should be approved subject to the benefits outweigh the harm.

Whilst very limited weight can be given to the South Somerset Local Plan Review it is noted by officers that Draft Policy LH2 sought to allocated land between Wearne Road and Somerton Road (including the application site) to provide for about 100 dwellings.

CONSULTATIONS

Huish Episcopi Parish Council: Objection

Huish Episcopi Parish Council (HEPC) accepts that the application is part of LANG 1 proposed in both the 2006/2028 and 2018/2036 Local Plans for future development.

HEPC believes that it is essential to consider the other ownerships with planning for the whole site to benefit the community. This may involve the provision of new facilities such as a primary school, doctors' surgery, dental surgery, and community hall.

HEPC objects to the application based on the fact that the local community has already achieved more than 100% of the Local Plan's housing target, with 465 approved and built properties, exceeding the initial requirement of 374 dwellings.

The land in question was initially allocated for business units but is now proposed for housing. HEPC questions whether it is appropriate to turn part of it into housing while ensuring the remaining area remains viable for agriculture.

HEPC raises concerns about the impact on the 2018/2036 Plan if this application is approved, as it would exceed the planned number of dwellings by 191.

There are concerns about the buffer zone and coalescence with Wearne, and HEPC suggests a revised boundary to avoid coalescence with the hamlet of Wearne.

HEPC objects to the potential impact of the development on the availability of employment opportunities, sewerage system capacity, traffic congestion, medical services, and school capacity.

HEPC is also concerned about the increase in carbon footprint due to additional car journeys and home heating systems, which is counterproductive to addressing the climate emergency.

HEPC objects to the outline plan in its current form, suggesting a reduction to about 50 dwellings with a focus on business and services area for future local work.

Concerns are raised about the access road for the proposed site and the potential need for additional access if the western site is offered for development.

HEPC requests that the application be refused in its current form and that all the

raised issues and questions be satisfactorily addressed.

HEPC supports the removal of the "direction of growth" for the south-east of the settlement in Langport/Huish Episcopi from the revised plan.

HEPC supports the development of LANG 2 with a suggested maximum of 80 dwellings.

HEPC requests the removal of land by the railway line on A372 Field Road from the plan to retain it for agricultural or recreational purposes.

HEPC supports further sympathetic infill developments to the southeast of Huish Episcopi along the A372 but requests avoiding any hard joining of Huish Episcopi to Pibsbury.

HEPC calls for action from SSDC Area North to address the derelict building on the site at 2006 - 19 Brookland Road.

HEPC fully supports the further development of Westover Trading Estate.

The council emphasizes the need for a Community Centre for the use of all residents in Huish Episcopi and Langport, preferably on the identified site or alternatively on LANG 1 if the first option is unattainable.

Huish Episcopi Parish Council has responded to the applicants additional information responding to HEPC's comments on landscape summarised as follows:

Introduction:

HEPC does not see how adding 100 more houses will improve the local landscape or benefit existing residents.

Existing Context:

HEPC argues that the application site is actually on the northeast edge of the village of Huish Episcopi and adjacent to the parish of High Ham. They highlight issues with over-subscribed doctors' surgery, full-capacity primary school, and closed pubs affecting the community.

Development at Langport:

HEPC acknowledges the developments in Langport but insists that these major developments have all occurred in the parish of Huish Episcopi.

Policy and Evidence Base:

HEPC agrees with the Local Plan's direction of growth for Langport/Huish Episcopi but raises concerns about the number of approved houses already exceeding the plan. They question the lack of employment land delivered and advocate for developments that include facilities like schools, doctors' surgeries, dental surgeries, and community halls.

Proposed Development:

HEPC disputes the suggestion that previous refusal of an appeal sets a precedent for not extending development north of the Old Kelways site. They argue that the proposed development does coalesce with properties in Wearne and neighbouring areas and stress the importance of a significant landscape buffer in the northern part of the site.

In conclusion, HEPC expresses several concerns and recommendations for the proposed development. They emphasize the need for a landscape buffer, a single entrance to serve the entire development area, and a mix of houses, business units, and community facilities. They also recommend dialogue with other landowners and suggest involvement in the Local Community Plan for both Huish Episcopi and Langport.

Langport Town Council: Objection

Consultation: Langport and Huish Episcopi would provide all the facilities for people living in this proposed development and yet the Langport Town Council has not been consulted about such a major housing development and the resulting impact it would have on the town of Langport.

Infrastructure concerns. If this development was allowed, it would create extra pressure on local services.

Drainage, water, sewers - is there enough capacity in the system to provide these services to this number of extra houses? Can existing drainage and sewerage treatment in the locality deal with the increase in effluent and surface water?

Flooding is a major concern in the local area, and this has not been addressed. At present this arable site soaks up all the rainfall. Once properties are built on the site where will this surface water go?

Doctors' surgery, dentists, opticians, local schools and nurseries - all are at full capacity.

Employment and traffic concerns. Local roads are already congested. Langport residents are concerned about the volume of traffic passing through their streets. The traffic impacts on local shopping, pollution and buildings. Local employment is limited so residents would need to travel to places of employment. Adding more problems to the local traffic flows. Public transport is available but on an inadequate scale.

Precedent. If planning is permitted for this part of the field, then applications to develop the remaining area would follow.

Phosphates - determine if this development will give rise to increased levels of phosphate in the Somerset Levels and Moors

Affordability and need. Application does not address the need for affordable housing. What evidence is there that the type of houses proposed is what is required in this area?

Housing energy performance: Langport Town Council acknowledges the climate emergency. What is the Design Emissions Rate (DER) predicted by the developer and how does this compare to the Target Emissions Rate (TER)? Langport Town Council would seek for this to be greater than 20%.

Langport Town Council supports the responses from Huish Episcopi Parish Council

High Ham Parish Council: Objection

High Ham Parish Council would like to lodge an objection to this planning application on the following grounds.

Although the site of the application is in Huish Episcopi parish it is adjacent to the boundary of High Ham parish.

The application states that access and egress from this estate is onto the B3153. The Traffic Assessment (TA) is largely based on a traffic census generated in 2013 and based on a census conducted for the Trial Grounds planning application, and a computer model.

Due to Covid restrictions and lockdown regulations no physical traffic count has been conducted. The TA stated that traffic exiting the site will be 30% heading west to Langport, approximately 33% heading to the east to Somerton and 38% heading south from the Bartletts Elm roundabout towards the A303. High Ham Parish Council

would dispute this last figure as the east route via Tangore Lane to head towards the A303 would be taken.

The TA does not acknowledge that the B3153 is part of a designated HGV route. This HGV route to the west leads to the A372, A378, A361, A38 and M5, and to the east the A372, A37, A303, and M3.

There is a large business in Huish Episcopi that due to planning conditions and a S106 agreement has to use this HGV route. This business is allowed up to 130 HGV traffic movements a day.

High Ham Parish Council object on the grounds of increased traffic numbers generated by this development. This would be to the detriment of the health and wellbeing of High Ham parish residents at Picts Hill, Union Drove, Hamdown Estate and Wagg Drove

South West Heritage Trust

Initial response 06/04/21

The submitted geophysical survey and trial trench evaluation reports indicate the presence of Roman settlement on this site. The nature of this archaeology suggests its local significance in accordance with the policies outlined within the NPPF (paragraph 189). Should permission be granted, the archaeology necessitates full excavation and documentation before any development proceeds on this site.

Consequently, I recommend that the developer be mandated to conduct an archaeological excavation of the heritage asset and furnish a comprehensive report on any findings, as stipulated in the National Planning Policy Framework (Paragraph 199). This requirement should be enforced through the following conditions, to be attached to any granted permission:

"Programme of Works in Accordance with a Written Scheme of Investigation (POW): Prior to commencing the development permitted herein, the applicant, their agents, or successors in title, must ensure the implementation of an archaeological work program aligned with a Written Scheme of Investigation (WSI). This WSI must be submitted to and approved in writing by the Planning Authority. It should detail the archaeological excavation, heritage asset recording, evidence analysis, and results publication. The permitted development must adhere to the approved scheme."

Additionally:

"Archaeology and Assurance of Work Completion:

No building within the development shall be occupied until the completion of the site's archaeological investigation and initiation of post-excavation analysis, as per the Written Scheme of Investigation approved under the POW condition.

Furthermore, financial provision for analysis, results dissemination, and archive deposition must be secured."

Following the submission of further archaeological information SWHT comment on 20/10/2023:

Based on the submission of the WSI to the LPA in advance of deciding this application I can advise that the two (prior to commencement and prior to occupation) conditions can be subsumed into a single compliance condition. The following wording should be used to ensure both stages of the archaeological work are carried out:

Programme of Works in Accordance with a Written Scheme of Investigation (POW)

The applicant, or their agents or successors in title, must secure the implementation of the programme of archaeological work in accordance with the submitted Written Scheme of Investigation (WSI) Land off Somerton Road, Langport, Somerset: Written Scheme of Investigation for a programme of archaeological works, AC Archaeology August 2023. The scope of work must involve the archaeological field investigation (excavation), the recording of the heritage asset, the analysis of evidence recovered from the site, the production of an assessment report and Updated Project Design (UPD), the further analysis proposed within UPD and the and publication of the results."

I have tried to word this condition carefully to ensure that all stages of the work are carried out and that if (for example) after the field excavation there is a problem with funding for the post-excavation and publication, that the condition can be used to enforce completion of the project.

Local Lead Flood Authority:

No objection.

The applicant has provided sufficient evidence to determine whether safe access and egress is achievable over the whole lifespan of the proposed development. However, the applicant should ensure that their wider drainage design does preclude access and egress to the site in the event of exceedance of their drainage features.

All other matters concerning flood risk and drainage should be considered reserved.

The site lies within Flood Zone 1 according to the EA's flood map for planning, and therefore is considered acceptable from a flood risk perspective. Limited extents of low surface water flood risk lie within the site and the design of the development should be formed appropriately managed this risk and ensure access and egress can be maintained.

The applicant has provided an indicative drainage strategy which shows that drainage of the site access will be incorporated within the main site drainage system. As such, as the drainage system serving the access is not discrete, therefore, matters concerning drainage of the access should be considered as reserved until the application regarding the whole site proposals are submitted.

Initial proposals for the wider site include several SuDS features, and the LLFA would encourage the applicant to seek to maximise the wider benefits provided by such features, and their breadth of application, including source control features.

It is also noted that FSR rainfall data has been used for the hydraulic calculations. Consideration should be given to the use of more up to date FEH methods involving 2013 rainfall data, in line with the recommendations of the EA and CIRIA C753 SuDS Manual. Where FSR is used in place of FEH, justification should be provided by the applicant. This justification may need to be supported by a sensitivity test which applies the FEH derived rainfall to the network.

Highway Authority:

No objection subject to conditions.

I refer to the above-mentioned planning application received on 16 March 2021 and have the following observations on the highway and transportation aspects of this proposal:-

A Full Travel Plan will be required to be secured by s106 Agreement for this scheme. The submitted document is currently being assessed for adequacy and further comments will be forthcoming in due course. The final document will need to be secured as acceptable prior to commencement.

All works to construct the site access and an improved footway across the site frontage will be covered by an agreement under s278 Highways Act 1980. This should

be cited within aforementioned s106 Agreement.

On assessing the proposed housing development, the following matters have been taken into consideration;

- Generation of 45-50 vehicles in the peak hour equates to less than one per minute
- The access junction can be constructed in accordance with current policy standards
- No collision data is held for this stretch of the road indicating no inherent problems with the road in the vicinity of the site access point.
- The site is in close proximity to local passenger transport networks
- There is room for the footway across the site frontage to be improved to be no less than 2m in width
- In the event of the principle of this development being accepted, the Reserved Matters application can secure the internal layout, parking and turning facilities, drainage layout, and any street lighting requirements.

In the event of permission being granted, the Highway Authority would recommend that the following conditions are imposed:-

Construction Environmental Management Plan

Surface water

Estate roads,

Properly consolidated and surfaced footpath and carriageway

Parking spaces

Visibility

A Full Travel Plan will be required to be secured by s106 Agreement.

Planning Policy

MONITORING

Monitoring demonstrates that from the beginning of the adopted Local Plan period 2006 to date, 412 dwellings have been delivered within Langport and Huish Episcopi; with commitments (extant planning permissions) for a further 93 dwellings. As a result, there is potentially a total of 505 dwellings to be delivered within the Plan period (2006 - 2028) that is likely to result in an increase of 131 dwellings over the housing requirement figure of 374 dwellings. This proposal for 100 dwellings would increase the number of dwellings to 605. However, this is consistent with the level of

housing delivery (completions and commitments) at Somerton and Ansford & Castle Cary, which are also within the Local Market Towns tier of the Settlement Strategy.

PLANNING POLICY CONTEXT

Policy SS1 of the adopted Local Plan 2006-2028 (Local Plan) places each settlement 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. The policy identifies Langport and Huish Episcopi as a Local Market Town. Paragraph 5.19 explains that Market Towns are the focal points for locally significant development including the bulk of the District's housing provision outside Yeovil. This growth aims to increase the self-containment of these settlements and enhance their service role.

Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. The Local Market Towns each have a housing requirement of 374 dwellings. The policy states that a permissive approach will be taken when considering housing proposals in the directions of growth at the Market Towns. The overall scale of growth will be a key consideration in taking this approach with emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. It is clear that Langport/ Huish Episcopi has delivered a greater number of new homes than predicted, but it is commensurate with a similar level of growth at the Local Market Towns of Somerton and Ansford & Castle Cary.

Policy LMT2: Langport/Huish Episcopi Direction of Growth (DoG) provides for strategic growth to the north, east and south east of the settlement. The site of this outline application proposal lies within the north-east DoG, and therefore is within an area where a permissive approach will be taken for residential development. Considering the quantum of development proposed Policy HG3 requires 35% affordable housing to be delivered on the site.

Development in the DoG will be subject to a project level Habitats Regulations Assessment of potential impacts on the Somerset Levels and Moors SPA/Ramsar sites. Suitable open space is also required to alleviate impacts on sensitive conservation areas and will need to be agreed in advance with Natural England. It does not appear that any discussion of development on the site has been discussed with Natural England in advance of submission of this application.

HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (HELAA) AND LOCAL PLAN REVIEW

The site has been assessed in the 2018 South Somerset District Council HELAA, with the site reference HELAA N/HUEP/0010. The HELAA concluded that the site was suitable and available for residential development.

The emerging Local Plan Review is currently in preparation and two consultations have taken place under Regulation 181; with the most recent consultation on Preferred Options ending in September 2019. The site forms part of the proposed allocation LH2 Housing Growth at Land Between Somerton Road and Wearne Lane - the area of the allocation extends further to the west to adjoin Wearne Lane. This proposed allocation policy sets out development for about 100 dwellings, formal and informal play space and a significant landscape buffer in the northern part of the site to protect the setting of Wearne Lane to the north. As the emerging Local Plan Review is still at an early stage in its preparation, it is judged that limited weight can be attached to it (paragraph 48 of the NPPF). However, as the site falls within the existing DoG, it is considered that the requirement regarding the landscape buffer is justified and reinforces the findings of the Langport Peripheral Landscape Study 2008, which concluded that "consolidation of the area's northern boundary would be required, to provide a distinct edge, and containment of the town's northward extent relative to Wearne, and to ensure contained separation of the settlements".

Some of the supporting evidence arising through the preparation of the Local Plan Review, including through the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) will be a material consideration in terms of any likely significant effects on international wildlife sites.

Responses to Preferred Options consultation included Natural England's representation which stated that: "The proposed allocations at Langport...would potentially lead to the loss of the finite amount of available functionally linked land to Somerset Levels and Moors SPA and Ramsar site.

The Habitats Regulations Assessment (HRA) of the Local Plan Review Preferred Options document recommends that Policy LH2 is amended to set out that the applicant should be required to provide evidence that the development will not result in adverse effects on integrity. To demonstrate this the planning application will likely need to be assessed through a project specific Habitats Regulations Assessment to ensure that the development does not result in adverse effects on integrity. This aligns with the approach taken in adopted Local Plan Policy LMT2.

The Local Plan Preferred Options Sustainability Appraisal June 2019 (SA) notes that Langport and Huish Episcopi is the most constrained settlement in terms of the Somerset Levels and Moors SPA, being located approximately 1km north west of the designated site. The report advises that given the sensitivity of the Somerset Levels and Moors SPA/Ramsar, measures should be agreed with Natural England prior to development.

Phosphates

In addition, following the Natural England letter received by the Council in August 2020 regarding the unfavourable condition of the Somerset Levels and Moors Ramsar Site due to high nutrient (phosphates) loads, the proposal does not appear to have addressed the matter relating to phosphates within the Somerset Levels and Moors catchment, that will require sufficient information to be submitted to enable an appropriate assessment to be undertaken - as required by S.77 of the Conservation of Habitats and Species Regulations 2017.

PLANNING BALANCE

As demonstrated above, the proposed development site is located within the north east Direction of Growth for the Local Market Town, Langport and Huish Episcopi, where the level of completed and committed residential growth has already exceeded the housing requirement for the settlement within the plan period. The principle of development in the Direction of Growth is accepted, however, this needs to be balanced with the overall scale of growth at the Local Market Towns and maintaining the established settlement hierarchy; however, it is shown to be consistent with the scale of growth permitted at Somerton and Ansford & Castle Cary within the plan period. Whilst the emerging Local Plan Review has limited weight, this site is a proposed allocation for future housing growth for the town.

SSDC published the Five-year Housing Land Supply 2020-2025 report in November 2020 and an addendum in January 2021 and is able to demonstrate a housing land supply in excess of six years, taking a cautious approach that considers the impact of the pandemic on delivery and the need to address nutrient neutrality within the Somerset Levels and Moors Ramsar Site catchment. The tilted balance towards the presumption in favour of sustainable development triggered by paragraph 11 of the NPPF is no longer considered to apply in the context of the five-year land supply. Whilst the adopted Local Plan is now more than five years old it is considered that the policies most important to decision-making with regard to this proposal are consistent with the NPPF (2019) and can therefore be given significant weight.

Measures will need to be taken to address potential impacts on the integrity of the Somerset Levels and Moors SPA/Ramsar sites with regard to phosphates and functionally-linked land in consultation with Natural England. Furthermore, it is advised that greater consideration is given towards an appropriate landscape buffer to the northern edge of the site.

Update to the Policy Section's comments. The Council is unable to demonstrate a Five year Housing Land Supply and therefore the titled balance as set out in the NPPF is triggered and policy relating to constraint on delivery of housing is considered to be out of date and limited weight applied.

Overall, while acknowledging the principle of development in the designated growth area, the response underscores the importance of balancing growth with the established settlement hierarchy. It notes the significance of measures to address potential impacts on sensitive conservation areas and highlights the need for landscape buffer considerations and addressing phosphates-related concerns in consultation with Natural England.

Ecologist:

No objection subject to conditions and the phosphate mitigation strategy being secured by a s106 agreement.

The phosphorus mitigation strategy for the Somerton Road development proposes improving the water efficiency of existing properties in the Parratt catchment controlled by Abri. This strategy involves retrofitting water-efficient fixtures and fittings into these properties to reduce the volume of effluent discharged into Wastewater Treatment Works (WRCs) within the catchment. The reduced effluent volume from existing homes will offset the increased foul flows from the proposed new houses, effectively mitigating the total phosphorus load generated by the development.

The strategy takes advantage of Building Regulations that set a minimum water efficiency standard for new homes. Retrofitting older properties with less water-efficient fixtures provides greater reductions in Phosphate Consumption Coefficients (PCC) compared to newer properties built under updated regulations.

The calculation of baseline PCC for different property types establishes the potential water savings through retrofitting. The reduction in phosphorus discharge resulting from retrofitting a property is dependent on occupancy rates and the phosphorus discharge consent limit at the respective WRC.

Abri plans to retrofit a sufficient number of pre-2010 properties within the Parratt catchment, meeting a total occupancy rate, to offset the phosphorus impact of the proposed new development at Somerton Road, Langport. To ensure perpetual reductions in water use, Abri will maintain control over installed fixtures and fittings through tenancy agreements, conducting inspections, and undertaking replacement and maintenance programs throughout the 80-year design life span of the new development.

Open Spaces Officer:

No objections subject to an increase in the open space provision at the Reserved Matters stage.

The design shown on the 'Illustrative Masterplan' identifies approx. 0.43ha of Public Open Space (POS), an amount that does not reach the minimum requirement of 0.58ha for a development of this size.

Whilst the main area of POS is located in the north-eastern corner of the site which normally, we would ask to be in a more centrally located area to allow for equal access by all residents, the inclusion of the 'green street' areas provide good links across the site, as well as helping to break up the built form.

We would ask, however, that as this application progresses and more detailed designs for the POS develop, that the POS doesn't become run-off for the LEAP and is designed as a standalone feature. We appreciate the positioning of the LEAP makes the most sense in its current location and allows for a good amount of POS to stand around it, we would just like to make sure the developer is conscious the POS doesn't become consumed by the LEAP.

Overall, we are happy with the direction this initial proposal is going in, we just ask that more is done to expand the areas of POS already provided so the site reaches the minimum provision for the estimated 219 residents.

Crime Prevention Officer:

No objection subject to comments.

County Education Officer:

A proposal of 100 dwellings in this location will generate the following number of

pupils for each education type:

Early Years - 9

Primary School - 32

Secondary School - 14

SEN School - 1

Education contributions will be required for Langport Huish Episcopy Primary, Huish Episcopy Secondary and SEND school expansion in the area. There appear to be sufficient Early places in this area at present, so no contributions will be required for pre-schools.

The cost to build for expansion projects for the above primary, secondary and SEND to ensure net zero build standards are as follows:

Primary - £21,188.00 per pupil

Secondary - £29,419.50 per pupil

SEND - £101,215.72 per pupil

Therefore, the contributions to ensure the capacity can be built onto the local schools to accommodate the children from this development will be as follows:

$32 \times 21,188.00 = £678,016.00$ for primary expansion (cost of 1 classroom for 32 children)

$14 \times 29,419.50 = £411,873.00$ for secondary expansion

$0.92 \times 101,215.72 = £93,118.46$ for SEND expansion projects

Total: £1,183,007.46 in Education contributions to ensure this development contributes to the necessary increases in capacity of the local schools to provide school places for the children from this development.

I realise this is a significant increase in education obligations for this application, however it is a reflection of the large building materials cost increases and the need to expand SEND facilities across Somerset.

For the purpose of the S106 as this is an outline application the contributions will be based on a per dwelling cost as follows;

Primary - $£678,016.00/100 = £6,780.16$ per dwelling

Secondary - $£411,873.00/100 = £4,118.73$ per dwelling

SEND - $£93,118.46/100 = £931.18$ per dwelling

Total education contribution per dwelling = £11,830.07

Natural England:

No objection subject to phosphate mitigation being secured by way of a s106 agreement.

NHS:

The application has been reviewed from a primary care perspective and the following comments are provided by the NHS Somerset Clinical Commissioning Group as their response to the application.

In preparing this response, it is noted that the South Somerset Local Plan (2006 - 2008) Adopted March 2015 under "Policy SS6: Infrastructure Delivery" states that:

"The Council will secure the provision of (or financial contributions towards) affordable housing, social, physical and environmental infrastructure and community benefits which the council considers necessary to enable the development to proceed. Proposals that form part of potentially wider sites will be assessed in terms of the capacity of the site as a whole and such requirements sought on a pro rata basis.

The types of infrastructure required will be considered on a site by site basis and may include the following, where appropriate and not otherwise funded in full or part through CIL (not exhaustive):

...Community facilities, including Early Years, Primary, and Secondary educational provision"

The CCG's concern is that the surgery of Langport Surgery, a community facility, is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgery already has 13,515 patients registered and this new development will increase the local population by a further 225 persons.

Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document" (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was agreed by NHS England, the following calculation has been made:

Methodology for Application 20/00311/OUT

1. Residential development of 100 dwellings
2. This development is in the catchment of Langport Surgery which has a total capacity for 10,600 patients.
3. The current patient list size is 13,515 which is already over capacity by 2,915 patients (at 128% of capacity).
4. The increased population from this development = 225
 - a. No of dwellings x Average occupancy rate = population increase
 - b. $100 \times 2.25 = 225$
5. The new GP List size will be 13,740 which is over capacity by 3,140
 - a. Current GP patient list + Population increase = Expected patient list size
 - b. $13,515 + 225 = 13,740$ (3,140 over capacity)
 - c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6
6. Additional GP space required to support this development = 15.75m²
 - a. The expected m² per patient, for this size practice = 0.07m²
 - b. Population increase x space requirement per patient = total space (m²) required
 - c. $225 \times 0.07 = 15.75\text{m}^2$
7. Total contribution required = £50,400
 - a. Total space (m²) required x premises cost = final contribution calculation
 - b. $15.75\text{m}^2 \times \text{£}3,200 = \text{£}50,400$ (£504 per dwelling).

Environmental Health Officer:

No adverse comment.

County Rights of Way:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs adjacent to the site at the present time (public footpath L 13/52). I have attached a plan for your information.

The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit. Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to the following:

1. Specific Comments

We require a revision of the proposed layout to provide a link to path L 13/52. If this

is not possible, we require a contribution that would need to be secured through a s106 agreement in order to secure a link to the footpath.

2. General Comments

Any proposed works must not encroach onto the width of the PROW.

The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

Strategic Housing

I am formally emailing you to provide the Strategic Housing requirements on this application were it to be permitted.

Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 35 units based on a development of 100 dwellings. These would be split as 25 dwellings for social rent and 10 (not 11 as detailed in the planning application) for shared ownership or other intermediate home ownership solution (this is a higher number of intermediate as the NPPF requires 10% of the site to be provided for affordable home ownership).

I would propose the following mix detailed below:

12 x 1 bedroom flat/house/bungalow (2 person)
14 x 2 bedroom house/bungalow (4 person)
7 x 3 bedroom house (6 person)
1 x 4 bedroom (8 person) (to be provided for social rent)
1 x 4 bedroom parlour house (8 person) (to be provided for social rent)

If this application is determined after the 28th December 21 (or 28 March 2022 if there has been significant pre application engagement) then the First Homes requirement will apply and the split will be as follows:

35% affordable housing which would be split 75:25 social rent: first homes. The NPPF also requires 10% of homes to be for affordable home ownership - 10% of 100 dwellings = 10 homes. So the 10 intermediate homes detailed previously should be provided as 9 dwellings for First Homes, 1 dwelling to be provided for shared ownership and the remaining 25 dwellings to be provided for social rent. The mix for the affordable dwellings will be the same as detailed above.

I have detailed below our prevailing minimum internal space standards which should also be adhered to for all affordable dwellings on the site:

1 bedroom flat
2 Person
47 sqm

2 bedroom flat
4 Person
66 sqm

2 bedroom house
4 Person
76 sqm (86 sqm if 3 storey)

3 bedroom house
6 Person
86 sqm (94 sqm if 3 storey)

4 bedroom house
8 Person
106 sqm (114 sqm if 3 storey)

4 bedroom parlour house
8 Person
126 sqm (134 sqm if 3 storey)

I note that the floor space for the proposed dwellings detailed in the design and access statement comply with the minimum internal space standards

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in at least 5 clusters with social rented properties in each cluster. These affordable dwellings will form an integral and inclusive part of the layout.

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

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units:

LiveWest
Magna Housing
Stonewater Housing
Abri

Sport England

No objection.

REPRESENTATIONS

64 neighbours were notified, 127 letters of representation have been received, 119 objections, 5 in support and 2 representations.

Objections

Summarised main concerns include:

Ethical and environmental objections: Building on agricultural land and encroaching on the Somerset Moors and Levels, which are vital habitats for rare wildlife, is not in line with green attitudes and preservation efforts.

Strain on existing services: Local amenities, including the surgery, schools, and dental services, are already stretched and may struggle to accommodate the increased population.

Lack of employment opportunities: The area lacks significant employment options, leading to potential traffic congestion as residents commute to nearby towns.

Traffic congestion and safety implications: The development is likely to increase traffic on narrow roads and could pose safety risks for pedestrians, particularly schoolchildren.

Doubts about infrastructure promises: Scepticism exists about the inclusion of promised infrastructure in the development, based on past experiences with unfulfilled developer commitments.

Overdevelopment and environmental impact: The area has already exceeded its development plan, and further development may negatively impact the environment, infrastructure, and local communities.

Inadequate public transport: The lack of sufficient public transport options may increase car dependency, contributing to traffic issues.

Loss of agricultural land and biodiversity: Concerns about the potential loss of valuable agricultural land and its impact on local biodiversity.

Lack of consideration for local residents: Some objections suggest that the proposed development prioritises financial gain for developers over the well-being of the existing community.

Request for an extension in comment period: Some residents feel that they were not given enough time to provide feedback on the proposal.

Overall, the objections raise significant doubts about the appropriateness and sustainability of the proposed development in Langport.

Support

The letters of support for the application express the following points:

The proposed housing development would create short-term job opportunities for tradesmen and boost the local economy by attracting more people to live in the area, supporting local shops and businesses.

Some residents believe that the development would benefit Huish Episcopi and Langport by attracting more businesses and younger families. They see it as an opportunity to rejuvenate the area, which has an aging population, and potentially improve local infrastructure and public transport.

One letter is from a family that has deep roots in the Langport community but is currently struggling to afford their own home in the area. They view the development as a chance to fulfil their dream of owning a home in their hometown.

Another supporter emphasizes the need for affordable housing, aligning with government policy, and appreciates the sense of community in Langport.

Overall, the letters of support highlight the potential economic and social benefits of the housing development and its importance in addressing the demand for affordable housing in the area.

Representation

The first letter, raises concerns about access to his land due to the proposed development. He requests occasional access via the new development from the carpark area to the north or from the spur road to the west to address potential access issues and avoid direct access onto the busy main road.

The second letter does not express outright objection to new homes but raises concerns about the scale of the development (100 homes) for the site. The writer is particularly concerned about the adequacy of infrastructure, such as schools, doctors,

and dentists, to accommodate the potential increase in population. They also inquire about proposed traffic calming measures, crossings, and the provision of affordable housing.

CONSIDERATIONS

There are a number of key considerations in respect of this development and each of these are addressed below.

Principle of Development

The starting point for consideration of this proposed development are the policies of the South Somerset Local Plan (SSLP). The site is located in an area that is defined in the SSLP as the Direction of Growth Policy LMT2:

POLICY LMT2: LANGPORT / HUISH EPISCOPI DIRECTION OF GROWTH

The direction of strategic growth will be to the north, east, and south east of the settlement. All development must avoid coalescence with the settlement of Wearne. Development in the south east is appropriate for employment use only.

Of key consideration in the policy is that the development must avoid coalescence with Wearne situated to the north of this site.

The area of proposed residential development falls within the area indicated on the adopted Langport / Huish Episcopi Inset Map 8, maintaining separation with Wearne and is considered compliant.

The distance between the proposed development and the settlement of Wearne is approximately 230m providing a significant buffer preventing coalescence.

It is also the case that as per the guidance in the NPPF, relevant policies for the supply of housing are considered not up-to-date if the Council is not able to demonstrate a 5 year supply of housing. The Council currently does not have a 5 year supply of housing (as set out above, falling significantly below 5 years). Accordingly, policies insofar as its application to housing restraint policy, are not up-to-date.

As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, in terms of the principle of development the proposals are considered to be in accordance with the Development Plan and therefore the proposal is acceptable. However, if that were not considered to be the case then paragraph 11d of the NPPF is engaged as a result of the Council's deficient housing land supply and the application would be considered within the context of the tilted balance. Accordingly, this advises that planning permission should only be resisted where the adverse impacts would significantly and demonstrably outweigh any benefits of the scheme. The technical areas outlined in the remainder of this report in terms of achieving sustainable development have been overcome and therefore Officers consider that there are no adverse impacts which outweigh the substantial benefits.

Sustainability.

At the heart of the NPPF is the key aim to achieve sustainable forms of development. The NPPF outlines 3 dimensions to sustainable development ie economic, social and environmental. Moreover, these are mutually dependent and all 3 should be sought jointly through the planning system. The applicant has made the case that this development would provide a sustainable residential development by providing a range of housing, open space, and acceptable highway access to the existing town.

It is considered that the development would importantly meet some of the District's housing needs (set within the context of a significant deficient land supply position and high affordable housing need) and provide economic spin offs.

In terms of the environmental role, it is considered that the development satisfactorily protects or enhances the natural environment. There are opportunities at the reserved matters stage to deliver environmental and biodiversity enhancements through the provision of new native hedgerows which will deliver a modest environmental improvement. The ecologist has raised no concerns in terms of the any harmful impact of the development on protected species and that the impact would be at least neutral and accordingly, it is considered that the environmental thread of sustainable development would be achieved with the approval of this development.

The proposal is considered to provide a mix of development and to provide housing and employment during the construction phase along with the contributions for appropriate infrastructure. This is a key element of the NPPF and would meet the economic role of sustainable development.

In terms of the social role, the development provides a policy compliant level of affordable housing against a demonstrable and significant affordable housing need.

It is also accepted that this development would help towards providing open space on site and via contributions that would help towards creating healthy communities. Most of the town's key services and facilities are located in the town centre and are readily accessible. The local schools are forecast to reach capacity and therefore, financial contributions are sought. Contributions are also sought towards local health care facilities. It is considered that the social role can be achieved by this development.

It is considered that the proposed development constitutes sustainable development as defined by the National Planning Policy Framework.

Residential Amenity and Privacy.

It is considered that given the significant separation distances shown on the indicative master plan that a layout can be achieved that will not detract from the neighbouring residential properties' amenity and privacy.

While the design aims to respect the local character and minimise visual impacts, the effect on neighbouring properties' amenity and privacy would not be reduced and can be determined at the reserved Matters stage. Elements like landscape design, building heights, and orientation play crucial roles in determining the extent of impact on neighbouring properties which will be determined at the reserved matters stage.

Detailed assessments of these aspects will form part of the reserved matters planning application process, involving consultations with neighbouring residents. However, at the Outline Stage Officers consider that sufficient information has been provided which demonstrates that there is plenty of scope within the outline site to ensure that at the detailed design stage there will be no adverse residential amenity impacts. The submitted illustrative layout already demonstrates a sensitive approach to neighbouring properties from both an amenity and privacy perspective. Accordingly, Officers consider the proposals are compliant with Policy EQ2 in this regard.

Highways

The proposals requests permission for up to 100 dwellings, access from Somerton Road (B3153) via a simple T-junction arrangement. The submitted access drawing demonstrates that an appropriate visibility splay of 43m in both directions can be achieved with the ability to tie into the existing pavement.

The application is accompanied by a detailed Transport Assessment which has been

considered by the Highway Authority.

The Highway Authority have assessed the application and, as can be noted from their comments outlined above, are now satisfied and do not raise an objection to the proposed development, therefore, no objection is raised by the Local Planning Authority.

Policy TA5 of the South Somerset Local Plan aims to ensure safe access and highway safety while managing traffic impacts. Whilst the NPPF makes clear that development proposals should only be resisted on highway grounds if there is an unacceptable impact on highway safety or severe cumulative impacts on the road network.

It is Officer opinion, supported by the Highway Authority, that the proposals do not give rise to an unacceptable impact on highway safety or severe cumulative impacts. There is no evidence of either and it would be unreasonable to resist this application on such grounds.

Both the Highway Authority and Officers consider that when considered against Policy TA5 of the Local Plan the proposals are in accordance with the provisions of that policy.

The Travel Plan is satisfactory and is to be secured by way of a s106 agreement. The required parking levels are outlined by the Highway Authority - however this is a matter that would be raised at the reserved matters stage when the detailed layout would be discussed. In respect of the design and layout of the estate roads, again this will be a matter for the reserved matters application, although it will be advisable to for the applicant to discuss this matter with The Highway Authority at an early stage. The Applicant is agreeable to a Travel Plan to be secured via the Section 106 should a resolution to grant be given.

Ecology and Phosphates

The ecological assessment of the site revealed designated areas with grassland, woodland, and streams. Potential impacts on certain species like lapwings and golden plovers were highlighted due to reduced habitat availability. Despite this, the overall loss of habitats within the site was deemed not ecologically significant, requiring compensation for biodiversity maintenance.

Various species have been identified on or near the site, such as bats, hedgehogs, brown hares, nesting birds, reptiles, amphibians, invertebrates, and plants. Mitigation measures aimed at protecting these species during development require control by

use of conditions. For instance, avoiding vegetation clearance during bird nesting seasons, reducing risks to brown hares during construction, and safeguarding reptiles and amphibians by relocating them during habitat cutting phases.

Enhancement and compensation strategies are proposed, such as creating new hedgerows with native shrubs and trees, establishing grassland buffers, planting wildlife-friendly flora, and incorporating wildlife shelters into the site design. Additionally, measures to avoid invasive plant species and facilitate wildlife movement between gardens are required. Mitigation strategies are to be controlled by condition.

In summary, the assessment revealed potential impacts on local species and habitats, requiring detailed plans to mitigate these effects and enhance biodiversity.

SES have stated that there is no objection on ecology grounds subject to the addition of suitable conditions. Accordingly, Officers and SES consider that the proposals are compliant with Policy EQ4 of the Local Plan.

This mitigation strategy will be secured by way of a s106 agreement. SES and Natural England are supportive of the proposed Phosphate Mitigation scheme and sufficient control mechanisms can be enacted to control the delivery of the mitigation.

Phosphates

The proposed development at Somerton Road, Langport aims to achieve phosphorus neutrality by implementing a comprehensive water efficiency retrofitting program in the Parratt catchment area. This program will target pre-2010 properties, with the required occupancy rates, to ensure a substantial reduction in total phosphorus (TP) discharge, effectively offsetting the entire TP load attributed to the new development.

To ensure continuous phosphorus neutrality, each new property will undergo mitigation measures before occupation. This will be achieved by either completing all necessary retrofits for the entire development before the first occupation or staging the retrofit delivery to ensure ongoing neutrality as new properties are occupied.

The implementation of the retrofitting program will be enforced through a planning condition. Abri, the responsible entity, will provide a schedule of works and documentary evidence to demonstrate completion in accordance with the strategy before the first occupation(s). Additionally, Abri commits to conducting regular inspections, maintenance, and replacements of fixtures and fittings throughout the 80-year design lifespan of the new development.

The proposed mitigation strategy assures both scientific and practical certainty that the phosphorus mitigation will be successfully delivered and maintained in perpetuity.

This mitigation strategy will be secured by way of a s106 agreement.

Landscape

The site in Langport, Somerset, holds a distinctive landscape characterised by its juxtaposition between the Somerset Levels and Moors, alongside the Mid Somerset Hills. An overview of the landscape elements:

Topography: The area exhibits a varied topography. The Somerset Levels and Moors offer a flat, open expanse of wet pasture, arable land, and wetlands, crisscrossed by ditches or 'rhynes.' These flatlands are in contrast to the surrounding low hills, ridges, and islands, such as the Mid Somerset Hills, which form distinct skylines.

Vegetation: Sparse tree cover dominates the Levels and Moors, while the surrounding hills boast ash and maple woodlands, complemented by coppiced areas and occasional orchards. Hedgerows, a typical field boundary, divide the irregularly shaped fields.

Watercourses: The area is intertwined with watercourses like the Axe, Brue, Parrett, Yeo, and Isle rivers. These rivers drain into the Levels and Moors, contributing to the region's wetland character and supporting diverse ecosystems of wetland and wading birds, amphibians, and aquatic vegetation.

Historical Significance: The landscape bears a rich historical imprint, evident in its prehistoric trackways, post-medieval enclosures, and even ancient archaeological remains found within peat deposits and waterlogged soils.

Human Settlements: Langport, a compact town, stands out with a fairly narrow and bustling main street flanked by closely packed buildings. The town finds its setting just above the floodplain, with a historic planned aspect to its architecture, notably seen in buildings aligned along single streets.

Cultural Heritage: The region has strong ties to continuous human occupation since ancient times, reflecting a historical relationship between farming and the surrounding landscape. Traditional building materials like Blue Lias limestone are prevalent in the architectural heritage of settlements like Langport.

Ecological Importance: The biodiversity of the area is notable, marked by

designated Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Ramsar sites, and local nature reserves. These areas support significant populations of wetland and wading birds, invertebrates, and wetland mammals.

Farming and Land Use: Grazed pasture, cattle farming, and limited sheep and dairy farming remain the primary land uses. The farmlands exhibit a mix of field types, reflecting a historical pattern of agriculture in the region.

This landscape is characterised by a balance between natural environments, historical significance, human settlements, and agricultural practices. The development site, an irregularly shaped agricultural field, sits amidst this varied tapestry, requiring careful consideration to preserve the area's unique landscape elements while accommodating new development.

Compatibility and Visibility: It is considered that the proposed development would align well with the existing pattern of development in the area. It's projected to be visible only from locations where other developed areas already dominate the views.

Mitigation Measures: With appropriate mitigation strategies in place, it is considered that the development would not adversely affect the quality, character, diversity, or local distinctiveness of the natural environment. Additionally, it is anticipated that the proposed measures could prevent any unacceptable impacts on the living conditions of nearby property occupants.

Sensitivity to Development: While the site has been categorised with a 'moderate' sensitivity to development based on the SSDC landscape study, it acknowledges the need for strategic green infrastructure and landscape provisions to integrate the development sensitively into the surrounding rural landscape. This will be considered at the Reserved Matters Stage.

It is concluded that the site forms a logical location for residential development and a suitable extension to Langport. Development of this site would be compatible with the existing pattern of development within the area and would only be visible from locations where areas of development already dominate the composition and character of views.

With the proposed mitigation measures in place it has been concluded that there would be no adverse impacts on the quality, character, diversity or local distinctiveness of the natural environment; and furthermore the development. Accordingly, the proposals are considered to be compliant with the requirements of Policy EQ2 of the Local Plan and therefore acceptable in landscape terms.

Flooding/Drainage Issues

The development is located in Flood Zone 1, not prone to flooding up to the 1 in 1000 year return period flood from fluvial sources.

The accompanying Flood Risk Assessment states that the surface water strategy will be designed to manage runoff up to and including the 100-year critical storm event, safeguarding against the upper end allowances for climate change (40%). It is proposed to attenuate discharge of surface water due to the absence of site-specific soakaway testing, with a recommendation for future testing compliant with BRE Digest 365. The proposed drainage strategy includes private and adoptable networks, detention basins, attenuation ponds, and hydraulic controls.

Attenuation features (ponds/basins) will be sized to accommodate up to the 100-year return period storm with allowances for climate change, incorporating freeboard allowance and promoting biodiversity.

The LLFA have assessed the FRA and are satisfied that surface water can be satisfactorily controlled to ensure that the risk of flooding downstream of the site is not increased. Based on the submitted FRA and the agreement of the LLFA in relation to the control of surface water, it is considered that subject to conditions the development can be satisfactorily mitigated in terms of flood risk and will pick up the exact design mitigation strategy at the Reserved Matters Stage.

The LLFA and Officers consider that the proposal is compliant with the requirements of Policy EQ1 of the Local Plan.

Loss of Agricultural Land

The development would result in the loss of agricultural land. The Agricultural Land Classification map shows that the majority of the site is graded as medium quality Grade 3b and with Grade 2 on part of the north west side of the site. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. The loss of agricultural land is an important consideration although in this case given the allocation of the site within the Local Plan for residential development and the thorough assessment of the site through the adoption of the Local Plan it is considered not sufficient to be a material consideration of significant weight.

Other issues

Concern has been raised that the local schools are at full capacity and would not be able to expand to accommodate the likely anticipated number of children that would result from this development. The County Education Officer has confirmed in commenting upon this application that the local Primary school is forecast to reach capacity while the preschool has capacity. He also confirmed that the secondary school is forecast to reach capacity. In order to mitigate against the impact of the development, contributions have been sought by the Education Officer. The applicant has indicated that full contributions for the primary and secondary will be provided. It is considered that this will satisfactorily mitigate against the impacts of the development in terms of educational need.

Community Infrastructure Levy

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

Conclusion

As set out within this report the principle of residential development on this Site is considered to be acceptable by virtue of its compliance with Policy LMT2 of the adopted Local Plan. It has also been demonstrated that there are no policy conflicts arising from other policies relevant to other technical considerations (archaeology, ecology, highways, landscape etc), accordingly the application is considered to be in accordance with the Development Plan when read as a whole. Planning Law makes clear that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.

While local objections are noted, statutory consultees have not raised substantial concerns. The identified harm (conflict with settlement related policies) are not agreed with by Officers and in any event deemed insufficient to outweigh the benefits when considering the "tilted balance."

It is the case that the Council is unable to demonstrate a 5 Year Housing Land supply. The absence of a five-year housing supply in Somerset triggers a specific measure from the National Planning Policy Framework (NPPF). This "tilted balance" dictates that if there are no current policies restricting development, approval should be granted unless the adverse impacts significantly outweigh the benefits. Therefore

in the event that a conflict is identified, contrary to the view of Officers, the application would be considered in respect of the tilted balance and therefore given that there are no demonstrable harms identified, the proposal is considered to be acceptable with the tilted balance engaged as the harms do not significantly and demonstrably outweigh the benefits.

The Council considers the proposal to be in accordance with the Development Plan when read as a whole. However, in addition, 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 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 100 dwellings in this sustainable location.

The proposal is considered to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, LMT1 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.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Subject to the grant of planning permission for this outline permission, the application be approved subject to:-

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

1. Phosphate Mitigation
2. The provision of affordable housing
3. Highway infrastructure and works.
4. Education contribution
5. Travel Plan
6. Management of Public Open Space
7. NHS Contributions

RECOMMENDATION

Approve subject to a s106 agreement securing the above provisions and conditions

to ensure that the development proceeds in a manner that protects public interest while meeting regulatory requirements.

SUBJECT TO THE FOLLOWING:

01. The Council considers the proposal to be in accordance with the Development Plan when read as a whole. However, in addition, 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 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 100 dwellings in this sustainable location.

The proposal is considered to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, LMT1 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. 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 accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

02. The development hereby approved 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 wherever is the latest.

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

03. 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: In accordance with the provisions of the Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 (2) of the Planning and Compulsory Purchase Act 2004).

04. The decision relates to the following plans:

- Site Location Plan - Ref: 200203-L-01-01 Rev A
- Preliminary Access Arrangements - Ref: 01-PHL-1001 Rev A

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

05. The development hereby permitted shall be restricted to no more than 100 dwellings.

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

06. The applicant, or their agents or successors in title, must secure the implementation of the programme of archaeological work in accordance with the previously submitted Written Scheme of Investigation (WSI) Land off Somerton Road, Langport, Somerset: Written Scheme of Investigation for a programme of archaeological works, AC Archaeology August 2023. The archaeological work must involve the archaeological field investigation (excavation), the recording of the heritage asset, the analysis of evidence recovered from the site, the production of an assessment report and Updated Project Design (if required), the further analysis proposed within the UPD and the publication of the results.

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

07. The vehicular access into the site hereby approved shall not be brought into use until it has been constructed in accordance with drawing 01-PHL-1001 Rev A - PRELIMINARY ACCESS ARRANGEMENTS. The vehicular access shall thereafter be permanently retained in accordance with the approved drawings.

REASON: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

08. No occupation shall commence until the visibility splay shown on drawing 01-PHL-1001 Rev A - PRELIMINARY ACCESS ARRANGEMENTS has been provided. There shall be no on-site obstruction within the visibility splay greater than 600 millimetres above the adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge. The visibility splay shall be retained permanently thereafter.

REASON: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

09. No individual dwelling shall be occupied until it is served by a properly bound and compacted footpath, carriageway and turning space(s) where applicable to at least base course level between the dwelling and the existing adopted highway.

REASON: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

10. The dwelling hereby permitted shall not be occupied until parking spaces for the dwellings, and suitable turning heads have been provided in a position approved by the Local Planning Authority. The said spaces and turning facilities, and access thereto, shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

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.

11. The proposed estate roads, footways, footpaths, 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, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the

design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

12. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
- 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 (if necessary) 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).

The development shall thereafter be constructed in accordance with the approved CEMP.

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.

13. No development shall commence, including demolition, groundworks or vegetation clearance until a Biodiversity Management Plan (BMP) and a Risk Avoidance Measures Methods Statement (RAMMS) have been submitted to and approved in writing by the Local Planning Authority. The BMP 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 South West Ecology (Dec 2020).
 - (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 approved details within the BMP 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 Biodiversity Management Plan 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.

14. 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.

15. The development hereby approved shall not be occupied until provision for the storage of recycling and waste containers has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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.

16. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

REASON: To ensure that the development is served by a satisfactory system of surface water drainage and the approved system is retained, managed and maintained throughout the lifetime of the development in accordance with the NPPF and the Technical Guidance to the NPPF.

17. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

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.

18. No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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.

19. The landscaping scheme submitted in accordance with Condition 1 of this outline grant of planning permission shall include the following details:
 - 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.

20. 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.

21. 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.

22. Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of any development on site. The BEP shall include those measures as detailed within the submitted Ecological Impact Assessment: South West Ecology (December 2020).

REASON: In the interests of biodiversity in accordance with the NPF and Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

23. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions.
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g. Details of the body or organization responsible for implementation of the plan.
 - h. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial

action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

24. The Development shall not commence until a Lighting Strategy for Biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and 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 thereafter in accordance with the strategy.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with NPPF, ODPM Circular 06/2005 and Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

25. The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

All works within the highway will be designed in agreement with this Authority and contained within an appropriate Agreement under s278 Highways Act 1980, or s106 Town and Country Planning Act

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

02. Pollution Prevention During Construction
Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
 - wheel washing and vehicle wash-down
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes.

Environment Management

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Car Parking

The operator should install a petrol interceptor if the discharge serves any of the following areas to prevent pollution to the water environment:

- Car parks typically larger than 800m² in area or for 50 or more car parking spaces.
- Smaller car parks discharging to a sensitive environment.
- Areas where goods vehicles are parked or manoeuvred.
- Vehicle maintenance areas.
- Roads.
- Industrial sites where oil is stored or used.
- Refuelling activities.
- Any other area at risk from oil contamination.

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf

If waste is to be used on site, the applicant will need to ensure they can

comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...'. Meeting these criteria means the material is not waste and permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed as (insert <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>)

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL: ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

03. Biodiversity Net Gain

This is a large development and consideration should be given to making contributions for environmental gains, either on or off-site. This aspiration already in the NPPF is now further supported by the 25 Year Environment Plan. This sets an expectation for development including housing and infrastructure,

by all organisations and individuals, that will help deliver Biodiversity Net Gain.

04. 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

05. 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.

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.

06. Rights of Way

1. Specific Comments

We require a revision of the proposed layout to provide a link to path L 13/52. If this is not possible, we require a contribution that would need to be secured

through a s106 agreement in order to secure a link to the footpath.

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

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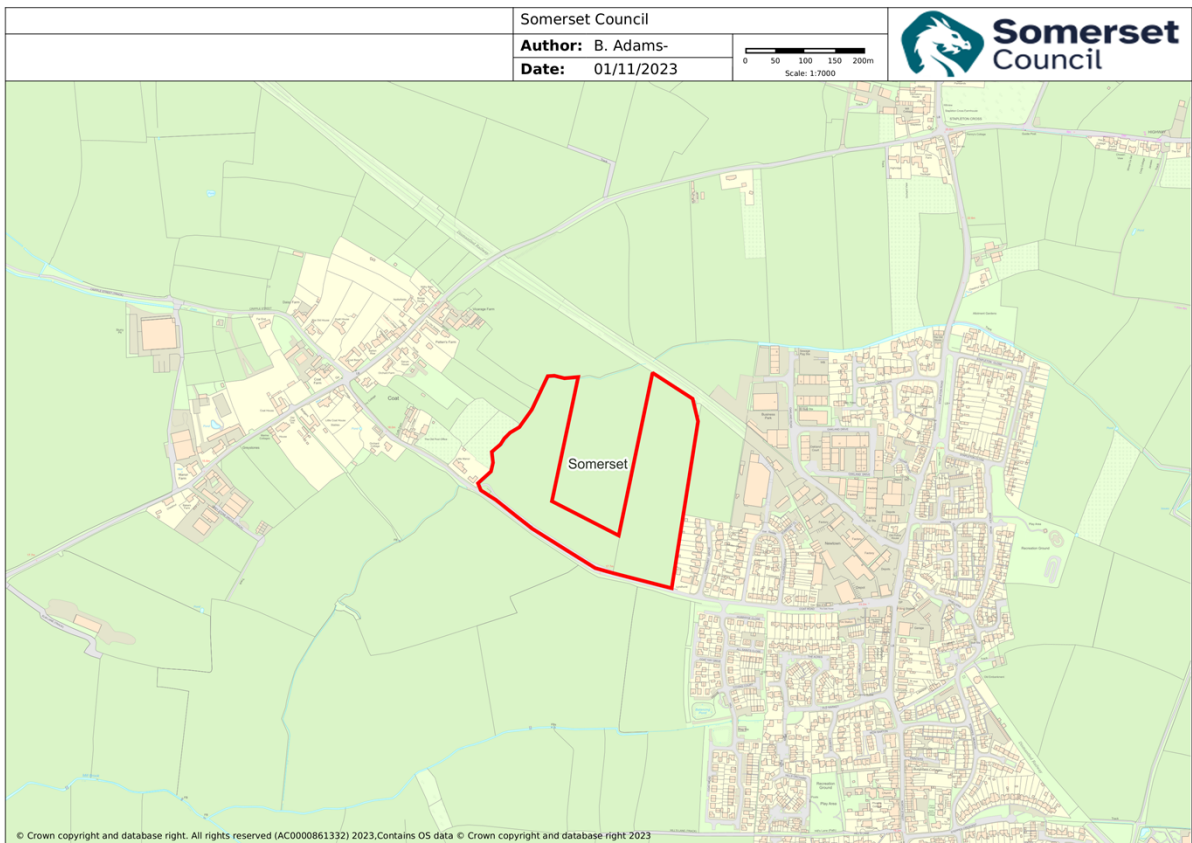
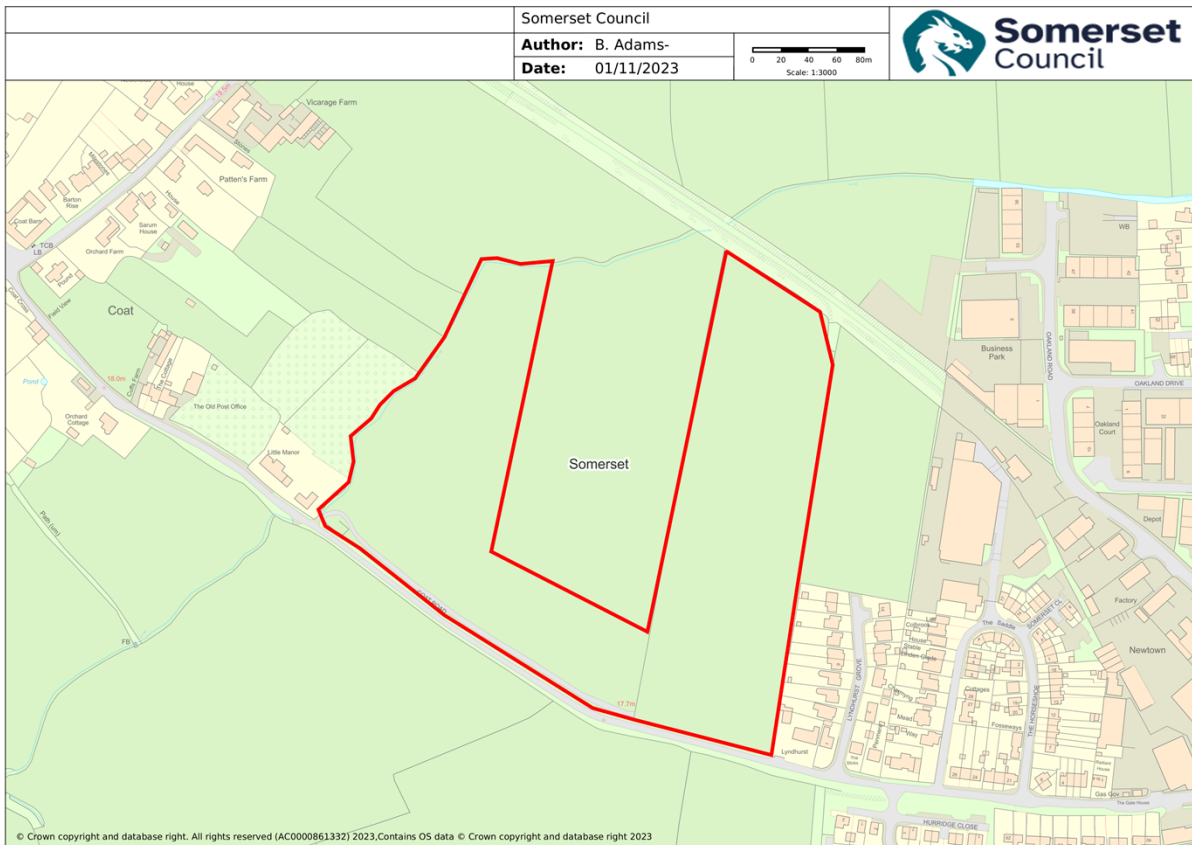
Officer Report On Planning Application: 21/01035/OUT

Proposal:	Outline application for up to 100 dwellings with associated works including access, public open space and landscaping.
Site Address:	Land OS 6925, Coat Road, Martock, Somerset,
Parish:	Martock
MARTOCK Division	Cllr L Clarke Cllr N Bloomfield
Recommending Case Officer:	Colin Begeman (Principal Specialist)
Target date:	25th June 2021
Applicant:	Mr W J Pearce & Martock LVA LLP
Agent: (no agent if blank)	Mrs Claire Alers-Hankey GTH Winchester House Deane Gate Avenue TAUNTON TA1 2UH
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

In compliance with Somerset Council's Scheme of Delegation this is a major planning application and is required to be referred to the South Planning Committee for determination on the basis that the officer recommendation is contrary to the Parish Council's views.

SITE DESCRIPTION AND PROPOSAL



The application site is a 6.11 ha parcel of land located in the Rural Centre (adopted Local Plan Designation) of Martock, to the northwest of the settlement on the northern side of Coat Road. It is adjacent to the established built-up area of the village and is bounded by native species hedgerows. The topography of the site is relatively flat, and it is currently used as grassland (permanent pasture).

The site has road frontage along the southern boundary with proposed vehicular access onto Coat Road. There are no public right-of-way paths across the site. It is situated in flood zone 1, which is the lowest category of flood risk, and there are no known heritage or environmental designations on the site.

The site is rectangular in shape and gently slopes westward. It is bound by native hedgerows, mature trees, and an earth bank, with an existing watercourse outside the application boundary along the northwest boundary.

The location of the site offers pedestrian access to local facilities, including a primary school, amenity stores, community sports fields, and public open spaces, all within a 15-minute walk. There are no continuous footpaths from the edge of the site to the village centre. To the east of the site, there is an existing urban development parcel and Martock Industrial estate, while to the southwest, there is a Barratt Homes development nearing completion.

This is an outline application with all matters reserved apart from the access. The application proposes the development of a 6.11-hectare site in Martock, consisting of up to 100 dwellings, with up to 35% of them being affordable housing. The plan includes the creation of a new vehicular access from Coat Road, public open spaces, and landscaping buffers. The proposed layout focuses on a mix of residential house types and sizes and emphasises ecological and community benefits such as meadow parkland, community orchards, play areas, and wetland habitats. The development aims to enhance the ecological and biodiverse value, provide pedestrian links between Coat and Martock, and implement a Sustainable Urban Drainage System (SUDS). Access to the site will be from the southeastern corner through Coat Road, and the layout emphasises a safe and pedestrian-friendly environment while addressing parking needs. The architectural design is expected to be simple, contemporary, and complementary to the local character, with an emphasis on sustainability and integration with the landscape. Boundary treatments will delineate public and private areas within the development.

HISTORY

There is no planning history for this site.

Pre application advice was sought: 20/01787/PREAPP response 11/09/2020.

The advice provided was generally positive in light of the LPA's lack of a five-year housing land supply. The advice confirmed that Martock was a sustainable location for the proposed residential development. It highlighted that any application should consider the scale of development (pre-app proposed 120 dwellings) relative to housing targets and coalescence with neighbouring villages. It also emphasised the need for careful design and landscaping, retention of hedgerows, and consideration of ecological concerns. Additionally, the advice highlighted the importance of assessing traffic conditions, safety, and parking, as well as planning for suitable access and infrastructure. Furthermore, it emphasised the need for a comprehensive flood risk assessment, sustainable drainage systems, and consultation with relevant authorities and organisations to ensure proper surface water management.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1, SS1, SS2, SS4, SS5, SS6, HW1, TA1, TA5, TA6, EQ1, EQ2, EQ3, EQ4

National Planning Policy Framework

Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15, 16

Martock Parish Neighbourhood Plan

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

Policy-related Material Considerations
Somerset County Council Parking Strategy
Somerset County Council Highways Development Control - Standing Advice

National Design Guide

CONSULTATIONS

Martock Parish Council:

Martock Parish Council objects to the planning application for several reasons as summarised:

The proposed development undermines the Local Plan Settlement Strategy, exceeding the housing target by almost 100% and approaching the size of primary market towns.

Martock lacks the necessary facilities to support a sudden growth of 450 houses in less than a decade, which would also exacerbate the existing high out-commute rate.

Concerns about the development's impact on the landscape, particularly regarding visual sensitivity, the blocking of key views, and the preservation of the Green Gap as per the Neighbourhood Plan.

The development on heritage sites and the removal of valuable agricultural land.

Concerns about environmental assessments regarding phosphate nutrient levels and biodiversity.

Highlights issues with pedestrian, wheelchair, and cyclist access, high housing density, insufficient SuDs (Sustainable Drainage Systems) planning, road suitability for increased traffic, and congestion at critical junctions.

The proposed development conflicts with the planned development schedule for the area and that Martock has demonstrated an adequate housing supply, thus requiring adherence to local planning policies.

In addition, Martock Parish Council have submitted a technical report in support of

its objection.

Strategic Housing:

I am formally emailing you to provide the Strategic Housing requirements on this application were it to be permitted.

Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 35 units based on a development of 100 dwellings. These would be split as 25 dwellings for social rent and 10 for shared ownership or other intermediate home ownership solution (this is a higher number of intermediate as the NPPF requires 10% of the site to be provided for affordable home ownership).

I would propose the following mix detailed below (which I note was also detailed in the planning statement):

- 12 x 1 bedroom flat/house/bungalow (2 person)
- 14 x 2 bedroom house/bungalow (4 person)
- 7 x 3 bedroom house (6 person)
- 1 x 4 bedroom (8 person) (to be provided for social rent)
- 1 x 4 bedroom parlour house (8 person) (to be provided for social rent)

If this application is determined after the 28th December 21 (or 28 March 2022 if there has been significant pre application engagement) then the First Homes requirement will apply and the split will be as follows:

35% affordable housing which would be split 75:25 social rent: first homes. The NPPF also requires 10% of homes to be for affordable home ownership - 10% of 100 dwellings = 10 homes. So the 10 intermediate homes detailed previously should be provided as 9 dwellings for First Homes, 1 dwelling to be provided for shared ownership and the remaining 25 dwellings to be provided for social rent. The mix for the affordable dwellings will be the same as detailed above.

I have detailed below our prevailing minimum internal space standards which should also be adhered to for all affordable dwellings on the site (I note that this was also referred to in the planning statement):

- 1 bedroom flat 2 Person 47 sqm
- 2 bedroom flat 4 Person 66 sqm
- 2 bedroom house 4 Person 76 sqm (86 sqm if 3 storey)

3 bedroom house 6 Person 86 sqm	(94 sqm if 3 storey)
4 bedroom house 8 Person 106 sqm	(114 sqm if 3 storey)
4 bedroom parlour house 8 Person 126 sqm	(134 sqm if 3 storey)

I just wanted to mention that point 6.1.16 of the planning statement only mentions 6 x 1 bed units and not the 12 units detailed in the proposed affordable housing mix.

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in at least 5 clusters with social rented properties in each cluster. These affordable dwellings will form an integral and inclusive part of the layout.

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

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units:

Abri
LiveWest
Magna Housing
Stonewater Housing

LLFA

Based upon the information received, Somerset Council as the LLFA advises the LPA that the proposed development is now considered acceptable for outline planning subject to conditions.

Planning Policy:

The initial planning policy advice provided in June 2021 addressed the outline planning application. The summary of the key points from that advice:

Monitoring: It was noted that a significant number of dwellings have already been delivered or committed in Martock/Bower Hinton, potentially exceeding the local plan target.

Policy Context: The South Somerset Local Plan 2006-2028 classifies settlements into tiers, with Martock/Bower Hinton identified as a Rural Centre. Policies SS1 and SS5 of the Local Plan set out development expectations for Rural Centres and emphasize sustainable growth.

Excess Growth: Granting permission for this application would result in a level of growth that exceeds the requirement for Rural Centres and is more in line with higher-tier Local Market Towns.

Local Plan Review: The emerging Local Plan Review proposed a housing allocation north of Coat Road, Martock, with 55 dwellings. The Local Plan Review targets a total of 330 homes over its plan period.

Neighbourhood Plan: The Martock Neighbourhood Plan (MNP) became part of the development plan on 3rd June 2021. The MNP was adopted over two years ago, it does not allocate specific housing sites although it supports development in specific areas, including MB1.

In the update provided in July 2021, it was noted that South Somerset District Council could not demonstrate a five-year housing land supply due to a recent appeal decision. This triggered the "tilted balance" in the National Planning Policy Framework (NPPF), which emphasises the need for housing development.

Regarding the Martock Neighbourhood Plan, it was clarified that it does not fall under the criteria of NPPF Paragraph 14, as it does not allocate specific housing sites. Instead, it supports development in certain areas, including MB1, based on certain criteria and policies.

The decision-making process for the planning application was to be guided by the policies within the adopted South Somerset Local Plan, the 'made' Martock Neighbourhood Plan, and the specific context created by the lack of a five-year housing land supply.

In summary, the advice emphasised that the proposed development would exceed the housing requirements for a Rural Centre, and the decision should consider relevant policies in the Local Plan, the emerging Local Plan Review, and the Martock Neighbourhood Plan, which was the most recent addition to the development plan. The update further noted the application's context in light of the tilted balance due to the inability to demonstrate a five-year housing land supply which reduced the weight that could be placed on the adopted Local Plan and the Neighbourhood Plan. Since Local Government Reorganisation work has stopped on the Local Plan Review

and very limited weight if any can be attributed to the Local Plan Review.

Public Open Space

The plans identified on the "Illustrative Masterplan" show approx. 0.54ha of Public Open Space (POS) on the section of the development with the built form alone, therefore, not including the areas to the west of the development, there is an amount in excess of the required 0.39ha for a development of this size.

Whilst the majority of these areas included in the measurement above comprise of buffer land around the edge of the built form, we are encouraged to see a larger area centrally located and accessible by all residents on the site. Our only concern going forward would be that currently there is no LEAP included on these plans and this would probably be the natural location for one, however, this would detract from the usability of the area as POS and it would be a shame to lose this from that purpose.

If it were to remain without a LEAP, we would like to see it designed as a village green area, perhaps with metal bow top fencing and features making it useable for public and community events, such as lighting and electricity outlets.

We are further encouraged by the large amount of additional POS to the west of the built form, and whilst the balancing ponds wouldn't be considered useable POS, as the whole area is surplus to requirement, we are not concerned here, but would like to see further design of the area as if done carefully, the ponds and their surroundings could still be enjoyable and beneficial areas of POS for the residents and the wider community in Martock.

The proposed orchard is also a very welcoming feature which, as well as providing further POS, would be of great benefit to the residents and we are pleased it has been included.

We would be happy for this scheme to proceed with the current plans and would have no objections, but just asking the developer to be mindful of our comments concerning a LEAP on site and its location, as well as the balancing ponds and their surrounding environments as POS.

SCC Highway Authority:

No objections subject to conditions.

While the Travel Plan at this stage has deficiencies the plan will need to be secured

via a s106 agreement and can be rectified at this stage.

Environmental Health:

No objection subject to conditions

Designing Out Crime

No objections subject to comments

Education

100 dwellings in this location would generate the following number of children for each education type.

9 early years pupils, 32 primary pupils and 14 secondary pupils.

In accordance with the current cost to build these pupil numbers would require the following education contributions to ensure that SCC as education authority will be able to build sufficient capacity to ensure there are spaces for the children from this development.

£153,666.00 for the new early years facility at Martock Primary

£546,368.00 for Martock Primary

£348,054.00 for Stanchester Academy secondary.

Somerset Ecology Services:

No objection subject to conditions.

Archaeology:

The Somerset Historic Environment Record shows this area as being covered by widespread traces of ridge and furrow cultivation. However, the application site does lie in close proximity to an area (to the south east) where recent excavation has identified extensive evidence for prehistoric and Roman settlement remains. It is therefore possible that the ridge and furrow is masking earlier activity.

For this reason, I recommend that the developer be required to archaeologically investigate the application area heritage asset. This is likely to require a geophysical survey and, depending on the results, a field evaluation as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

"Programme of Works in Accordance with a Written Scheme of Investigation (POW)
Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the programme of archaeological investigation, 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."

and:

"Archaeology and ensuring completion of works
No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

Natural England:

No objection subject to securing the phosphate mitigation by way of a s106 agreement

REPRESENTATIONS

85 neighbours notified. 80 objections received.

All third-party representations are available in full on the Council's website.

Summary of objections:

Non-Alignment with Local Plans: The application does not align with the SSDC Local Plan or the Martock Plan, failing the NPPF Sustainability Tests for Economic, Social, and Environmental aspects.

Infrastructure and Location Concerns: Concerns are raised about the lack of infrastructure coordination and identification, as well as the application's unsuitability in terms of location and timing.

Overprovision of Homes: It is believed that the proposed development would result

in an excessive number of homes for Martock, potentially harming the local community rather than strengthening it.

Encroachment on Green Gap: The development encroaches upon the Green Gap outside the Martock boundary, which is meant to protect the natural environment.

Drainage and Safety Issues: Concerns are raised about sewage, surface water management, and the impact on Furbers Rhyne in the Green Gap field. Safety issues related to public access to the attenuation pond are also mentioned.

Outdated Data and Increased Car Travel: The transport report is criticised for using data from February 2021, which was distorted due to the lockdown. The increase in car travel due to the development is a concern.

Healthcare Capacity: Martock Surgery's capacity and patient load are questioned, with doubts about whether increasing the number of doctors will solve the issue.

Strain on Infrastructure: Residents express frustration with the volume of recent and proposed developments in Martock, leading to concerns about the village's ability to cope with increased demand on services, traffic congestion, and loss of green spaces.

Environmental Impact: Environmental concerns are raised, including potential negative effects on wildlife and the increase in pollution due to more vehicles.

Community Impact: Opposition to the proposal's impact on the character of the village and the sense of community is expressed.

Flooding and Drainage Concerns: Concerns about potential flooding due to the development's impact on drainage are mentioned.

Landscaping and Future Development: The objections also point out discrepancies in the landscaping plans and express concerns about the potential for future development of currently undeveloped areas.

Lack of Local Job Opportunities: Concerns are raised about the lack of local job opportunities to support the proposed development and the likelihood of commuters moving in.

Inadequate Public Transport: Concerns are raised about the inadequacy of the public transport system and the potential for increased traffic congestion through

nearby villages.

Impact on Carbon Neutrality Goal: The application is criticized for potentially hindering SSDC's goal of becoming carbon neutral by 2030 due to increased car usage and reduced green space.

In summary, the objections primarily revolve around concerns related to the impact of the proposed development on the environment, infrastructure, community, and the overall suitability of the proposal within the context of existing plans and the local area's needs and capabilities.

CONSIDERATIONS

Principle of Development

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.

The presumption in favour of sustainable development and how this should be applied to planning decisions is discussed in more detail at paragraph 11 of the NPPF. At 11 (d), the framework states that where the policies most important for determining the application are 'out-of-date' planning permission should be granted. Footnote 8 confirms that a failure to demonstrate a five year supply of housing and the requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.

The matter of housing land supply has been the subject of scrutiny and it has been consistently concluded that that the Council is not able to demonstrate a 5-year supply of housing land. The most recent Council published position (October 2023) is that the supply position in South Somerset stands at 3.29 years. However, Officers have recently agreed in connection with an appeal at Yeovil which is proceeding to Inquiry in January 2024 a range below 3 years.

Paragraph 11di) outlines instances where other policies within the NPPF provide a clear reason for refusing development. It is considered that there are no such policies which are engaged for this Site and therefore paragraph 11di) is not engaged.

The presumption in favour of sustainable development as set out at Paragraph 11 d)ii) of the Framework is therefore fully engaged and that planning permission should be

granted "unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits".

The weight given to the Martock Neighbourhood Plan policies for decision making is subject to consideration under Paragraph 14 of the NPPF. The advice provided by the Council's Planning Policy section is that limited weight can be applied because three of four criteria (a-c) are not engaged.

Although of limited weight the Local Plan Review had identified this site MB1 as a potential residential site with a capacity of 55 dwellings which is supported in the Martock Neighbourhood Plan.

The site has been identified in the Martock Peripheral Landscape Study 2008 as an area of moderate landscape sensitivity.

Taking into account that Martock is considered a sustainable settlement when having regard to the requirements of Policy SS1 of the South Somerset Local Plan, which identifies Martock as a Rural Settlement and weighing this against the lack of a demonstrable 5 year housing land supply it is considered that in principle that the development is acceptable provided the proposal is not outweighed by any adverse harm created.

Highways

Policy TA5 of the South Somerset Local Plan aims to ensure safe access and highway safety while managing traffic impacts. According to Chapter 9 of the NPPF, development should only be rejected on highways grounds if there's an unacceptable impact on safety or severe cumulative impacts on the road network.

The proposal requests permission for up to 100 homes, accessed from Coat Road, with specifics reserved except for access. It includes a T-junction for vehicles, a 1.8m wide footpath on the east side, connecting to off-site pedestrian enhancements.

The access road will have a 5.5m wide carriageway and a 1.8m wide footpath. Visibility guidelines will be followed based on recorded speeds. There's a plan for a 1.8m footpath linking the site access to existing pedestrian infrastructure at The Horseshoes, aiding movement with features like dropped kerbs and tactile paving.

Regarding layout and parking, the design prioritizes pedestrians and cyclists, complying with parking strategies. The final parking details will be decided in the future.

Anticipated traffic impact suggests a relatively small increase during peak hours, with most traffic turning left and minimal effect on the highway network.

Assessments indicate no severe impact on junctions due to added traffic. Traffic projections use 2018 counts for future estimates, aligning with NPPF requirements.

The site offers a sustainable location with safe access, minimal impact on roads, meeting transportation guidelines.

The Highway Authority has considered the proposals and is content with the highway aspects of the scheme, including that the Site offers a sustainable location for development, with safe access, minimal impact on roads, meeting transportation guidelines subject to the imposition of planning conditions and obligations (including a Travel Plan) all of which are included within the recommendation.

In summary, the proposal aligns with policy requirements, with expected traffic well within acceptable limits. The footpath width on Coat Road needs to be at least 2m, and the proposed agreement involves the Highways Act for necessary works.

In conclusion, the proposals are considered by the Highway Authority and Officers to be compliant with the requirements of Policy TA5.

Scale and Appearance

While this is an outline application to determine principle of the development and access, reserving appearance, landscaping, layout and scale a master plan has been submitted and based on this it is possible to make comments.

The proposed development site is situated on the north-western fringes of Martock. It comprises two fields: one to the east, adjacent to settlement fringes, and another to the west. The eastern field is the focus for the housing development, allocated within the Local Plan Review.

Section 72 of the Listed Buildings and Conservation Act Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. The desirability of preserving or enhancing the area is a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

The site is near Coat, a linear settlement to the north-west, recognised as a Conservation Area. Martock and Bower Hinton, recognised Conservation Areas, are approximately 675m to the south-east. There are scattered Listed Buildings in Coat and Martock. It is considered by Officers that there would no harm arising from the proposed development to these assets given the proximity and ability to experience these assets from the Site and accordingly the proposals are compliant with Policy EQ3 of the South Somerset Local Plan.

The fields are flat to very gently sloping, currently used for pasture. A thick band of trees and shrubs separates the two fields, running roughly north to south. The landscape includes hedgerows, minor roads, residential fringes, and industrial buildings in various directions. Views towards Martock show a valley defined by low hills, with housing expanding from the medieval core.

The development includes up to 100 dwellings with car parking and private gardens. Vehicular access is from the south-east off Coat Road. Extensive public green spaces are proposed, focusing on the western part, with community orchards and ecological enhancement areas. The housing will occupy the eastern field, adjacent to existing housing, and will be surrounded by significant additional planting and open space.

The proposed development site falls within the Silts and Marls Low Hill Country landscape character zone. Surrounding landscape zones include Moors and Islands, Settlements, and Lower Lias Clay Vales, Rivers, and Floodplains.

The area is described as having a mix of arable land, orchards, and rolling hills, with some weak hedgerows and scattered trees. Martock is characterised by its vernacular architecture, thatched roofs, and prominent church towers.

The development aims to integrate into the surroundings by retaining existing boundary vegetation and introducing new planting.

Design elements are focused on reducing the visual impact, such as the placement of housing, landscape buffers, and the creation of footpaths and open spaces.

Mitigation measures include orchard and meadow planting, infill planting of native trees and shrubs, and the creation of diverse habitats for nature conservation.

Conclusion:

Despite being close to Conservation Areas and Listed Buildings, efforts are made to minimise the development's visual impact and maintain the area's character.

The proposed housing will be located within existing vegetation and supplemented by additional planting, limiting its landscape and visual effects.

Overall, the development aims to blend into the landscape without dominating views or altering the area's character significantly.

The proposed development aims to integrate into the existing landscape and nearby urban fabric while providing an extension to Martock that respects the local character

The masterplan and layout shows:

Site Area: 6.11 hectares with up to 100 dwellings (including up to 35% affordable housing).

Public Open Space: Emphasis on providing extensive open spaces, community facilities, wetlands, orchards, and pedestrian links.

Layout: Higher density housing toward the east, transitioning to lower density homes toward the conservation area in the west. Different housing types arranged in clusters across the site.

Appearance and Design

Building Types: Detached, semi-detached, and short terraces forming structured streets with well-sized gardens.

Architectural Aesthetic: A simple, contemporary aesthetic referencing positive local building forms while achieving modern sustainability objectives.

Materials and Boundaries: Emphasis on complementing the local character, using consistent materials, colours, and textures. Boundary treatments should distinguish between public and private spaces.

The development aims to add a natural extension to Martock while being sensitive to the existing community and landscape.

It emphasises biodiversity, open spaces, and ecological features while providing much-needed housing and benefits for the district.

Overall, the proposed development aims to strike a balance between modern sustainability, community integration, and the preservation of the area's rural

character. The layout is designed to respect the existing landscape and neighbourhood while providing diverse housing options and extensive green spaces. Officers consider that the proposals are compliant with Policy EQ2 of the South Somerset Local Plan.

Residential Amenity

The proposed development's impact on neighbouring properties' amenity and privacy is an important consideration and the illustrative plan demonstrates that an acceptable level of amenity can be achieved, although this will be dealt with at RM stage.

Amenity:

Open Spaces: The design emphasises creating extensive open spaces, meadow parklands, orchards, and woodland planting. This could enhance the overall amenity of the area by providing green spaces for both new residents and the existing community.

Pedestrian Links: The proposal includes plans for enhanced pedestrian links between Martock and Coat within the site boundary, potentially improving connectivity and access to amenities for both existing and new residents.

Ecological Features: The inclusion of wetlands and ecological habitats might contribute positively to the biodiversity and natural ambiance, potentially enhancing the amenity for neighbouring properties interested in wildlife and green environments.

Construction: It is noted and accepted that some disturbances will occur during the construction phase if permitted. However, there are no objections to the proposals by Environmental Health and the impacts arising from this scheme will be similar to those arising from the construction of houses on any site on the edge of a settlement of the scale of Martock. The construction phase of the development will be controlled through the use of a Construction Environmental Management Plan condition.

Privacy:

Density Variation: The layout plans higher density housing in the eastern part and lower density toward the conservation area in the west. It is considered that the distance between the proposed development is sufficient to safeguard the privacy of neighbouring properties, including those closer to the higher density sections.

Buffer Zones: The proposal indicates the creation of landscape buffers using woodlands and wetlands, potentially acting as visual screens between the new development and existing properties, aiding in preserving privacy.

Building Types and Heights: The description of detached, semi-detached, and short terrace buildings enclosing structured streets with gardens suggests a varied scale. It is considered that this would not impact neighbouring properties' privacy based on the orientation and proximity of the new structures.

While the design aims to respect the local character and minimise visual impacts, the effect on neighbouring properties' amenity and privacy would not be reduced and can be determined at the reserved Matters stage. Elements like landscape design, building heights, and orientation play crucial roles in determining the extent of impact on neighbouring properties which will be determined at the reserved matters stage.

Detailed assessments of these aspects will form part of the reserved matters planning application process, involving consultations with neighbouring residents. However, at the Outline Stage Officers consider that sufficient information has been provided which demonstrates that there is plenty of scope within the outline site to ensure that at the detailed design stage there will be no adverse residential amenity impacts. The submitted illustrative layout already demonstrates a sensitive approach to neighbouring properties from both an amenity and privacy perspective. Accordingly, Officers consider the proposals are compliant with Policy EQ2 in this regard.

Affordable Housing

The affordable housing element in this proposal adheres to the Local Plan's Policy HG3, allocating up to 35% of the total housing units for affordability. This split follows an 75:25 ratio between social rent and intermediate products, respectively. Within the illustrative masterplan of 100 dwellings proposed, the affordable housing mix includes:

- 12 units of 1-bedroom flats/houses/bungalows
- 14 units of 2-bedroom houses/bungalows
- 7 units of 3-bedroom houses
- 1 unit of 4-bedroom house
- 1 unit of 4-bedroom parlour house

These affordable units are proposed to be distributed ("pepper-potted") across the

site, designed with the same high-quality standards as the non-affordable units.

Each unit meets the minimum internal space standards outlined by the SSDC (South Somerset District Council).

The Open Market component will be made up of a mix of 2, 3, 4 and 4+ bedroom properties with the exact mix to be determined at the reserved matters stage. This distribution reflects a variety of housing types and sizes, aiming to cater to diverse household needs while ensuring inclusivity and integration of the affordable housing within the entire scheme.

Strategic Housing have supplied its preferred mix and its requirements for First Home to be included in the overall calculations.

This will be secured by a s106 agreement. The s106 should also include a schedule of approved housing association partners for delivery of the affordable units:

LiveWest
Magna Housing
Stonewater Housing
Yarlington Housing Group

Flood Risk

A Flood Risk Assessment has been submitted to support the application which the LLFA consider to be acceptable subject to conditions.

The site consists of two undeveloped fields used for arable farming, bordered by Furber's Rhyne to the west, Coat Road to the south, a disused railway embankment to the north, and Martock to the east.

The site is in Flood Zone 1, with a low probability of river or sea flooding (<0.1%). Surface water mapping indicates localised shallow flooding along the western boundary, with depths up to 900mm. Groundwater flooding isn't expected. No on-site flood risks are associated with infrastructure failure or artificial sources.

Access roads are within Flood Zone 1, ensuring access during flood events.

The Drainage Strategy emphasises Sustainable Drainage Systems (SuDS) to reduce rainfall collected and improve water quality. Prioritisation being given to infiltration, surface water discharge, and proper stormwater management in compliance with

NPPF.

SuDS features are designed to manage pollution hazard indices and promote water quality enhancement.

The proposed development is deemed safe from flooding and considered acceptable by the LLFA subject to conditions.

Accordingly, the proposals are considered to be compliant with the requirements of Policy EQ1

Ecology

SES have not objected to the proposal subject to conditions.

The existing ecology of the site proposed for development comprises:

Grassland: Two fields primarily used for sheep grazing. The grassland is dominated by species like perennial ryegrass, Yorkshire fog, Cock's-foot, clover, dandelion, nettle, and red dead nettle.

Hedgerows: These boundary lines and dividers between fields support a mix of woody species such as English elm, hazel, ash, blackthorn, elder, field maple, and dog rose.

Wetland Features: A ditch running along the west and north boundaries, occasionally holding running water, hosts hydrophilic species like pendulous sedge and watercress. It connects to the Mill Brook located further south.

Adjacent Landscape: The surrounding area mainly consists of arable and pasture fields bordered by mature hedgerows. There's an old, dismantled railway line with mature trees along the northern boundary, providing additional habitat diversity.

Neighbouring Habitats: Close to the site, there are traditional orchards, floodplain grazing marshes, and a small deciduous woodland. These habitats provide different ecological niches and support various species.

Overall, the site supports a mix of grassland, hedgerows, and wetland features, contributing to a diverse ecosystem. While not extensively wooded, it interacts with neighbouring habitats, providing connectivity and potential corridors for wildlife movement.

SES have stated that there is no objection on ecology grounds subject to conditions and that the proposal complies with EQ4.

Somerset Levels and Moors - Phosphates

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

Natural England has written to various Councils in Somerset advising about the high levels of phosphates in the Somerset Levels and Moors that are causing the interest features of the Ramsar Site to be unfavourable, or at risk, from the effects of these high levels. This is as a result of a Court Judgement known as the Dutch N case, which has seen a greater scrutiny of plans or projects by Natural England, regarding increased nutrient loads that may have a significant effect on sites designated under the Habitats Regulations 2017 (including Ramsar Sites).

The phosphate mitigation strategy for this Site comprises the deployment of an on-site package treatment plant which will be adopted and managed by Albion Water (an OFWAT appointed statutory sewage undertaker and regulated by the Environment Agency) together with the purchase of 4.83kg of credits from a Natural England approved credit scheme at Badger Street and Bickenhall. Agreement for the purchase of the requisite credits is in place between the Applicant and the credit provider.

The phosphate calculations and the proposed mitigation strategy have been considered by the Council's ecologist and Natural England. Both parties are satisfied that the submitted information is robust and adequately mitigate the phosphate impact arising from the application proposals.

The phosphate mitigation strategy will be secured by a s106 agreement and this is set out within the Officer recommendation below.

Community Infrastructure Levy

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which

is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

CONCLUSION

The absence of a five-year housing supply in Somerset triggers a specific measure from the National Planning Policy Framework (NPPF). This "tilted balance" dictates that if there are no current policies restricting development, approval should be granted unless the adverse impacts significantly outweigh the benefits.

In this case, the proposed development offers various benefits such as contributions to education, community, provision of housing against a deficient land supply and affordable housing, aiding Martock's sustainability. It is considered by Officers that there is no harm resulting from the proposals in respect of drainage, ecology and biodiversity, heritage, highway safety, flood risk, landscape and residential amenity. There is however, harm arising from conflict with planning policy although the weight given to those policies is reduced by virtue of the deficient 5YHLS position.

While local objections are noted, statutory consultees have not raised substantial concerns. The identified harm (conflict with settlement related policies) are deemed insufficient to outweigh the benefits when considering the "tilted balance." Therefore, the recommendation is for the approval of the outline planning permission, subject to a s106 agreement and conditions, including those suggested by consultees

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 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 100 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, Martock Neighbourhood Plan and the aims and objectives of the NPPF.

RECOMMENDATION

Approve subject to conditions and a s106 that secures:

Phosphate mitigation

Travel Plan

Affordable housing

35% affordable housing which would be split 75:25 social rent: first homes. The NPPF also requires 10% of homes to be for affordable home ownership - 10% of 100 dwellings = 10 homes. So the 10 intermediate homes detailed previously should be provided as 9 dwellings for First Homes, 1 dwelling to be provided for shared ownership and the remaining 25 dwellings to be provided for social rent. Compliance with national space standards

Include a schedule of approved housing association partners for delivery of the affordable units:

Abri

LiveWest

Magna Housing

Stonewater Housing

Education

£153,666.00 for the new early years facility at Martock Primary

£546,368.00 for Martock Primary

£348,054.00 for Stanchester Academy secondary.

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 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 100 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, Martock Neighbourhood Plan 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).

04. The development hereby permitted shall be restricted to no more than 100 dwellings.

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

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

191201 L 01 01 Site Location Plan

191201 L 02 02 Illustrative Masterplan

0942 Coat Road Martock - Flood Risk Assessment

0942 Coat Road Martock - Transport Assessment

191201 R 02 01 Design and Access Statement Rev F

LVIA Land off Coat Road housing development Martock LVIA Final

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

06. The landscaping scheme submitted in accordance with condition 01 of this outline grant of planning permission shall include details of:
- (a) Planting plans (to a recognised scale) and schedules indicating the location, numbers of individual species, density, spacings, sizes, forms, root types/root volumes and size of proposed tree, hedge, and shrub. All planting stock must be specified as UK-Grown, unless otherwise previously agreed in writing by the Local Planning Authority.
 - (b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geo-textile, tree pit design, 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.

07. 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.

08. No building shall be occupied until the site archaeological investigation has been completed and post- excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: 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.

09. Prior to commencement of development and before any vegetative clearance, groundworks, entry of heavy machinery onto the site, or on-site storage of materials commences, the following conditions must be met:

- (a) A comprehensive scheme outlining measures for the protection of trees and hedgerows must be developed by an experienced and qualified arboricultural consultant, adhering to the specifications detailed in British Standard 5837: 2012 - 'Trees in relation to design, demolition, and construction.' The scheme, as outlined in section 6.3, should include a sequenced plan for supervisory monitoring during the installation and maintenance of protective measures. This plan should be supervised by a competent Arboriculturalist. The scheme must be submitted to and approved in writing by the Local Planning Authority.

- (b) The installation of the approved tree and hedgerow protection measures must be fully completed as per the details sanctioned in writing by the Local Planning Authority. Confirmation of completion, as stated in the approval, must be provided in writing to the Local Planning Authority within 21 days from the applicant/developer's notification of finishing the endorsed protection scheme.

The approved tree and hedgerow protection scheme must remain entirely installed throughout the construction period of the development, inclusive of any landscaping activities. Any movement, removal, or dismantling of these protective measures requires prior written consent from the Local Planning Authority.

Between 1st March and 31st August, there shall be no removal of hedgerows, trees, shrubs, or demolition of buildings or structures unless a competent ecologist has conducted a detailed examination for active birds' nests immediately before the vegetation clearance or building works commence. The ecologist must provide written confirmation to the Local Planning Authority that no harm will be caused to birds or that appropriate measures are in place to protect nesting bird interests on site. The submission of this written confirmation by the ecologist and obtaining written agreement from the Local Planning Authority is mandatory.

Plastic bird netting obstructing bird access to specific areas or features is strictly prohibited, as it can lead to bird entrapment.

Reason: The submission and agreement upon a comprehensive tree and hedgerow protection scheme by a qualified arboricultural consultant, followed by the complete implementation of approved protection measures before development commencement, are essential. These measures aim to safeguard existing landscape elements (trees and hedgerows), preserving visual amenity and biodiversity, aligning with Policies EQ2, EQ4, and EQ5 of the South Somerset Local Plan, and pertinent guidance within the NPPF

10. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than

greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

11. 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.

- 12. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice and Land Contamination Risk Management (CLR11 Replacement)
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice and Land Contamination Risk Management (CLR11 Replacement) The report should include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme including remedial options appraisal 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.
4. 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.
5. 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: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

13. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 08.00-18.00 Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy and in accordance with the provisions of Circular 11/95.

14. The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

15. There shall be no burning of any waste or other materials on the site, except in an incinerator, the details of which shall be approved in writing by the Local Planning Authority before the development is brought into use. The use approved shall be carried out strictly in accordance with the details agreed.

Reason: To ensure that, in accordance with Local Planning Policy, to ensure any concentration of air pollutants in the vicinity is minimised and/or a nuisance is not caused. The incinerator itself may need planning permission.

16. No deliveries shall be taken at or dispatched from the site outside the hours of 08:00-18:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy

17. 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.

18. Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to Local Planning Authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

19. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions.
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g. Details of the body or organization responsible for implementation of the plan.
 - h. On-going monitoring and remedial measures.

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

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

20. The Development shall not commence until a Lighting Strategy for Biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and 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 thereafter in accordance with the strategy.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with NPPF, ODPM Circular 06/2005 and Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

- 21. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation [or specified phase of 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:
 - 1) 25 Habitat 001 bat boxes or similar will be built into the dwellings (one on each of the 25 dwellings) at least four metres above ground level and away from windows of the west or south facing elevation

- 2) 25 Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation (one on each of the 25 dwellings)
- 3) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- 4) Three log pile as a resting place for reptiles and or amphibians constructed on the southern boundary
- 5) 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.
- 6) 10 bee bricks built into the wall about 1 metre above ground level on the south or southeast elevation of the dwellings (one on each of the 10 dwellings)

REASON: In the interests of biodiversity in accordance with the NPF and Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

22. 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.

23. The proposed access shall be constructed in accordance with details shown on the submitted plans, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition 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.

24. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

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.

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

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

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

26. No more than 50 dwellings of those permitted shall be occupied until the construction of a network of cycleway and footpath connections within the development site has been completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: This condition aligns with sustainable development practices. Occupancy of dwellings beyond the initial 50 units is contingent upon the completion of the specified cycleway and footpath connections within the development. This measure supports highway safety and is in accordance with Policies TA5 and TA6 of the South Somerset Local Plan, as well as relevant guidance within the NPPF.

27. The dwelling hereby permitted shall not be occupied until parking spaces for the dwellings, and suitable turning heads have been provided in a position approved by the Local Planning Authority. The said spaces and turning facilities, and access thereto, shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

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. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 59 metres either side of the access. Having regard to the size of vehicle to use the access during the construction phase, such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

All works within the highway will be designed in agreement with this Authority and contained within an appropriate Agreement under s278 Highways Act 1980, or s106 Town and Country Planning Act

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure

that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

02. Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Environment Management

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Car Parking

The operator should install a petrol interceptor if the discharge serves any of the following areas to prevent pollution to the water environment:

- Car parks typically larger than 800m² in area or for 50 or more car parking spaces.
- Smaller car parks discharging to a sensitive environment.
- Areas where goods vehicles are parked or manoeuvred.
- Vehicle maintenance areas.
- Roads.
- Industrial sites where oil is stored or used.
- Refuelling activities.
- Any other area at risk from oil contamination.

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf

If waste is to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...'. Meeting these criteria means the material is not waste and permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed as (insert <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>)

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:
<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL: ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

03. 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

04. Biodiversity Net Gain

This is a large development and consideration should be given to making contributions for environmental gains, either on or off-site. This aspiration already in the NPPF is now further supported by the 25 Year Environment Plan. This sets an expectation for development including housing and infrastructure, by all organisations and individuals, that will help deliver Biodiversity Net Gain.

05. 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.

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.

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Officer Report On Planning Application: 18/04057/OUT

Proposal:	Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.
Site Address:	Land East Of Mount Hindrance Farm, Mount Hindrance Lane, Chard, Somerset.
Parish:	Combe St Nicholas
CHARD NORTH Division	Cllr Jenny Kenton Cllr Martin Wale
Recommending Case Officer:	Rachel Tadman (Specialist)
Target date:	25th March 2019
Applicant:	Mactaggart & Mickel Homes Eng Ltd & SE Blackburn D Trust
Agent: (no agent if blank)	Mr Des Dunlop D2 Planning Limited, Suite 3 Westbury Court, Church Road, Westbury On Trym, Bristol BS9 3EF
Application Type:	Major Dwlgs 10 or more or site 0.5ha+

BACKGROUND INFORMATION, APPLICATION UPDATE AND REVISIONS

This application was originally considered by the former South Somerset Area West Committee on 11 December 2019 where it was resolved to recommend refusal of the application contrary to the officer's recommendation for the following reasons:

- The site is within an area of landscape importance between Chard and Cuttifford's Door, on the periphery of the AONB. The resultant demonstrable harm is not outweighed by the benefits and therefore the scheme is contrary to policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the NPPF.
- The proposal prejudices the delivery of the Chard Regeneration Plan forming part of the Council's Local Plan and on which work has started; therefore, the proposal

is contrary to policies PMT1, PMT2, SS3 and SS5 of the South Somerset Local Plan (2006-2028).

(The agenda and minutes for SSDC Area West Committee of 11 December 2019 can be viewed online at:

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=131&MId=2673&Ver=4>)

The application was then referred to the former South Somerset Regulation Committee on 18 February 2020 where it was resolved to grant planning permission subject to a S106 legal agreement and conditions. The Regulation Committee report and minutes are provided at Appendix A1 and Appendix A2 for information. (The Regulation Committee report updated the Area West Committee report to include the outcome of the Area West Committee but was in all other respects the same body report).

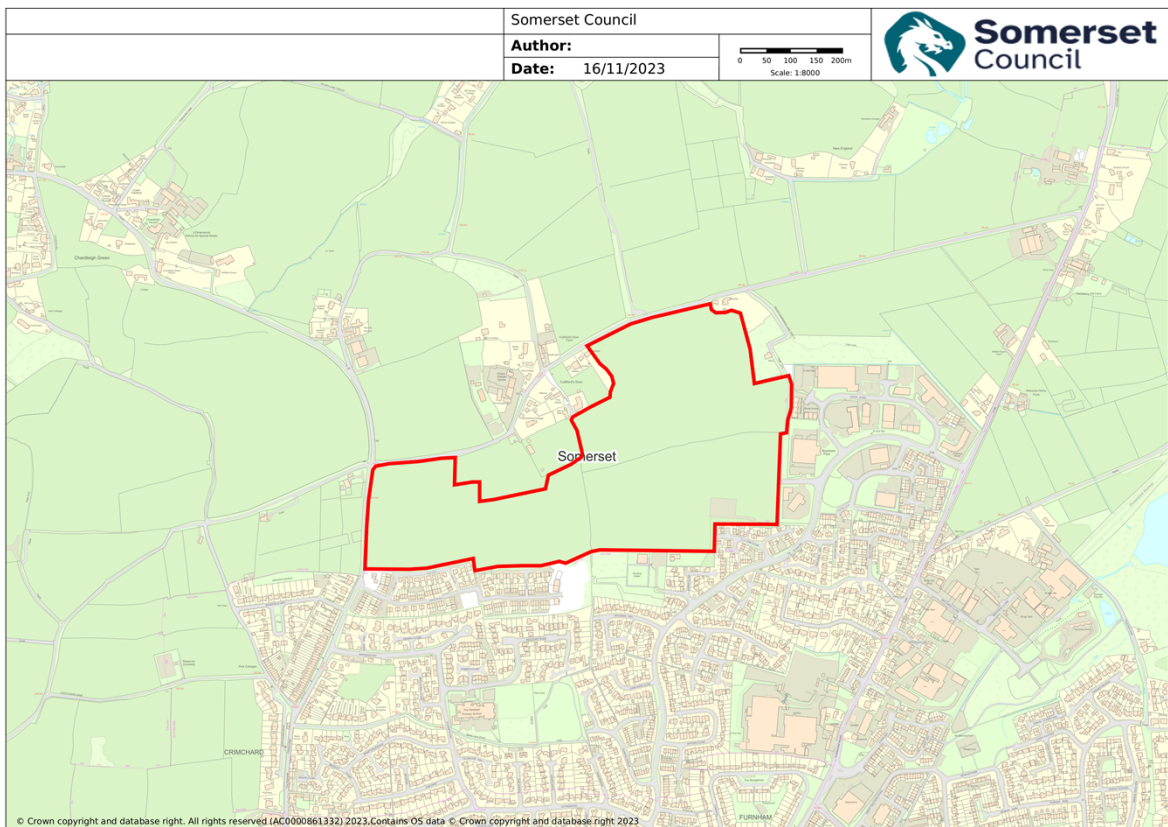
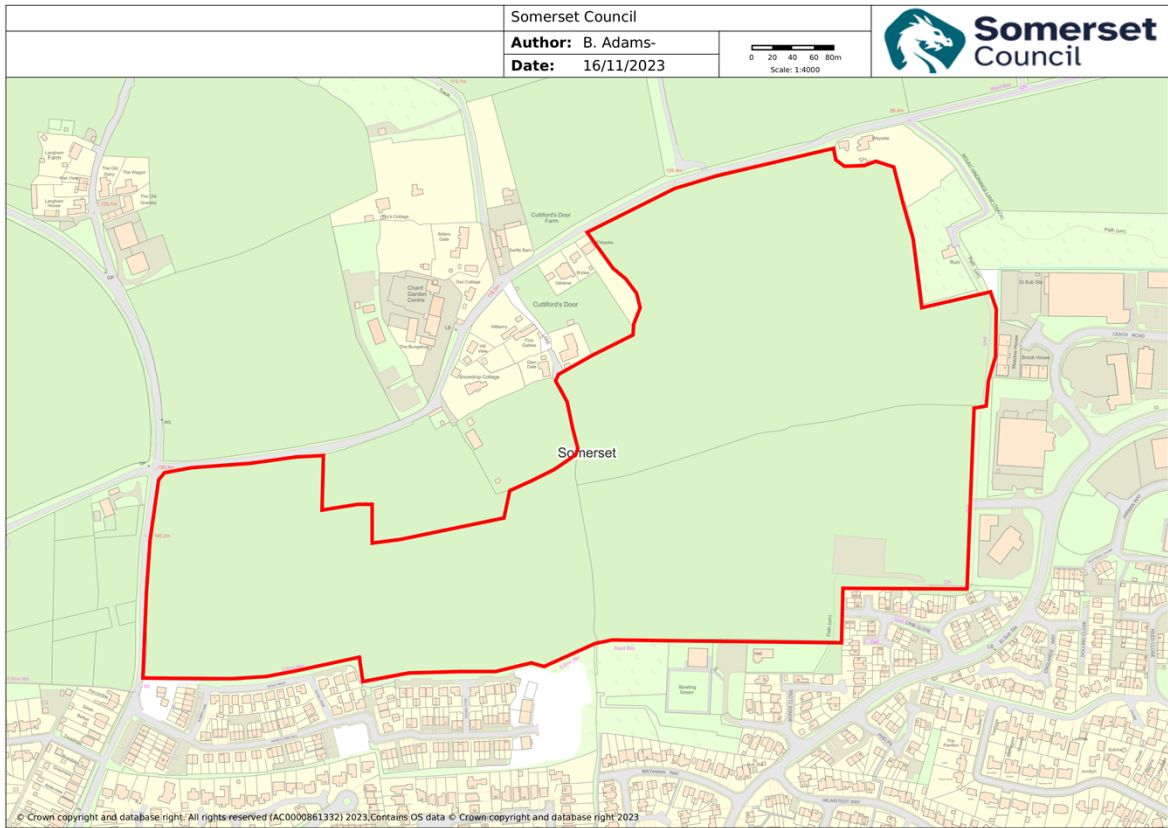
Unfortunately, following the decision of the Regulation Committee, and before the decision was formally issued, South Somerset Council received the 'phosphates letter' from Natural England in August 2020 stating that planning permission could not be granted until a Habitats Regulations Assessment (HRA) had been carried out confirming that the proposal was nutrient neutral.

The application has therefore been on hold until a phosphate solution could be found, however in the meantime the Applicant has taken the opportunity to revisit the proposals and revised them accordingly. The report below comprises an assessment of the proposal based on the revised submission whilst also incorporating previous comments from Consultees and local representations.

REASON FOR REFERRAL TO COMMITTEE

This application is automatically referred to the South Area Planning Committee as the application was previously considered by the former South Somerset Council Regulation Committee.

SITE DESCRIPTION AND PROPOSAL



The application site comprises 3 fields in mixed agricultural use on the northern edge of Chard, although fully located within the parish of Combe St Nicholas. The site comprises a total of 23.1 hectares with a relatively small area of hard standing (0.2 ha) located within the south-east section of the site. Crimchard Road is located along the sites' western boundary with the hamlet of Cuttifords Door and its access road to the north. Agricultural fields lie beyond these immediate boundaries to the west and north. Chard Business Park is located to the west and, to the south, is the current limit of Chard's residential northern edge.

The application site slopes from west to east and is bounded by hedgerows and ditches with a number of mature trees, largely oaks, throughout the site. In addition, hedgerows define the field boundaries within the site.

The site is within the River Parrett water catchment area of the Somerset Levels and Moors Ramsar Site.

The application seeks outline permission for a mixed development comprising up to 295 dwellings, provision of a floodlit full-size football pitch, unlit full-size training pitch and community sports pitch with associated multi-use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.

Site Area: 23.1 hectares

Housing: Up to 295 dwellings Local Centre

Football Club: 2 pitches

Additional Football Pitch for community use

Open space, woodland, orchards and play space

Landscaping, SUDS and associated infrastructure

The means of access is sought for approval as part of this application with all other matters ie layout, design, scale and landscaping reserved for approval at the reserved matters stage.

The development will be accessed via the creation of the main access point via Thordurn Park Drive to the east. Access from Thordurn Park Drive will incorporate new footways and cycleways along with footways linking with existing footpaths.

The Football Club along with the clubhouse and training pitches and additional

planting would be located in the top north-east section of the site. A 30-metre belt of planting has been proposed in the far north-west corner.

A legal agreement has been entered into between the developer and the Chard Town Football Club that secures the delivery of two of the football pitches in the event of the granting of planning permission. While this document is a confidential item it has been reviewed by the former South Somerset District Council's Legal Section who are of the opinion that the agreement is binding.

A small hub for local neighbourhood facilities will be created and will comprise retail, commercial and community floorspace. Areas of open space will be created with the main public spaces situated along the main north to south routes.

The latest submission of revisions includes the following updated, or newly submitted, supporting documents:

- Updated Illustrative Masterplan
- Environmental Statement Addendum
- Planning Statement
- Flood Risk & Drainage Assessment
- Phosphate Mitigation details - Park Farm, Bickenhall
- Phosphates Mitigation Report - Park Farm, Bickenhall
- sHRA Assessment and Appendices
- Phosphorus Neutrality Report and Appendices

The following reports from the original submission are still relevant:

- Design and Access Statement
- Agricultural Appraisal
- Arboricultural Assessment
- Heritage Statement
- Statement of Community Involvement
- Utilities Report
- Phase 1 Ground Conditions Report

Environmental Impact Assessment (EIA)

Prior to the submission of the application, the applicant submitted a screening request under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, to ascertain whether the Local Planning Authority (LPA) considered that an Environmental Impact Assessment (EIA) was required.

The LPA concluded that an EIA was required in order to fully assess the likely significant environmental effects of the development. Transport, ecology and landscape issues were identified as requiring consideration of their environmental effects.

Accordingly, an Environmental Statement was submitted to deal with those 3 issues including proposed measures to reduce any adverse effects. These reports were supported by technical appendices comprising detailed technical reports in relation to the environmental matters considered or relevant to them. These covered transport, ecological/wildlife, landscape and visual assessment, a planning statement, Design and Access Statement, sustainability statement, arboricultural survey, lighting impact assessment, flood risk assessment, utilities appraisal report, open space assessment, a heritage desk-based assessment, ground condition report, affordable housing statement and a statement on agricultural land classification.

The Environmental Statement was updated as part of the recent submission of details.

RELEVANT PLANNING HISTORY

12/02681/EIASS (Screening and Scoping request) - Relocation of Chard Town Football Club, 1 hectare of employment land with access, around 450 homes and principal distributor road linking Thordurn Park Drive with Crimchard - Decision: Environmental Impact Assessment (EIA) was required.

12/04518/OUT - Mixed development comprising 350 homes, floodlit full size football pitch, unlit full size training and mini pitches, multiuse club house, spectator facilities and parking. Hub for neighbourhood/community facilities, public open space, landscaping, drainage, associated vehicular & pedestrian access. Land regrading, associated infrastructure and engineering works (GR 332536/110057) - Refused and appeal dismissed - 3 June 2015

Appeal Decision APP/R3325/A/13/2209680 is material to the current application's assessment.

PLANNING POLICY AND GUIDANCE

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,

The Council's Development Plan comprises:

- South Somerset Local Plan 2006-2028 (adopted March 2015)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the South Somerset Local Plan are relevant to the determination of this application:

- PMT1 - Chard Strategic Growth Area
- PMT2 - Chard Phasing
- SD1 - Sustainable Development
- SS1 - Settlement Strategy
- SS3 - Delivering New Employment Land
- SS4 - District Wide Housing Provision
- SS5 - Delivering New Housing Growth
- SS6 - Infrastructure Delivery
- EP3 - Safeguarding Employment Land
- HG3 - Provision of Affordable Housing
- HG5 - Achieving a Mix of Market Housing
- EP9 - Retail Hierarchy
- TA1 - Low Carbon Travel
- TA4 - Travel Plans
- TA5 - Transport Impact of New Development
- TA6 - Parking Standards
- HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development
- EQ1 - Addressing Climate Change in South Somerset
- EQ2 - General Development
- EQ3 - Historic Environment
- EQ4 - Biodiversity
- EQ5 - Green Infrastructure
- EQ7 - Pollution Control

Other possible Relevant Considerations (without limitation)

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Somerset County Council Parking Strategy

SUMMARY OF TOWN/PARISH COUNCIL COMMENTS, REPRESENTATIONS AND CONSULTEE COMMENTS:

Combe St Nicholas Parish Council: (5 October 2023) Object for the following reasons:

- The floodlights of the football ground will be seen from surrounding area, particularly the residents of nearby Cuttifords Door.
- Loss of open fields
- Effects on the nearby AONB
- Extra traffic is bound to use the Cuttifords Door road which is unsuitable - verges already being worn away.
- Extra traffic through Wadeford and Combe St. Nicholas - several pinch points (Wadeford Bends and Priority scheme) will lead to problems, plus possible extra speeding cases.
- The Cuttifords Door road often floods plus we now have heavier rain storms. The extra run-off from this large number of properties will be more than the attenuation ponds could cope with and then where does the extra water go? (In June 2021 large parts of nearby Wadeford - Nimmer and New England were very badly flooded)
- Lack of Infrastructure in Chard area already at full limit - Schools, Doctors, Dentists, etc. - Where will these new needed facilities be built?
- This scheme will detract from completion of the Chard Eastern Perimeter road, and the proposed facilities within it.
- Loss of identification of the hamlet of Cuttifords Door.

Original comments: Object for the following reasons:

- The proposed development is in conflict with the other developments in Chard which are now currently passing through the planning process
- This development is Outside Chard town boundary and not included in the adopted Local Plan. It (295 urban houses) would have the effect of just under a 50% increase in the number of houses in Combe St. Nicholas Parish – currently 660 (rural) altering the balance of the Parish
- All the infrastructure needs to be in place before any approval can be given – schools, doctors. Etc. etc. Currently, this is totally unsuitable and most schools full. Even the Government are now talking about the infrastructure being in position before housing. The needs of young people to be considered too.
- If approved a condition needs to be in place - that NO connecting link road

be allowed between this site and the Barratt Homes site on Land to the east of Crimchard (Blackdown Heights). Reason — That amount (possibly combined total of 445 houses) of extra Vehicles joining the Crimchard Road would be dangerous at this narrow point and cause more vehicles using the road through Combe St. Nicholas and Cuttifords Door.

Construction traffic too would increase the dangers for these roads.

- Environmental report figures were inaccurate (Somerset Wildlife Trust)

CHARD TOWN COUNCIL: (4 October 2023) Objects for the following reasons:

- Acknowledgment for reduction in number of dwellings
- Does not address the issues with the road, lack of width and safe joining to the main rd. still looks like a residential rd.
- Increase on traffic through Chard (or relief rd. if confirmed)
- Increase traffic will cause severe queuing at key close by junction points. (A recognised reason for refusal under the National Planning Framework)
- Not sufficient information to show how flooding issue will be alleviated.
- The flood mitigation 'pools' (attenuation) appear to be going uphill!
- The close proximity of the dwellings to neighbouring dwellings in Chard.
- Loss of village identity
- Impact on nearby business (campsites)

Original Comments: Noted by Chard Town Council - the Town Council is a neighbour to the development.

Planning Policy:

Original Comments:

As noted in the appellant's Planning Statement this site forms part of a larger proposal previously dismissed at appeal - application No. 12/04518/OUT.

Chard is the second-largest settlement in South Somerset and Policy SSI of the Local Plan designates it as a Primary Market Town. Policy SS5 sets a housing requirement of at least 1,852 dwellings in Chard. This includes the 1,220 homes to be delivered during the plan period with at least a further 1,496 being delivered post-2028 within the Chard Eastern Development Area (CEDA) (Policy PMT2). Policy PMTI allocates the whole 2,716 dwellings to be delivered within the plan period and beyond. This allocation takes forward the masterplan devised as part of the Chard Regeneration Framework and supporting Implementation Plan, 2010.

A portion at the eastern end of the proposal site is included within land identified in the Chard Regeneration Plan, 2010 and supporting Implementation Plan, 2010 for employment use and for the possible relocation of Chard Football Club (Policies PMTI and 2). The whole site is located within a Mineral Safeguarding Area – Policy SMP 9 of Somerset Minerals Plan. The remainder of the proposal site is located outside of the Development Area for Chard and outside of the CEDA allocation (Policies PMTI and 2).

Table 20 of the Authority Monitoring Report, October 2018 (AMR) shows that between 1st April 2006 and 31st March 2018 a total of 670 (net) dwellings have been completed and 474 (net) dwellings were committed. Between 1st April 2018 and 31st December 2018, a further 54 (net) homes were granted planning permission and 1 (net) was completed.

Currently, the number of new homes expected to be delivered within CEDA has not been achieved. Whilst 78 dwellings have reserved matters permission within CEDA (Morrish Builders site) and there are pending planning applications for around 515 dwellings, so far no new homes have been completed. (Note, subsequent to this consultation response the Morrish site is largely built out now. Additionally Tilia has constructed the majority of the 200 dwellings approved between Tatworth Road and Forton Road.) The infrastructure costs associated with the delivery of the allocation are significant and this is recognised by a CIL nil tariff and the inclusion of elements of the road infrastructure being included on the Council's CIL Regulation 123 list.

A key issue for Chard is the impact of development proposals on the central Convent Link junction, as part of any balancing exercise, the contents of the transport assessment and the views of SCC as the Highway Authority will be of particular importance.

Policy SS3 of the Local Plan requires 17.14ha of employment land to be delivered in Chard over the plan period. Areas for employment use are not specifically identified in Policy PMTI or PMT2 however, there is an expectation that 13ha of employment land will be delivered as part of the CEDA allocation, 10.5 hectares of which are locationally specific. As referred to above, this site falls within the part of the CEDA site known as Thorndun Park, an area adjoining the existing established Chard Business Park, where 4.1 hectares of residential and employment land is identified to be delivered. This proposal does not include any employment land, but 980 sqm of land is identified for some economic development purposes comprising retail and commercial uses as well as community use.

The Council's employment land and floorspace monitoring illustrates that land is

being delivered slowly in Chard for employment uses, only 0.28 hectares had been delivered however a further 3.9 ha of employment land was approved (19/01219/FUL) for Numatic at the end of 2019. In comparison, Chard had until last year delivered roughly the same level of floor space over the plan period as Yeovil, the District's principal settlement (circa 24,400 sq m). This could be a demonstration of the difficulties in bringing employment land forward, which is a District-wide issue where businesses are expanding by optimising their existing land holdings, rather than purchasing new sites. This situation cannot continue indefinitely, and businesses will become constrained. The emerging Employment land Review identifies a quantitative need for a minimum of 13.5 hectares of employment land in Chard. This is based on 0.5 hectares for office development and 13 hectares of land for industrial use.

This suggests that the need for the land identified in the CEDA still exists. It should be noted that paragraph 80 of the NPPF states that "planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt" set against the context of meeting the anticipated needs over the plan period. (Note, subsequent to this consultation employment development uses have been approved at Millfield for 20,600m² B2 and B8 space for Numatic and for an office and 2 light industrial buildings at Beeching Close.)

Based upon the report published in January 2020, South Somerset District Council is unable to demonstrate a five-year housing land supply. This means that paragraph 11 d) of the NPPF is activated.

In conclusion, this proposal is contrary to Local Plan Policies SS3, SS5, PMTI and PMT2 however, the lack of a five- year housing land supply means that paragraph 11 d) comes into force and in conjunction with the responses from other consultees you should undertake a balancing exercise to determine whether any adverse impacts of approving the proposal would outweigh the benefits of allowing up to 295 homes and a site for a re-located football club in addition to the other uses proposed. (Note, the housing supply position is discussed in more detail later in this report, however it is now worse than was the case when this application was previously considered.)

Highway Officer:

(12 October 2023) No objection subject to conditions and S106 obligations

The revised TA documentation (Fig 1.3) lists the highway improvements previously agreed. It goes on to state that everything will be provided except the signalisation of the Furnham Road/Victoria Ave junction.

A comparison of traffic flow data between 2017 and 2023 showed that generally across the Chard area traffic levels had dropped by various percentages, but on average by approx. 7.5%. The effect of the traffic from the proposed development on the Furnham Road/Victoria Ave junction will be to increase flows by approx. 22 vehicles in the peak hours. This amounts to 1 vehicle on average every 2-3 minutes. The capacity assessment of the junction shows that, with the development traffic, it remains within capacity and as such the signalisation of this junction is not required.

Revised comments 13 May 2019:

Further to this Authority's previous recommendation, further discussions have been completed and the Highway Authority has the following additional comments to amend those previously submitted.

Travel Plan - Not Acceptable - Revisions Required

The actions required to get the Framework Travel Plan up to standard have already been provided.

The Travel Plan should be secured via an agreement under s106 of the Town and Country Planning Act of 1990

Original comments: No objections subject to conditions and S106 legal agreement

The applicant has addressed many of the concerns within the original Transport Assessment, and it would appear that the proposal will not have a severe impact on highway movements and whilst there is still work to be undertaken on the Travel Plan on balance there is no highway objection.

A package of mitigation works has been offered by the applicant and provided they are secured by a S106 legal agreement, the Highway Authority is content that the impact of this development on the local highway network will not create a highway safety or efficiency issue:

Landscape Consultant:

(5 October 2023) No objection subject to comments/conditions.

1. I broadly agree with the findings of the Landscape and Visual Impact Assessment (LVIA) as included within Chapter 2 of the 'Addendum ES' which, with a few very minor changes, stands by the findings of the original assessment. These are both thorough documents and I do not disagree with

- their methodology or their findings.
2. Local topography and existing vegetation are the key components in defining where this scheme can be seen from. The site is gently sloping and the current configuration with proposed dwellings located downhill and beside new / recent development at Blackdown Heights, means they will generally not be visible from the north and where they are visible, will be read in context of the adjacent dwellings at Blackdown Heights and commercial development at Chard Business Park to the east.
 3. From longer distances to the south, views of the site are possible, but the new development will be seen within the context of the rest of the town, and I do not consider that this creates a significant landscape issue.
 4. This application is in outline and includes a range of residential and recreational development. I consider that the proposed layout works very well in that it is divided into two distinct areas and is separated by existing vegetation and the recreation area / pitches.
 5. Retention and long-term management of existing vegetation is of paramount importance and the detail of the relationship between the proposed houses and the perimeter hedges, as shown, is the most appropriate way to ensure this. The hedges must remain in public ownership and not become any part of a private garden.
 6. It is important that an appropriate suite of management proposals are agreed for all elements of the existing and proposed landscape across the site are agreed. A fully detailed Landscape Ecology Arboriculture Management Plan (LEAMP) can be agreed via the condition process should the wider principles be agreed.
 7. There are mature hedges and some fine mature trees across the site. There does appear to be some confusion between documents in regard to Tree Preservation Orders. The JCA Arboriculture Survey notes that 'tree tag Nos T41, T42, T55, T56 and G57 are subject to a Tree Preservation Order'. However, para 2.2.7 of the Addendum ES states that 'None of the trees on Site are the subject of Tree Preservation Orders'. Likewise, the Somerset Council website (as of 28/09/23) shows some TPO's to the south of the site but does not show any within the site. This point needs to be reviewed / resolved / corrected.
 8. I note that the east / west linking road cuts through the existing hedge in the very vicinity of T41 and T42 and I would ask that a much more detailed plan is prepared to show exactly how this will work.
 9. Similarly, the northern road on the west side of the scheme clearly cuts through the RPZ of T63. According to the Tree Survey, this is a mature Sessile Oak and is in good condition. I would ask that the road is realigned in this area to avoid this RPZ.
 10. Further, there appears to be a potential conflict between the proposed layout

and G52 and T53 in the region of Crib Close.

11. The (updated) Arb report is entitled 'Arboricultural BS5837:2012 Survey and Report for Development Purposes' but does not deal with anything other than the condition of the existing vegetation. Whilst it is important to understand the condition of the trees on the site, it should also deal with how the scheme will impact on those trees and what measures, for example, might be needed to make those trees safe for the increased public intervention that will inevitably occur. It also needs to deal in more detail about what measures need to be put in place to protect this valuable vegetation.
12. The report includes a drawing (JCA REF: 21109/ME) which needs to be further updated to include detail as to exactly what vegetation is to be removed as well as clarification around the TPO's.

Overall, whilst I have no issue with the wider principle of development and agree with the findings of the (updated) LVIA, I do have some issue with the effect on some of the key trees on the site. I fully appreciate the outline nature of the application but consider that these are important matters that need to be resolved as the detailed scheme emerges.

Original comments:

The application site lays within the scope of this council's peripheral landscape study (March 2008) which undertook an assessment of the capacity of Chard's peripheral land to accommodate built development. The study found that land against the immediate edge of the town had a 'high' capacity for additional growth, yet that capacity rapidly lessened on moving north and away from the town's edge, judging land immediately alongside Cuttisford's Door Lane to have only a moderate to low capacity for built development - for precise grading, see figure 5 of the study. This reflects the sensitivity of this edge relative to the rural land to the north. The outline proposal indicates a development footprint that concentrates the main area of built form toward the current edge of town and incorporates open space in the form of football pitches, allotments and community orchards into areas evaluated by the peripheral study to be sensitive. It is considered that there is scope for some development along this edge of town, to round off Chard's northward extent and the proposal complies with this strategy.

Public Rights of Way:

No objections subject to conditions.

Somerset Council does not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a

public right of way.

- The current proposal will obstruct the footpaths CH 5/30, and CH 5/33.
- The applicant should also consider a diversion application for path CH 5/32 in order to avoid a parallel route or a layout revision. It is not clear whether path CH 5/32 will be obstructed or not.
- The applicant must apply to the Local Planning Authority for a diversion order.
- It is noted that application no. 19/00074/FUL proposes a connection to path CH 5/30, hence any diversion of this path should have consideration to this to ensure a single safe crossing point across the road to connect with path CH 5/29.
- Our previous response was made in 2019 and because of this, we have updated the part of the previous response regarding improvements to the footpaths.
- Surface improvements, any upgrades of the paths CH 5/30, CH 5/32 and CH 5/33 to cycle tracks or bridleways on and off-site and any crossing points over the access roads, will need to be secured through a s106 agreement, which can be technically approved under a s38 adoption agreement. In the event that there is not a s38 agreement, then a separate s278 agreement will be required. Such matters will need to be included in the Heads of Terms of any s106 agreement.

Affordable Housing:

No objections subject S106 obligations.

Policy would require 35% affordable housing as this site would be a major application which would be split 75:25 Social Rent : First Homes. The NPPF requires 10% of the site overall to be provided for affordable home ownership. I will provide further details when final numbers of dwellings are confirmed, but will refer to percentages as this outline stage.

Ecologist:

No objection subject to conditions and S106 obligations.

- The lighting recommendations, including the proposed dark corridors and transition zones (below), in the Clarkson and Woods bat report should be implemented. A lighting design, informed by the bat surveys and in line with BCT Guidance Note 08/23 should be provided prior to commencement.
- The surveys done by Clarkson and Woods have confirmed that dormice are present on site. Due to the large amount of hedgerow/habitat being removed

(0.47 bramble and 110m hedgerow) a dormouse licence will be required for this application.

- There are badger setts on site, therefore, an updated badger walkover survey will be required. If a licence is needed, this should be obtained before works affecting badgers commence.
- Reptiles will require a mitigation scheme, trees and hedgerows will need to be protected from the works, any trees with bat potential should be checked by a licence bat ecologist before felling, vegetation should be cut outside of nesting bird season or under supervision, and buffer zones around badgers setts and other habitat should be implemented. A Landscape Management plan should be provided, in line with recommendations in the Clarkson and Woods reports.

Phosphates

The proposal will result in an increase of 26.95kgP/yr without mitigation (as shown in the Marian Cameron Consultants Ltd Shadow Habitats Regulations Assessment and Phosphorus Neutrality Report). To mitigate for this increase, 26.95 credits will be purchased from the Nutrient Mitigation Project - Land at Badger Street credit scheme. The credit scheme is within the same catchment. The budget has been calculated correctly.

This is an acceptable mitigation scheme and a HRA for this application can be carried out once proof of purchase or proof of allocation of at least 26.95 phosphate credits has been received. The phosphate mitigation scheme was the subject of a S.106 between the 3rd party landowners and Somerset Council dated 6th December 2023. The sHRA confirming credit allocation will be completed prior to the issue of the decision notice.

Original Comments: No objections subject to conditions

Mount Hindrance Farm Hedges Local Wildlife Site

An additional section of circa 90m of the Mount Hindrance Local Wildlife Site (LWS) which is outside of the proposed Mount Hindrance development, lies at the eastern boundary of the Blackdown Heights site boundary. Development of both the Blackdown Heights and Mount Hindrance schemes will result in all of this LWS being situated adjacent to developed land.

Badgers

The 2019 update badger survey considered two social groups to be present in the area, with one focused on the Main sett recorded at the north of the Mount Hindrance site, and the other focused on the Main sett at the southern boundary of the Blackdown Heights site. The development of both sites is therefore likely to result in the inevitable loss of a significant proportion of foraging habitat for two social groups. Over time, this may result in the abandonment of the setts by one or both of the social groups, although proposed soft landscaping includes the creation of habitats which will provide year-round foraging opportunities for badgers. As badgers are a widespread and common species, no significant ecological impacts are anticipated regardless of whether or not badgers continue to utilise the developed sites to the same extent as existing levels.

Bats

The 2019 bat activity surveys undertaken of the Blackdown Heights site recorded very similar bat assemblage and use of the site as recorded for the Mount Hindrance surveys in 2017. Both schemes have sought to mitigate impacts by retaining and protecting the most valuable features for bats (namely the boundary hedgerows) and maintain connective links to habitats off-site including restricting light spillage onto these features. The northern boundary of the Blackdown Hills site, which will be sandwiched between both proposals if consented, has been shown through surveys of both sites to be of low importance to foraging/commuting bats. The interior fields of both sites, which will be largely lost to development, are not considered to be of high importance for bats.

Assuming the successful implementation of the mitigation measures described, cumulative impacts on the assemblage of bats species using both sites will not be significant.

Dormice

Surveys in support of the Blackdown Heights site identified dormice nests along the southern and western boundary of the site, including in the same location where dormouse-opened hazelnuts were found in 2017 during surveys for the Mount Hindrance scheme.

The design of both schemes have sought to retain a buffer zone between the LWS and residential development with landscape planting, wetland attenuation features and amenity space provided within the buffer zones along the majority of the LWS at

both sites, and lighting of the LWS restricted. Other boundary hedgerows (outside of the LWS) comprising suitable dormouse habitat adjacent to both schemes will also be largely retained and protected, ensuring habitat connectivity between both sites and other off-site habitat is maintained. The northern boundary of the Blackdown Heights site, which will lie in close proximity to both schemes, is of very low suitability for dormice, being heavily flailed and/or un-vegetated along its entire length. Despite this however, should both schemes be consented, the setting of the LWS and other boundary hedgerows used by dormice will change from being on a settlement fringe, to being largely situated within sub-urban development, which will come with inherent pressures from noise, human activity, lighting etc.

It should be noted that the condition of the LWS as far as it provides suitable opportunities for dormice could be considerably improved through additional structure planting. Currently some of the LWS lacks a substantial understorey and provides little opportunity for foraging dormice. The landscaping proposals put forward as part of the development will seek to improve this.

As reported in the MD Ecology report, the significant proposed new soft landscape planting of benefit for dormice at the Mount Hindrance site is expected to adequately mitigate for the effects of both schemes on the local dormouse population and ensure suitable size and quality of habitat remains available to sustain a population of dormice on site and ensure connectivity to suitable habitat beyond the application areas. Therefore, no significant cumulative effects on dormice are anticipated.

Reptiles

Populations of reptiles at both sites are restricted to the arable field margins. Both schemes are to retain and protect marginal habitats in order to allow retention of reptile populations on site, and ensure connective links are available for the movement of wildlife, including reptiles, between sites and the immediate surrounding area.

Assuming these mitigation measures are implemented, cumulative effects of both schemes on the existing reptile populations are not considered significant.

Birds

The most valuable habitat for birds at both sites are the field boundary hedgerows which provide nesting and foraging opportunities. Both schemes propose to retain these habitats where possible; where sections of hedgerow are however to be removed for access, this will be undertaken outside of the key breeding season or

subject to an inspection by an ecologist before removal, to ensure no active nests are damaged or disturbed.

New soft landscape planting and integrated bird nesting sites will be provided on new buildings within both schemes, as detailed within the relevant reports, and will be expected to provide new potential nest sites for a variety of bird species.

Cumulative effects of both schemes on breeding birds are not considered significant.

Open Spaces Officer:

Previous comments which are still relevant:

- 4.16ha of useable public open space is proposed, an amount far in excess of that requirement for a development of this size.
- With regards to the community orchards and allotments, we are interested to see some further details for these as well as knowing the drivers for the amount of these features across the site.
- Further detail of the existing and proposed woodland areas would be appreciated; in particular the central section with the balancing ponds alongside as we have some concerns about the proximity of the ponds to the existing trees and how they will be preserved as the variety of trees in existence are not keen to stand in water which they will at that distance.
- The layout of the site could be improved with the location of a pocket park/village green to the eastern side of the development, ideally located centrally along the green corridor area, and the village green to the western side of the development moved to a more central location within this half of the development. Both changes/additions would help to break up the built form and make areas of POS more accessible by all residents on site.

Original Comments:

Comments only.

1. It is not clear how much Open Space they are proposing; the 0.8ha indicated on page 5 of the "Assessment of Open Space Provision" and page 37 of the "Design and Access Statement" would be acceptable. The 0.05ha on page 19 of the former document would not.
2. The developer's recreational focus is primarily upon sport, play and the relocation of football facilities which is disappointing
3. SUDs are not included in the Open Space allocation and depending on their

design may be unacceptable or need fencing and landscaping if sited within the Open Space

4. I do not support the Open Space in the north western corner, whilst I appreciate that structural landscaping is needed, Open Space on the periphery does not serve the entirety of this section. There is also a shortage of Open Space in the eastern section of the site
5. There is a linear piece of Open Space to the south east corner that abuts the existing bund which would be best either relocated or linking into additional Open Space in this section of the plan.
6. There are a shortage of trees along some of the street lines
7. Is there adequate parking for the formal recreation users?

Sport England:

Unable to support.

No further comments from the ECB. Their comments below - previously made, remain applicable.

The RFU have had a number of conversations with South Somerset DC (Now Somerset CC) and are now comfortable with the position around the management and process to access off site contributions to improve facilities for Chard RFC.

The Football Foundation (FF) on behalf of the FA/SFA haven't received any follow up to the questions from the last comments provided, so their comments still stand from a football perspective. For ease:

"The Football Foundation (FF) on behalf of Somerset FA (SFA) and The FA advise that whilst the following statement "provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area" will be included as part of the development, there seems to be some information which hasn't been provided for the FF to make an accurate assessment and comment appropriately. Notably, but not limited to:

- Pitch sizes including safety run off areas
- An understanding as to who would be responsible for managing and maintaining these pitches
- Ancillary provision and associated detailed design information
- A breakdown of the costs to install appropriate football provision including stadium/spectator design as shown in a previous application. The FF would be keen to understand the full contribution of costs towards the football provision

(both Chard Town FC element and community football element) from the developer to help both FF and SFA understand the project viability

- Floodlight assessment. These should be done as part of this planning application to ensure no issues are raised once planning has been granted
- Pitch quality construction information. An agronomist report with a 12 month guarantee would be acceptable

The FF also has the following information which would be useful to understand:

- Can a business plan be provided to demonstrate how the site will be managed in a sustainable manner
- It is the FF understanding that Chard Town FC will be linked to this proposal however, there doesn't seem to be much information relating to this. Has the applicant consulted with the Chard Town FC and Somerset FA over these plans?
- The FF would be keen to understand the outcome of this planning application and associated conditions which may impact any football provision on site

While the FF are supportive in principle of the delivering of a site at Zembard Lane, there remains major risks and concerns on the viability of the football proposal being delivered and would ask the applicant to provide information relating to the above in order for the FF to provide appropriate comments. Most notably, the FF would be keen for the applicant to consult with SFA and Chard Town FC over these proposals to ensure they are viable."

In summary

Sport England and NGBs remain to have concerns that require answers before consent is granted.

September 2023 comments:

The ECB stance has not changed to that in 2020 (comments below). Chard CC has grown well during the past three years and has prioritised developing their women & girls offering.

The RFU is disappointed the latest proposal still does not appear to consider the strategic need for sports provision across the locality, with only football provision currently shown. The adopted Playing Pitch Strategy (PPS) states Chard RFC is significantly over capacity, with the associated action plan highlighting the need to improve the midweek capacity of their Crewkerne Road (1 mile away) pitches through a floodlighting solution and enhancements to pitch quality. This remains the RFU priority project for the town and Chard RFC have a costed scheme of works for delivery.

The Football Foundation (FF) on behalf of Somerset FA (SFA) and The FA advise that whilst the following statement "provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area" will be included as part of the development, there seems to be some information which hasn't been provided for the FF to make an accurate assessment and comment appropriately.

In light of the above, Sport England is unable to support this application.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

Blackdown Hills AONB Partnerships:

Original comments:

The proposed sites would not be unduly prominent or extensive in such views such that there would be any adverse impact.

EDUCATION:

No objections subject to contributions secured by S106:

Pre-school/Early years: 27 pupils - education total = £684,922.00

Primary: 95 pupils - education total = £2,409,909.00

Secondary: 41 pupils (1 pupil SEND) @ £29,419.50 per pupil (£1,206,199.5)

SEND: 1 pupil @ £101,215.72 per pupil

(The eventual education contribution to be pro-rata if less than 295 dwellings are delivered.)

Original comments: The following contributions are required:

The primary schools in the town would not have the capacity and the catchment Redstart School and Holyrood have forecast to be over capacity. Based on 295 homes, the following contribution is being sought:

Primary - 95 places @ £17,074 per place = £1,622,030.

Secondary - 42 places @ £24,861 per place = £1,044,162.

Total = £2,633,192.

ENVIRONMENT AGENCY:

Original comments - No objections subject to informatives

The information submitted with the application has considered the environmental matters which are of most relevance to this proposal and that the proposed development will be acceptable in respect of matters within the Environment Agency's remit. They support the principle of using a variety of SuDS techniques in this location to manage surface water run-off, provide biodiversity benefits and improve water quality.

NHS Somerset LPA Engagement:

Contributions requested:

The development will increase population 426 people and, as the GP list size is already over capacity, contributions to provide additional GP Spaces is required to support this development.

Total contribution required = £121,973 a. Total space (m²) required x premises cost = final contribution calculation 34.10m² x £3,577 = £121,973 (£635 per dwelling).

Lead Local Flood Authority:

No objections subject to conditions and S106 obligations

Our comments have been addressed in the Technical Memorandum dated 8th November 2023, a condition is suggested and the SuDS maintenance and management should be secured under the S106 agreement and include a named maintenance/management company or adopting authority.

Environmental Health Officer:

No objection subject to conditions in respect of light impact assessment in relation to the football club. Dependent upon the outcome of this assessment, mitigation measures may be required to protect future and existing occupiers adjacent to the pitch.

Rights Of Way:

Original comments - No objection subject to informatives

Confirms that there are 4 public footpaths that run through and site. One of the footpaths (ch5/30) would be obstructed by the proposal and will need to be diverted. Also, request improvements to the surfacing of the existing rights of way through and abutting the site.

REPRESENTATIONS

Following the re-consultation process carried out in September 2023 a total of 42 letters of objection were received raising the following concerns:

Chard Regeneration Plan and NPPF:

- Not in accordance with the Chard Plan

Drainage:

- Attenuation ponds represent a safety hazard
- Run-off calculations are under estimated
- Existing flooding problems will be worsened
- Sewage works need upgrading

Nutrient neutrality:

- Phosphate credits are not a sufficient solution

Character and Appearance:

- Harmful impact on character of Cuttifords Door
- Harm to Chard as a small town

Highway Safety harm including:

- Increased traffic flows onto A358 at Thorndon Rd junction and main town junction
- Lack of public transport
- Parking congestion from football pitches
- Lack of highway improvements

Amenity:

- Light pollution from floodlit pitch
- Noise from clubhouse
- Noise from construction

Ecology:

- Loss of wildlife and habitat

Other objections:

- Lack of infrastructure - schools, Doctors, Dentists etc
- No demand for the development or the types of houses proposed so it is unsustainable development
- Loss of Green Belt land and agricultural land for food production
- Loss of fields for walking
- Lack of school places for children - schools are oversubscribed
- Lack of employment in Chard
- Existing sports facilities should be invested in rather than new provided here

13 letters of support and 1 neutral have also been received.

Representations received on the Original Scheme

90 letters and emails were reported as being received prior to the publication of the Committee Report to be considered by the Regulation Committee in February 2020 which are summarized below as reported. 61 raise a number of objections, 26 support the application and 2 representations.

The following is a summary of the points made objecting to the application:

Chard Regeneration Plan and NPPF:

- Not in accord with the democratically chosen Chard Plan
- Will not provide for the future growth of the town in a well-planned and sustainable manner as required by the NPPF and Chard Plan.
- Does not meet the 3 sustainability criteria as outlined in the NPPF ie economic, social and environmental aims and objectives.
- The scheme does not provide the necessary highway infrastructure as outlined in the Chard Plan.
- Does not provide the necessary infrastructure in terms of jobs, medical and school provision as the Chard plan is seeking
- The proposal runs contrary to the neighbourhood planning principle as adopted in Chard.
- The Chard plan is deliverable and the first application has been approved.
- In the wrong place and will have a negative impact on the town
- Would destroy years of effort in formulating the regeneration plans for the town.

- Does not provide a sustainable mixed-use development required by the NPPF.

Employment

- Does not provide any long term employment provision, only short term construction employment
- Will seal off the existing business land, take up proposed employment land for housing and delay the bringing forward of employment land in Chard.

Education

- Will not provide any new capacity for the schools which are at their limits
- School children will need to travel further to other schools in Chard or outside of the town.
- Redstart Primary is concerned about the lack of places and is unable to expand to meet the demand.

Landscape

- Harmful and adverse impact on the landscape.
- Land identified as being highly sensitive.

Highways

- Increased congestion within and outside of Chard.
- Residents will travel by car to access employment, schools, shopping and other services/facilities
- Increase in traffic between Chard and Wadeford and on many other local roads
- delays will be caused by the introduction of the new traffic lights along Crimchard and Bondfield Way
- More traffic in and through Combe St Nicholas
- Local roads do not have the capacity to absorb extra traffic
- Poor local junctions and visibility,
- Many narrow roads

Impact on Wildlife

- There would be a significant and detrimental impact on the various and large numbers of species of wildlife found on site
- The wildlife will not return
- Need for a full EIA to assess the wildlife impact
- Increase in light pollution from housing and floodlights will be harmful to wildlife and their habitats and reduce the quality of the night sky

Flooding/Drainage

- There has been flooding in the local area

- The fields within the site are often waterlogged
- Cuttiford's Door road to the A358 frequently floods, sometimes becoming impassable
- Recent rainfall water ran from the west through the site leaving gravel/debris on the roads.
- The proposal is insufficient to deal with future flood risk.

Impact on Cuttiford's Door

- The development would engulf the hamlet and would cease to be a separate hamlet.
- Its unique identity would be lost

Amenity land

- Development of the site would result in the loss of valuable amenity land enjoyed by local people and visitors.

Chard Town Football Club

- The relocation of the football club is catered for in the local plan
- Inclusion of the football club in this application is seen as a ploy to gain public support for the whole application.

Loss of agricultural land

- The application will result in the loss of a significant amount of good quality agricultural land - grade 2 and 3a.
- Land used very recently for growing crops - 3 different crops grown recently.
- The land has been in constant production.
- Continued loss of such land puts greater reliance on imported food which is not sustainable

Other issues

- The development will only benefit the developer and not the residents of Chard and surrounding villages.

Supporting comments:

The vast majority of these letters were in the form of a circular letter, focusing upon the support for the relocation of Chard Town Football Club. Other support has been received from The Football Association, Somerset FA, Perry Street League and the Chard and District Referees Society.

The points raised include:

- CTFC has been providing sporting opportunities to the people of Chard for nearly 100 years.
- Second only to Yeovil Town FC in South Somerset in the football pyramid.
- Current facilities fall short of FA requirements and will lose its place in some FA competitions.
- League position in jeopardy.
- Clear need for new facilities
- Club searching for many years for a new ground.
- Clear need for playing pitches in the town
- The Council should address the problem and support CTFC.

The minutes of the Regulation Committee meeting also confirm that a further 71 letters of support for the scheme, a petition of 600 signatures in support of the football club element of the proposal and 6 letters of objection had been received between the publication of the agenda and the Regulation Committee meeting.

CONSIDERATIONS

Environmental Impact Assessment (EIA)

Prior to the submission of this application, the Applicant applied for a screening direction to understand whether the development was considered 'EIA development' when assessed against The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regs) (now superseded by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017).

In view of the scale and nature of the proposed development, its setting and likely significant effects the proposed development was considered to constitute Schedule 2 development under the EIA Regs and that the application should be accompanied by an Environmental Statement.

An environmental impact assessment (EIA) of the proposed development has been undertaken and the application is accompanied by an Environmental Statement (ES) that sets out the findings of that assessment, identifies the significant environmental effects as well as measures to mitigate those impacts where appropriate.

The following matters were included for consideration for their environmental effects:

- Landscape and Visual

- Ecology
- Transport

By virtue of Regulation 3 of the EIA Regulations (both 2011 and 2017) the Council cannot grant planning permission in respect of the application unless it has first taken the environmental information into consideration. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development. Further information was received by the Council and has been re-advertised in accordance with the EIA Regulations.

The scope of the EIA is considered by Officers to be appropriate, the relevant topics identified and the methodologies adopted robust. The assessment of environmental effects and proposed mitigation form an integral part of Officers' consideration of the proposed development and in the Council's determination of the application. To avoid repetition, the findings of the EIA are reported below as part of the assessment of the planning issues together with responses to consultations and other representations received.

Principle of Development

The starting point for consideration of this proposed development are the policies of the South Somerset Local Plan (SSLP). The site is outside of the development area for Chard as defined in the SSLP and is therefore considered to be contrary to Local Plan Policies SS3, SS5, PMTI and PMT2.

However the Council's recently published Five Year Housing Land Supply Paper for Area South (October 2023) confirms that the Council cannot currently demonstrate a five-year supply of housing sites and can only demonstrate a housing land supply equivalent to 3.29 years (rounded). Since then, as part of an appeal, it has been agreed that the 5 year housing supply has reduced further and now sits at 2.85-2.96 years. This is a significant shortfall in housing supply.

The NPPF therefore advises that where Council's cannot demonstrate a five-year supply, the presumption in favour of 'Sustainable Development' as set out in paragraph 11(d) applies.

Paragraph 11(d) of the NPPF, sets out a decision-taking framework that states that 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:

the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, read together with its footnote 6; or

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.

As confirmed within the 'The Gladman case' (CD7.03) (Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518 (Admin),) Mr Justice Holgate stated that "LPAs and Planning Inspectors may continue to weigh development plan policies in the tilted balance in paragraph 11(d)(ii)."

Mr Justice Holgate also said that where paragraph 11(d)(ii) is triggered because of a housing land supply shortage, it is for the decision-maker to decide how much weight should be given to the policies of the development plan, including the "most important policies" referred to in paragraph 11(d).

A decision-maker may take into account for example the nature and extent of any housing shortfall, the reasons for the shortfall, the steps being taken to remedy the shortfall, and the prospects of the shortfall being reduced in the future.

The Chard Regeneration Framework has been formulated over a period of years following the non- delivery of the Chard Key Site. The Framework is supported by the Town Council and local residents. It proposes an appropriate level of growth for the town to 2028. It is clear that Chard requires growth to be delivered in a properly planned and strategic manner. Key to the successful future growth of Chard is a need to ensure that the homes, employment, schools and other services and facilities are built with the necessary infrastructure.

However, this strategy has not been successful in delivering these aspirations. It is now considered that the proposed development will provide benefits including the delivery of housing affordable housing and important leisure facilities, despite the majority of the site falling outside of the Council's proposed strategic growth area for Chard. A small section of the site is included within Phase 1 of the Chard Plan but this is for an employment site and relocation of Chard Town Football Club. Accordingly, while the proposal does not accord with the Council's planned and strategic approach to the town, taking into account the current delivery of growth envisaged by the strategy, the proposal is considered acceptable in this respect.

Furthermore, a material consideration is the appeal decision against the refusal of

planning application ref: 12/04518/OUT in 2015. While the development proposed was materially different to this application, and while the appeal was dismissed the reasons for the dismissal and the conclusions of the Inspector are relevant.

At the time of the appeal the Council, like now, could not demonstrate a 5 year housing supply and therefore the appeal was considered under Paragraph 11 of the NPPF. The Inspector stated that the proposals "...would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework considered as a whole. On that basis, the proposals, whether viewed separately, or together, benefit from the presumption in favour of sustainable development."

However, at the time of the decision, in June 2015, the South Somerset Local Plan had been adopted only a few months before in March 2015. Therefore, despite his statement above he went on to conclude that the proposal was contrary to Policies PMT1 and PMT2 of the Local Plan and that, because of the very recent adoption of the plan and the time and energy that the Council and local people had invested into the policies, particularly those relating to Chard, that the plan needed some time to succeed in bringing forward development that complied with the policies within. In dismissing the appeal the Inspector stated 'on that basis, the fact that the proposals benefit from the presumption in favour of sustainable development, as set out in the Framework, is not a material consideration of sufficient weight to justify setting aside the policies of the LP, at this stage.'

The situation is now that, 8 years after the Inspector's decision to dismiss the appeal, the Council remains unable to demonstrate a five year housing supply and the Local Plan is now out of date. Unfortunately, despite the passage of time, Chard has failed to deliver the aspirations of the Local Plan and the housing set out in Policies PMT1 and PMT2, therefore, were this application to be considered at appeal again, there is a very strong likelihood that an Inspector would allow the appeal.

In conclusion, whilst this proposal is contrary to Local Plan Policies SS3, SS5, PMTI and PMT2 however, the lack of a five- year housing land supply means that paragraph 11 d) is triggered and the tilted balance applies. Whether the adverse impact of the proposal would significantly or demonstrably outweigh the benefits are therefore assessed within the conclusion and planning balance at the end of this report.

Relocation of Chard Town Football Club.

A significant element of the application involves the relocation of Chard Town Football Club. The two new playing pitches and associated facilities will be located on

the site. The third community football pitch will not form part of the Chard Town Football Club facilities but will instead be managed by a management company.

Phase 1 of the Chard Regeneration Framework does include land on the northern side of Chard for the relocation of the football club along with employment land provision.

Supporters of the football club have stated their support for the proposal and, in particular, have stressed the urgent need for new facilities to be provided. Otherwise, due to the poor quality of current facilities, the club's participation in both their current league and FA cup competitions are in jeopardy. It is understood that the club has been told that they are not able to enter certain cup competitions due to their current ground and facilities not being compliant with regulations.

The points raised about the need for the football club to move to a new site with the opportunity to provide better facilities are fully supported. Indeed, this support has been acknowledged with the specific inclusion of a site for the relocation of the football club within Phase 1 of the Chard Regeneration Plan and possible opportunities within the regeneration plans on the eastern side of town. However, whilst the comments received in support of the football club concentrate on this particular issue, it clearly only forms part of a much larger planning application and housing development.

In terms of the proposed location of the football club and associated facilities, it is located further north than proposed within Phase 1 of the Chard Regeneration Framework, thus it is in conflict with the Council's proposed siting for the football club however given the non-performance of the regeneration strategy it is considered reasonable to take a more flexible approach to achieving the anticipated growth.

A legal agreement has been entered into between the applicant and Chard Football Club to ensure that in the event that planning permission is granted the site will pass to Chard Football Club for its development. While the legal agreement is confidential the Council's legal section has reviewed the document and have found it to be binding.

The application has been considered by Sport England who have confirmed that they are unable to support the proposals mainly, due to the fact that only facilities relating to football are being provided on the site and that there are outstanding queries in relation to the football facilities being proposed.

In the main the queries raised relate to the construction and management of the pitches, business planning and detailed design. A number of the queries will be dealt

with at reserved matters, for example the detailed design of the football club and the facilities, but other aspects are a matter either for the S106 legal agreement (management) or are not material planning considerations and will be dealt with by Chard Football Club in delivering an FA acceptable facility. Furthermore, it is clear from the information above that Chard Football Club have been heavily involved in the design of facilities.

Overall, it is considered that the siting of the football pitches and associated buildings are acceptable within its landscape setting although lighting has been demonstrated to cause a problem via the submission of a lighting assessment. This is considered further below but is capable of being overcome through conditions.

Design, Character and appearance and impact on the surrounding area:

Since the application was previously considered by the planning authority, the NPPF has raised the profile and importance of achieving good design. Whilst the application is in outline, an indicative masterplan has been submitted to demonstrate how it would be proposed to develop the site. This forms part of the Design and Access Statement submitted with the application which details how the plan for the whole site has been formulated resulting in a Concept Framework Plan, again indicative at this point. The Design and Access Statement outlines an analysis of the site and surrounding area, in particular, the rural landscape character to the north, relationship with Cuttifords Door, and the existing built form to the east and south. It discusses Chard's existing settlement pattern and an assessment of the range of different building types and densities within the town.

The Design and Access Statement outlines that the applicant wishes to create a sustainable new neighbourhood in Chard and that the scheme would form part of the wider regeneration of the town, meeting a need for housing but without adversely compromising or harming the Council's aspiration for the expansion of Chard. The document sets out that the aim is to provide good connections both throughout the development and to create and enhance strong links with the existing pedestrian connections at key points along the southern boundary. Green corridors will be provided throughout the site to encourage movement, providing areas of open space and encouraging sustainable modes of transport. New sport and play facilities will be established in addition to the creation of a Football Club.

The density of the new homes will range from 15 dwellings per hectare (dph) to 35dph and comprise around 12.9ha of the total application area. It is proposed to create the higher density dwellings to the south and far eastern side of the site, and gradually reduce the density towards the northern edges of the site. The dwellings will range

from 2 to 4 bed detached, semi-detached and terraced houses and predominantly two storey. The design, materials and layout will be considered at the reserved matters stage. The submitted masterplan shows that the houses would be located across the whole site other than at the far western and eastern ends along the northern boundary.

While all of the information referred to above is indicative, with the final layout, scale and appearance of the development being decided at reserved matters stage, it has been demonstrated that an acceptable development can come forward on this site that is of an acceptable layout, character and appearance and which would not have a harmful impact on the surrounding area.

Impact on Highway Safety

Access is not a reserved matter and is therefore a matter for consideration within this application. The proposed development seeks to secure the access to the development from an existing link road on Thorndun Park Drive to the east of the site. The site also shows numerous pedestrian routes across the site, both new routes and along existing public rights of way.

The revised Transport Assessment submitted lists the highway improvements proposed which include the following:

- A new access road via Thorndun Park Road
- An Emergency Vehicle Access onto Crimchard
- Extension of the 30mph limit on Crimchard 50m north (the TRO amendments to be included in s278/106 agreement)
- Visibility splays measuring 2.4x43m for both accesses
- Parking in accordance with standards
- Footway and Cycling Infrastructure links
- A Travel Plan (secured via a s106 agreement)
- A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close
- Improvement of public footpath to the west of the Bowling Club.
- Two new bus stops on Crimchard and bus shelters at two nearest bus stops on Thorndun Park Drive
- Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance, which is currently being considered for allocation for housing in the current Local Plan review, should it be developed.

The proposals previously included the signalisation of Furnham Road/Victoria Avenue

Junction linked to Coker Way existing signals however this has since been found to be unnecessary. This is because a comparison of traffic flow data between 2017 and 2023 has show that generally across the Chard area traffic levels had dropped by various percentages, but on average by approx. 7.5%. The effect of the traffic from the proposed development on the Furnham Road/Victoria Ave junction will be to increase flows by approx. 22 vehicles in the peak hours. This amounts to 1 vehicle on average every 2-3 minutes. The capacity assessment of the junction shows that, with the development traffic, it remains within capacity and as such the signalisation of this junction is therefore not required.

Whilst parking levels have been outlined by the Highway Authority however, this is a matter that would be dealt with at reserved matters stage when the detailed layout would be considered and is therefore not a matter for consideration at this stage.

With regards to public rights of way, there are a number of public rights of way crossing the site on with the Public Rights of Way Team have made comments. While the indicative layout currently shows that the proposed development does not intend to block or re-route any footpaths, as it will require a change of surfacing a diversion application will be required. This is secured by a condition attached to the recommendation below. The Public Rights of Way Team have also made comments that any upgrades of the paths CH 5/30, CH 5/32 and CH 5/33 to cycle tracks or bridleways will need to be secured through a s106 agreement however at this point, as the application is in outline, at this stage it is not clear whether the current footpaths will require such upgrades. In light of this these measures cannot be secured under the S106 agreement at this time but can be dealt with either under either S38 or s278 of the highways act.

Overall the proposal is considered to be acceptable subject to conditions and obligations within the S106 agreement would not result in a harmful impact on highway safety or public rights of way and would not prejudice the development principles as presented in the emerging Local Plan.

Ecology

In terms of ecology, the site is bounded by hedgerows, the majority of which are species-rich and would be classed as important under the Hedgerow Regulations. There are also a number of mature oaks within most of the hedgerows.

The submitted reports state that the field habitats offer poor biodiversity value due to the use for growing arable crops. However, the site does contain habitat for a range of wildlife including badgers and their setts, reptiles, dormice, bats, badgers and

opportunities for birds and other wildlife.

The Council's Ecologist has assessed the reports submitted with the application and concluded that, while the development will result in the loss of 110m of hedgerow, subject to the securing of licences in relation to dormice, badgers and bats, the impact on protected species is acceptable. Additional conditions will secure a construction method statement along with the requirement for the reserved matters applications to be accompanied by a lighting scheme, biodiversity enhancement plan and finally a Landscape and Ecological Management Plan to be secured by the S106 agreement.

As the site is within the water catchment area of the Somerset Levels and Moors Ramsar site the proposal needs to demonstrate that it is nutrient neutral by way of an acceptable HRA. The application has been accompanied by a Neutrality and Mitigation Statement which confirms that the proposal will result in an increase of 26.95kg of phosphates per year without mitigation.

In order to mitigate for this increase, 26.95 credits have been provisionally secured from the proposed Nutrient Mitigation Project - Land at Badger Street credit scheme. At the time of writing the report the approval of the credit scheme had not been received, however the S106 agreement confirming the credits generated by the scheme and the management plan for the site, had been engrossed and circulated for signature by the interested parties. It is anticipated that the scheme will have been approved by the Committee meeting date.

However once approved a HRA will need to be carried out by the Council's Ecologist and then sent to Natural England for comment. It is unlikely that this will have been completed by the Committee meeting date however Officers are confident that, as the shadow HRA has already been found acceptable by the Ecologist, there is no reason why the final HRA will not be found acceptable or that Natural England will raise any concerns.

In light of this the recommendation is to delegate approval of the proposal subject to the following:

- Confirmation that the nutrient credit scheme has been approved and that sufficient credits have been secured to mitigate for the development
- The adoption of a Habitat Regulations Assessment
- No adverse comments from Natural England

Officers will provide an update at the Committee meeting in this regard.

In all other respects the proposal is considered to comply with Policy EQ4 of the South Somerset Local Plan.

Impact on the Landscape

The landscape and visual appraisal that was undertaken assessed the topography of the site and that of the surrounding area, identifying the key short and long viewpoints into the site.

The indicative Design and Access Statement outlines that the development proposals have been prepared to ensure that they respect and respond to the local landscape. The wooded area around Cuttifords Door and 'Wayside' will play an important role in screening and visually separating the site when viewed from outside the site. Additional planting is proposed to complement the existing trees and hedgerows and aims to improve the quality of Chard's built edge. The scheme was amended in the north-west corner by bringing the development back around 30 metres in width to include additional planting in this corner. This will also provide additional habitat provision. In addition, planting has been increased along the north-eastern boundary to provide an additional landscape buffer and habitat provision.

The application has been supported by a previous detailed Landscape and Visual Impact Assessment, and in most part, reflects the peripheral landscape study work undertaken previously. This identified that against the immediate edge of Chard the town had a 'high' capacity for growth but this decreased as one came closer to the more sensitive Cuttiford's Door Road and the application sites' northern edge.

The proposed layout now includes a 30-metre buffer with a tree belt to reduce the impact. The density of housing towards this more sensitive area is also low at 15 dwellings per hectare.

The football clubhouse is sited further away from the northern edge and closer to the proposed residential form. It is now considered that sufficient space for the woody buffering is provided to counter the more concentrated siting of the clubhouse and stadium. Accordingly, the proposal is considered to comply with Local Plan policies.

Blackdown Hills AONB Partnerships were consulted on the potential impact on the AONB and responded that: "the proposed sites would not be unduly prominent or extensive in such views such that there would be any adverse impact".

Following the submission of revised information the application has been considered

again and it has been highlighted that there are a few areas within the site where the indicative layout has the potential to have a harmful impact on trees. However, this has been discussed with the Applicant and it has been agreed that these issues can be overcome through some relatively minor amendments to the layout. As the layout is currently indicative it has also been agreed that these amendments will come forward as part of the reserved matters.

Overall the proposal is not considered to have a harmful impact on the landscape either physically or visually and is therefore in accordance with Policy EQ2 of the Local Plan.

Impact on Flooding and Drainage:

The site lies entirely within Flood Zone 1 ie land assessed as having less than a 1 in 1000 annual probability of river or sea flooding'. The Flood Risk Assessment (FRA) states that the fields are flanked by land drainage ditches and these direct runoff eastwards, converging at the south-east corner of the woods, north of the business park, flowing then to Chard Reservoir.

The report mentions the recent localised flooding events, particularly along Cuttifords Door Road, though it states that there was no on-site flooding. The use of swales, ditches, rainwater harvesting, permeable paving and appropriate threshold levels will be included amongst the mitigation measures.

While concern has been raised by local residents regarding the regular flooding of local roads and the site itself being waterlogged however the Flood Risk Assessment (FRA) confirms that the results of permeability tests taken across the site reveal that infiltration is low, thus surface water runoff will need to be attenuated at greenfield rates. The FRA confirms that the surface water will be controlled by the use of open storage ponds before being discharged to the ditches. The report does mention recent localised flooding events, particularly along Cuttifords Door Road, though it states that there was no on-site flooding.

Following the submission of revised information an amended FRA has been submitted which has been considered in full by the LLFA and who, with a few further revisions, have concluded that it is acceptable subject to conditions requiring the submission of a detailed drainage scheme and for its long term maintenance to be secured by S106 legal agreement.

Overall the information submitted has demonstrated that surface water can be satisfactorily controlled to ensure that the risk of flooding downstream of the site is

not increased. Whilst there is no dispute about local flooding events that have occurred, based on the submitted amended FRA, it is considered that the development can be satisfactorily mitigated in terms of flood risk.

Open Space Assessment

The application includes the provision of a floodlit full-size football pitch, unlit full-size training pitch and community sports pitch with associated multi-use clubhouse including changing rooms, spectator facilities and vehicular parking area and public open space. This is further broken down as follows:

Woodland - 3.37 ha

Allotments - 0.72 ha

Football Club - 3.28 ha - Includes 2 pitches, club house, changing rooms
3rd pitch is for community use.

Play - 0.12ha - including Neighbourhood Area of Play (NEAP)

Open Space - 12 ha - including 1 Local Area of Play (LAP) and orchards

As the application is in outline form the layout is currently indicative only, however the above provision is to be secured by a S106 agreement meaning that whilst the layout potentially may change, the quantum of open space and sports facilities, as a minimum, will be secured.

This is considered to be acceptable and is in accordance with policy HW1 of the South Somerset Local Plan.

Heritage Assessment

The Heritage Assessment identified no evidence of heritage assets within the site or surrounding area of such significance such as to preclude development. The report concludes that there is sufficient information contained in the report to accompany the outline application.

Impact on Residential Amenity

A Lighting Impact Assessment has been submitted with the application which acknowledges that there will be an impact for residents to the south of the site given the unlit nature of the site at present. Light will be seen from houses and street lights but due to the distances involved, the report states that there would be no harm to residential amenity. However, the report does accept that the football club lights will clearly be different from residential and street lighting. The report concludes that

further design work will be required to ensure that this lighting is fully mitigated which will be dealt with by condition.

Notwithstanding the issues of lighting, the application is in outline meaning that the layout is only indicative at this stage, however from the information submitted it is considered that an acceptable layout can be achieved at reserved matters which would provide an acceptable level of residential amenity for both the future occupiers of the development and also the existing neighbouring occupiers to the site.

Affordable Housing

In terms of affordable housing, the scheme proposes 35% affordable homes which would be split 75:25 Social Rent : First Homes. The NPPF requires 10% of the site overall to be provided for affordable home ownership. The affordable housing will be secured in the S106 agreement with the final mix of dwellings and their location to be dealt with at reserved matters.

Impact on Trees:

With regard to the arboricultural report, it identified that most of the trees within the site were in good health and that most should be retained as part of the scheme and protected during the development phase. Oak is the predominant species. The report states that 6 trees would be removed in the centre of the site to facilitate the construction of the new main internal road but concluded that the negative arboricultural impacts would be few and not significant.

Employment

The proposed scheme provides short term employment and a small amount of long term employment. The applicant states that the development will provide employment during the course of its construction and that jobs will also be created in some of the community facilities, in particular, the community hub that will be created with a local convenience store and other local services/facilities. It is considered that new employment is welcome, the direct employment that would be generated by the construction of the development would only be for a limited period and the likely number of jobs generated on-site with a local convenience store and other similar type services will be small. Additional employment will be generated by ongoing maintenance of the proposed residential properties and through use of services within Chard. While this will not directly help regenerate the town as explicitly outlined in the Chard Regeneration Framework it will go some way in creating a sustainable form of development, as promoted by the National Planning Policy

Framework and as recognised by the appeal Inspector.

Loss of Agricultural Land

The development would result in the loss of agricultural land. The site is currently used for the growing of a variety of arable crops. Details submitted with the application show that the western part of the site is graded as good quality (class 3a) and medium quality agricultural land (class 3b) on the eastern side of the site. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. It is clear that from reading a few recent planning appeals where the loss of agricultural land has been raised, the issue is an important consideration although possibly not in itself sufficient to warrant refusal. In this case, less than half of the overall site to be developed is on the higher class 3a land. Whilst it is clearly productive as evidenced by the recent growing of crops, on balance, in the absence of evidence regarding the economic benefits of crops grown on the site, it is not considered that the loss of agricultural land within classes 3a and 3b warrant refusal of the application.

Education provision:

Concern has been raised that the local schools are at full capacity and would not be able to expand to accommodate the likely anticipated number of children that would result from this development. The Education Officer has confirmed that the local Primary school is forecast to reach capacity and in order to mitigate the impact of the development, contributions have been sought by the Education Officer as follows:

Pre-school/Early years: 27 pupils - education total = £684,922.00

Primary: 95 pupils - education total = £2,409,909.00

Secondary: 41 pupils (1 pupil SEND) x £29,419.50 per pupil = 1,206,199.50

SEND: 1 pupil = £101,215.72 per pupil

Total: £4,402,246.22 (£14,922.9 per dwelling)

The applicant has confirmed that they agree to the above contributions being secured by a S106 legal agreement attached to the permission with provision being made for any pro-rata adjustment if fewer than 295 dwellings are delivered. It is considered that this will satisfactorily mitigate the impacts of the development in terms of educational need.

Other Matters

Subsequent to the last resolution to approve this development, the former district

council declared a climate emergency which has been carried forward into the new Council. 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.

Conclusions and Planning Balance

At the heart of the NPPF is the key aim to achieve sustainable forms of development. The applicant has made the case that this development would provide sustainable mixed-use development by providing a range of housing, new sport and play facilities, relocation of CTFC, provision of a small community hub, highway improvements and the creation of attractive and strong linkages within the development and to the existing town.

It is considered that the development would importantly meet some of the District's housing needs, provide welcome new leisure facilities and have economic spin-offs.

In considering the previously dismissed appeal, the Inspector at the time concluded that the overall impact of the development would be neutral. However, given the passage of time and the introduction of phosphates into the considerations, the impact of the development on the environment has been revisited. The ecologist has considered the proposals in full and has raised no objections subject to conditions and S106 obligations. The site is within the water catchment area of the Somerset Levels and Moors Ramsar Site and therefore a scheme of mitigation via the purchase of phosphate credits has been submitted and which has resulted in an HRA being carried out. This has concluded that the proposal is acceptable and would not have a harmful impact on the Ramsar Site.

Overall and in light of the above, it is considered that the development satisfactorily protects or enhances the natural environment.

The proposal is considered to provide a mix of development and to provide both housing and employment during the construction phase and spin-off employment in the longer term, along with the contributions for appropriate infrastructure. This is a key element of the NPPF and would meet the economic role of sustainable development.

While it is accepted that this development would help towards providing new facilities, in particular play and sporting facilities that would help towards creating healthy communities, most of the town's key services and facilities are located in the town centre and therefore the applicant has proposed improvements to existing footpaths and crossings to encourage walking. The local primary and preschools are forecast to reach capacity and therefore, financial contributions are sought to ensure that spaces in local schools etc are available at the point that the spaces are required.

It is considered that the proposed development constitutes sustainable development as defined by the National Planning Policy Framework.

Finally, the principle of the development has been found to be contrary to Local Plan Policies SS3, SS5, PMTI and PMT2 however as the South Somerset Local Plan is over 5 years old it is considered to be out of date and the housing policies within have reduced weight. Furthermore, the Council cannot currently demonstrate a 5 year housing supply which both means that paragraph 11 d) is triggered and the tilted balance applies. There should therefore be a presumption of sustainable development and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposals have been considered to cause very few harms which are not considered to outweigh the significant benefits and therefore the principle of the development and the proposal on the whole is considered to be acceptable.

RECOMMENDATION

Delegate to Officers to grant permission.

SUBJECT TO THE FOLLOWING:

- The adoption of a Habitat Regulations Assessment, including no adverse comments from Natural England. (Note, Natural England has agreed to the 3rd party phosphate scheme and agreed to the principle of credit sales to release development.)

together with

- 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, to cover the following items/issues:

1. The provision of a policy compliant level of affordable housing - 35% affordable housing split 75:25 Social Rent : First Homes.
2. The provision and delivery of the following on site:
 - Woodland - 3.37 ha
 - Allotments - 0.72 ha
 - Football Club - 3.28 ha - Includes 2 pitches, club house, changing rooms, 3rd pitch is for community use.
 - Play - 0.12 including NEAP
 - Open Space - 12 ha - including 1 LAP and orchards
3. Management Plan for the Public Open space and public facilities including woodland, allotments, community orchard, play areas, football pitches, clubhouse and changing rooms, open space and incorporating a Landscape and Environmental Management Plan (LEMP).
4. Management Company.
5. Highway infrastructure and works:
 - Provision of access road works
 - Emergency access onto Crimchard
 - A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close;
 - Improvement of the public footpath to the west of the Bowling Club; and
 - Two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive prior to occupation of the 50th dwelling
 - Footpath upgrades, including reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance
6. Travel Plan
7. Education contribution:
 - Pre-school/Early years: 27 pupils - education total = £684,922.00 (2,321.77 per dwelling)
 - Primary: 95 pupils - education total = £2,409,909.00 (£8,169.18 per dwelling)
 - Secondary: 41 pupils (1 pupil SEND) @ £29,419.50 per pupil = 1,206,199.50 (4,088.8 per dwelling)
 - SEND: 1 pupil @ £101,215.72 per pupil (343.1 per dwelling)
 - Total contribution = £4,402,246.22 (£14,922.9 per dwelling) [with provision being made for any pro-rata adjustment if fewer than 295 dwellings are

delivered]

8. Phosphates mitigation - purchase of nutrient credits.
 9. NHS contributions of £121,973.
 10. SuDS maintenance and management to include a named maintenance/management company or adopting authority
01. Notwithstanding the local concerns, the provision of residential accommodation and leisure facilities together with access/highway improvements, drainage and attenuation, play area, open space and landscaping in this sustainable location would contribute to the council's housing supply and leisure facilities without demonstrable harm to the local landscape, the character of the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of layout, scale, appearance and landscaping (the 'reserved matters') shall be submitted to, and approved in writing by, the local planning authority before any development hereby permitted takes place, and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall begin not later than the expiration of 2 years from the approval of the reserved matters (or, in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved).

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

180129 L 01 01 - Location Plan
180129 L 01 02 - Topographical Plan
23093-010 - Visibility Splays
23093-011 Rev A - Proposed Emergency Access
23093-012 - Proposed Zebra Crossing on Furnham Road

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

03. The development hereby permitted shall comprise no more than 295 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies SD1, SS6, HG3 and HW1 of the South Somerset Local Plan.

04. No development shall commence until a programme showing the phasing of the development has been submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety and the protection of protected species to accord with Policies TA5 and EQ4 of the South Somerset Local Plan. This is a condition precedent to understand the phasing of the scheme and the submission of information relating to conditions below before construction commences.

05. The reserved matters application(s) relating to layout and/or appearance shall include a Sustainable Construction Statement detailing the sustainable construction methods to be used in the development. This shall demonstrate that at the date of the permission the development can achieve an overall reduction in carbon emissions of at least 19% as compared to the Building Regulations Part L baseline; at least 10% of the overall reduction shall be by means of on-site renewable energy generation and the remaining 5% by other means (for example energy efficient construction). The development shall thereafter be carried out in accordance with the approved methods.

Reason: To ensure that the approved development demonstrates how climate change mitigation and adaptation will be delivered to accord with Policy EQ1 of the South Somerset Local Plan.

06. No occupation of any individual dwelling shall commence until a Renewable Energy Compliance Statement for that dwelling has been submitted and approved in writing by the Local Planning Authority. The statement shall confirm that the development has been constructed in accordance with the Sustainable Construction Statement secured by condition above. The Renewable Energy Compliance Statement shall include details of renewables; calculations demonstrating compliance; Building Regulations Part L post-completion documents for renewables; Building Regulations Part L post-completion document for energy efficiency; and Microgeneration Certification Scheme (MCS) Certificate/s.

Reason: To ensure that the approved development demonstrates how climate change mitigation and adaptation will be delivered to accord with Policy EQ1 of the South Somerset Local Plan.

07. The Reserved Matters application for layout shall include a Lighting Strategy for biodiversity and light pollution and shall:
- a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and other species and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key and supporting areas of their territory, for example, for foraging; and
 - 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 4 and Step 5 of Guidance Note 08/23, 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 (below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key & supporting horseshoe bat features and habitats). Shields and other methods of reducing light spill as outlined in Step 4 of Guidance Note 08/23 will be used where necessary to achieve the required light levels.
 - d) the provisions to be made for the level of illumination of the site and to control light pollution

All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy. No additional lighting may be erected or installed thereafter without the express permission of the Local Planning Authority.

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2023, ODPM Circular 06/2005, light pollution and residential amenity in accordance with Policy EQ4 and EQ7 of the South Somerset District Council Local Plan.

08. The reserved matters application for layout and appearance shall include a Biodiversity Enhancement Plan (BEP) and include the following provisions:
- a) On 50% of the dwellings, a Habibat 001 box (or similar) will be mounted at least four metres above ground level and away from windows, on the south and/or west facing elevations and maintained thereafter.
 - b) On 25% of the dwellings, a Schwegler 1SP Sparrow terrace (or similar) directly under the eaves and away from windows on the north and/or east elevations
 - c) On 25% of the dwellings, two Schwegler 1as swift bricks (or similar) built into the wall at least 60cm apart, 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) On 25% of the dwellings, two House Martin nests (or similar) will be mounted directly under the eaves of the east or north elevation.
 - e) A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.
 - f) Installation of at least 12 x 2F Schwegler Bat Boxes (or similar) will be installed on to mature trees on site, facing south or west, at a height above 3m.
 - g) Installation of at least 12 x Vivara Pro Woodstone Bird Boxes (a combination of open front design and 32mm hole versions) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
 - 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) SuDS will be planted up with an appropriate seed mixture (i.e. EM8 Meadow Mixture for Wetlands - Emorsgate Seeds (wildseed.co.uk)) and managed and maintained sympathetically for wildlife.

- j) Hibernacula/log piles as a resting place for reptiles and or amphibians should be constructed on the site boundaries, ideally with any wood/branches from felled trees and near the LWS.

The development shall thereafter be constructed in accordance with the approved details.

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.

- 09. The reserved matters application for layout shall include a detailed scheme of a network of cycleway and footpath routes and connections to include cycling and walking accesses through the boundary of the site. Before any particular phase of the new development is brought into use or occupied, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site shall be laid out, constructed and drained in accordance with the approved details and shall be retained in perpetuity.

Reason: To ensure that the development provides for active travel and in the interests of sustainable development and highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

- 10. No development on the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority:
 - a) estate roads
 - b) footways
 - c) tactile paving
 - d) cycleways
 - e) retaining walls
 - f) vehicle overhang margins
 - g) visibility splays
 - h) carriageway gradients
 - i) drive gradients
 - j) car, motorcycle and cycle parking
 - k) pedestrian and cycle routes and associated vehicular accesses and crossings,

- l) all new roundabouts and junctions,
- m) proposed levels
- n) highway drainage
- o) swept path analysis for a vehicle of 11.4m length
- p) central pedestrian reserves, bollards and lighting, and
- q) service corridors
- r) an estate street phasing and completion plan setting out the development phases and completion sequence by which the estate streets serving each phase of the development will be completed.

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

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

11. The proposed roads, including service road, footpaths, parking and turning spaces, shall be constructed in such a manner as to ensure that each dwelling before it is occupied, and prior to the commencement of use of the football club, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling/football club and existing highway.

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

12. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- a. Details of the working methods to be employed on site during the construction (and preparation associated with construction) of the site,
 - b. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included confirming that no burning of site generated waste is permitted,
 - c. Construction vehicle movements,
 - d. Delivery and construction operation hours and expected number of construction vehicles per day,
 - e. Construction vehicular routes to and from site,
 - f. Car parking for contractors,

- g. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice,
- h. Storage of plant and materials used in constructing the development,
- i. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities,
- j. Prevention of nuisance caused by radios, alarms, PA systems or raised voices

And shall confirm:

That noise generating activities shall not occur outside of the following hours:

- Mon - Fri 08:00-18:00
- Sat 08:00 -13:00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved CEMP details.

Reason: To ensure the safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and Chapter 15 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity.

13. No occupation shall commence until the developer has applied for an amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense in accordance with the approved details.

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

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

14. No development shall commence, including vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, until scheme of tree and hedgerow protection measures in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. No development shall thereafter commence until the approved tree and hedgerow protection measures (specifically the fencing and signage) has been erected in accordance with the approved details and shall remain in place for the duration of the construction of the development.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006 - 2028). This is a pre-commencement condition to prevent harm to existing trees from the earliest stages of the development.

15. No development shall commence, including groundworks and vegetative clearance, unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
 - b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: In the interests of the strict protection of badgers and to comply with the Protection of Badgers Act 1992 and Conservation of Habitats and Species Regulations 2017 and in accordance with Policy EQ4 of the South Somerset Local Plan. This is a pre-commencement condition to ensure that a Licence is in place, if required, because initial works to commence development have the potential to harm protected species.

16. No development shall commence, including groundworks and vegetative clearance, unless the Local Planning Authority has been provided with either:
- a) a copy of the dormouse licence issued by Natural England authorising the development to go ahead; or
 - b) a statement of justification in writing from the dormouse licensed ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Conservation of Habitats and Species Regulations 2017 (as amended) and Policy EQ4 of the South Somerset Local Plan. This is a pre-commencement condition to ensure that a Licence is in place, if required,

because initial works to commence development have the potential to harm protected species.

17. No development shall commence, including demolition, ground works, vegetation clearance, until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers walkover surveys, badger buffer zones and precautions for terrestrial mammals, tree and hedgerow protection measures (in accordance with BS 5837:2012), a full reptile mitigation strategy, pre-fell checks by a bat licenced ecologist for any trees with bat potential (as identified in the bat report by Clarkson & Woods), strict lighting restrictions during dusk-dawn hours to avoid disturbing bats or other species, 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.

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. This is a pre-commencement condition because

the development has the potential to harm biodiversity at its earliest stage of construction.

18. No occupation of any individual phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner, shall commence until a report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, has been submitted and approved in writing by the Local Planning Authority. 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 in accordance with Policy EQ4 of the Somerset District Council Local Plan.

19. 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 prevent excessive discharge of water flows from the development undermining the hereby approved phosphate mitigation strategy and to improve the sustainability of the dwellings, in accordance with Policy EQ4 of the South Somerset District Local Plan and policies within the National Planning Policy Framework.

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

These details shall include, but not limited to: -

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - Where relevant, calculations should consider the use of surcharged outfall conditions.
 - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
 - Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
 - Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
 - 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. This should include the basins to the
 - Details on the discharge location, the applicant will be required to undertake any remediation works to the receiving watercourse to ensure that this is suitable to take water from the site. This should also include erosion control to manage a point discharge from the site without deteriorating the watercourse.

Reason: To ensure the development is properly drained in accordance with the National Planning Policy Framework and in accordance with SD1, EQ1, EQ2, EQ5 of the South Somerset Local Plan 2006-2028. This is a pre-commencement condition to ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that this is not compromised by the initial works to commence development.

21. No development hereby approved shall interfere with or compromise the use of footpath CH 5/30, CH 5/32 and CH 5/33 shall take place until a path diversion order has been made and confirmed and the diverted route made available in accordance with the approved details.

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

22. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) submitted to and agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy EQ2 of the South Somerset Local Plan.

23. The Reserved Matters application for layout and appearance shall include a local centre of a minimum of 1,100 sqm floorspace, shall be constructed before the occupation of the 100th dwelling and, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or any order revoking and re-enacting that Order with or without modification) shall thereafter remain within a Class E use.

Reason: To ensure that the local centre is delivered in a timely manner and to clarify and confirm the approved use of the building.

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

All works within the highway will be designed in agreement with this Authority and contained within an appropriate Agreement under s278 Highways Act 1980, or s106 Town and Country Planning Act

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

The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

02. **Pollution Prevention During Construction**
Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
 - wheel washing and vehicle wash-down
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes.

Environment Management

Any oil or chemical storage facilities should be sited in bunded areas. The

capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Car Parking

The operator should install a petrol interceptor if the discharge serves any of the following areas to prevent pollution to the water environment:

- Car parks typically larger than 800m² in area or for 50 or more car parking spaces.
- Smaller car parks discharging to a sensitive environment.
- Areas where goods vehicles are parked or manoeuvred.
- Vehicle maintenance areas.
- Roads.
- Industrial sites where oil is stored or used.
- Refuelling activities.
- Any other area at risk from oil contamination.

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf

If waste is to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring

material excavated in the course of construction activities, etc...'. Meeting these criteria means the material is not waste and permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed as (insert <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>)

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL: ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

03. Biodiversity Net Gain

This is a large development and consideration should be given to making contributions for environmental gains, either on or off-site. This aspiration already in the NPPF is now further supported by the 25 Year Environment Plan. This sets an expectation for development including housing and infrastructure, by all organisations and individuals, that will help deliver Biodiversity Net Gain.

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Officer Report On Planning Application: 18/04057/OUT

Proposal :	Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.
Site Address:	Land East Of Mount Hindrance Farm Mount Hindrance Lane Chard TA20 1FF
Parish:	Combe St Nicholas
BLACKDOWN Ward (SSDC Member)	Cllr Martin Wale , Cllr Jenny Keinton
Recommending Case Officer:	Colin Begeman
Target date :	25th March 2019
Applicant :	Mactaggart & Mickel Homes England Limited And The SE Blackburn Discretionary Trust
Agent: (no agent if blank)	Mr Des Dunlop D2 Planning Limited Suite 3 Westbury Court Church Road Westbury On Trym Bristol BS9 3EF
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

This application is referred to the Regulation Committee for determination after being recommended for refusal by the Area West Committee for the following reasons.

It was resolved to refuse the application contrary to the officer's recommendation for the following reasons:

1. The site is within an area of landscape importance between Chard and Cuttiford's Door, on the periphery of the AONB. The resultant demonstrable harm is not outweighed by the benefits and therefore the scheme is contrary to policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the NPPF.
2. The proposal prejudices the delivery of the Chard Regeneration Plan forming part of the Council's Local Plan and on which work has started; therefore, the proposal is contrary to policies PMT1, PMT2, SS3 and SS5 of the South Somerset Local Plan (2006-2028).

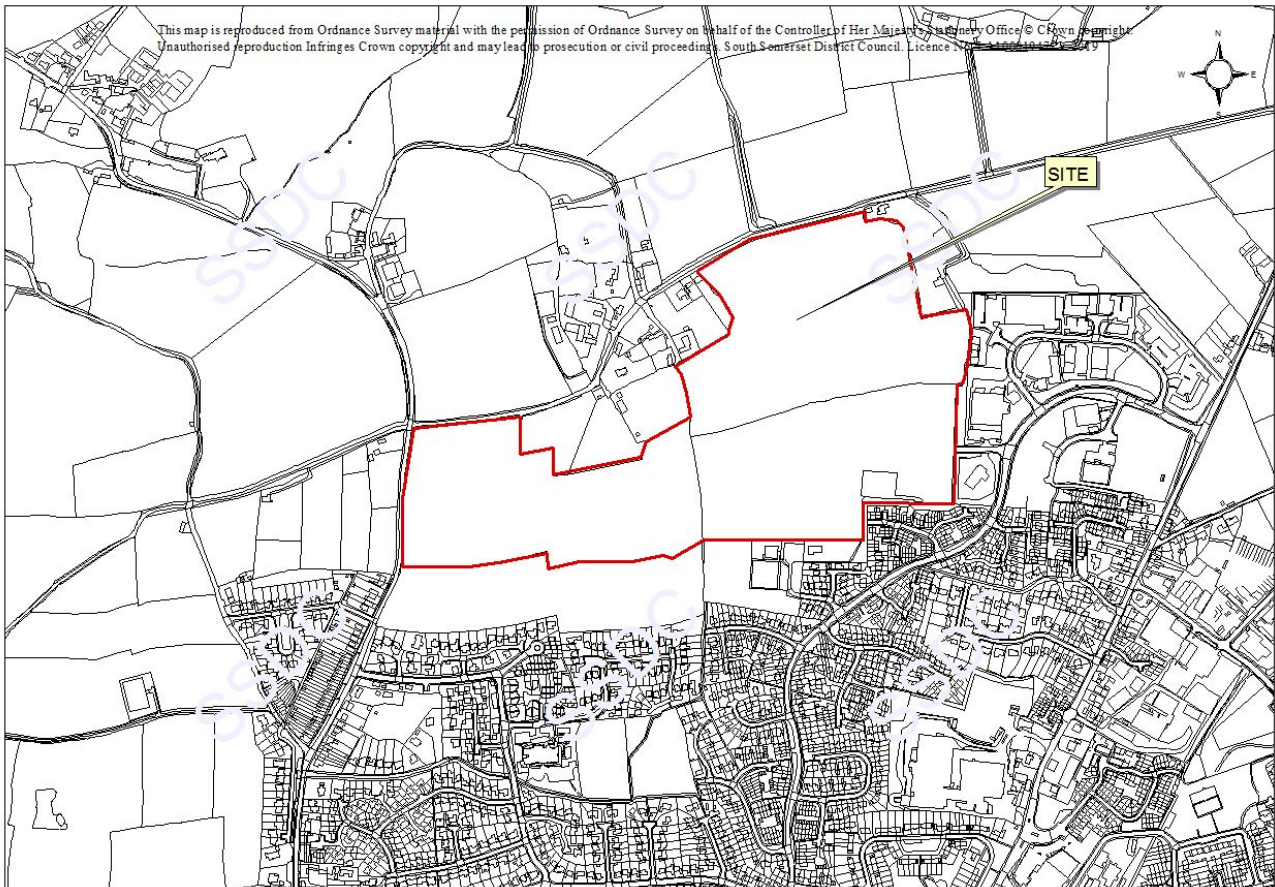
Under the Council's protocol procedure this application has been 2-starred under the Scheme of Delegation for referral of applications to the Regulation Committee for determination.

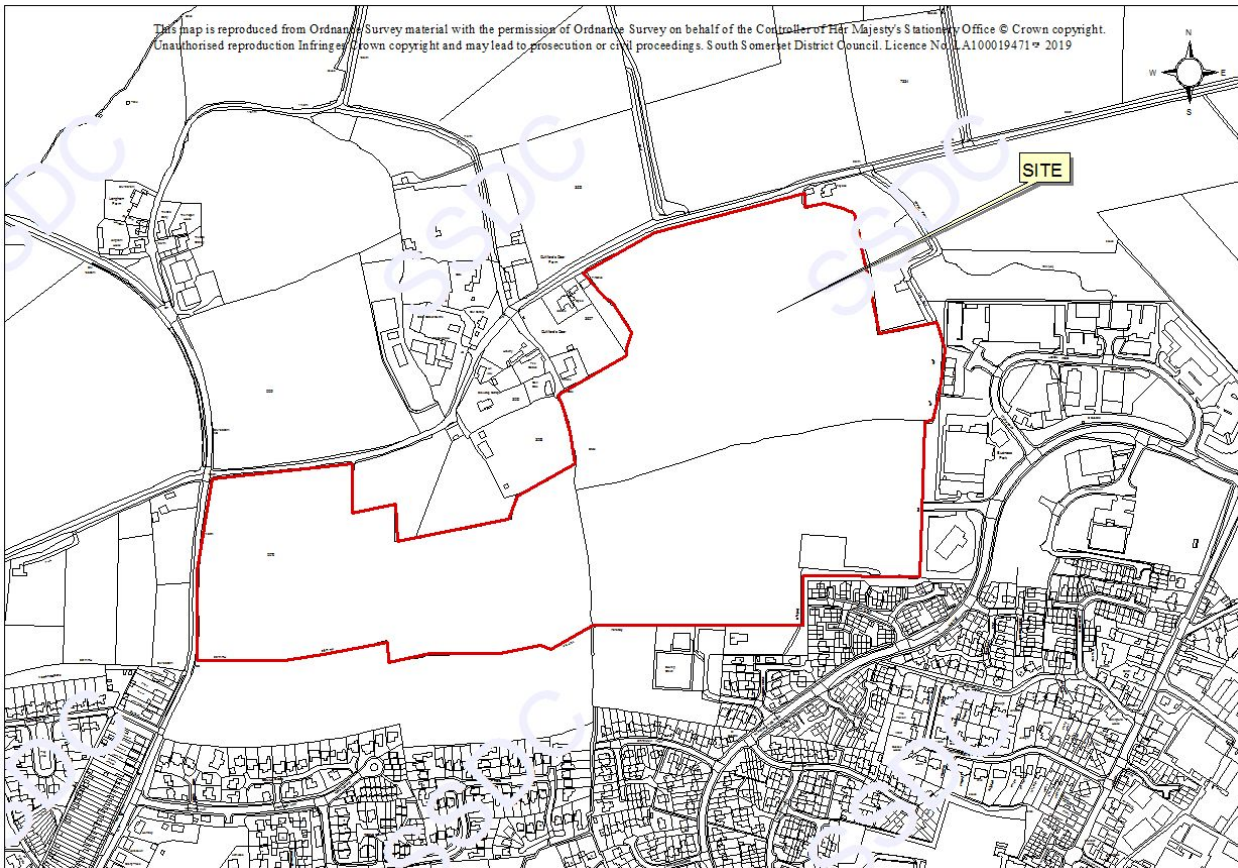
In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery),

Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees are still able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION





The application site comprises 3 fields in mixed agricultural use on the northern edge of Chard, although fully located within the parish of Combe St Nicholas. The site comprises a total of 23.1 hectares with a relatively small area of hard standing (0.2 ha) located within the south-east section of the site. Crimchard Road is located along the sites' western boundary with the hamlet of Cuttifords Door and its access road to the north. Agricultural fields lie beyond these immediate boundaries to the west and north. Chard Business Park is located to the west and, to the south, is the current limit of Chard's residential northern edge.

The application site slopes from west to east and is bounded by hedgerows and ditches with a number of mature trees, largely oaks, throughout the site. In addition, hedgerows define the field boundaries within the site.

PROPOSAL

Mixed development comprising up to 295 dwellings, provision of a floodlit full-size football pitch, unlit full-size training pitch and community sports pitch with associated multi-use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.

Site Area: 23.1 hectares
Housing: Up to 295 dwellings
Local Centre
Football Club: 2 pitches
Additional Football Pitch for council use
NEAP: Playspace

Landscaping, SUDS and associated infrastructure

The scheme seeks outline permission for a mixed-use development comprising the erection of 295 homes, the provision of a Football Club with clubhouse and associated parking, 2 adult training pitches and mini-pitch, areas of open space, a small local centre (a convenience store and other local services), equipped play areas, new footpaths and highway works, and new areas of structural planting and landscaping. The means of access is sought for approval as part of this application with all other matters ie layout, design, scale and landscaping reserved for approval at the reserved matters stage.

Whilst the application is in outline, an indicative masterplan has been submitted to demonstrate how it would be proposed to develop the site. This forms part of the Design and Access Statement submitted with the application which details how the plan for the whole site has been formulated resulting in a Concept Framework Plan. The Design and Access Statement outlines an analysis of the site and surrounding area, in particular, the rural landscape character to the north, relationship with Cuttifords Door, and the existing built form to the east and south. It discusses Chard's existing settlement pattern and an assessment of the range of different building types and densities within the town. A technical section deals with proposed highway works and alterations, ecology, archaeology, flood risk, drainage and landscape issues and assessments. An evaluation section outlines the constraints and opportunities on and adjacent to the site.

The Design and Access Statement outlines that the applicant wishes to create a sustainable new neighbourhood in Chard. It outlines that the scheme would help initiate the wider regeneration of the town, meeting a need for housing but without adversely compromising or harming the Council's aspiration for the expansion of Chard. The aim is to provide good connections both throughout the development and to create and enhance strong links with the existing pedestrian connections at key points along the southern boundary. Green corridors will be provided throughout the site to encourage movement, providing areas of open space and encouraging sustainable modes of transport. New sport and play facilities will be established in addition to the creation of a Football Club.

The density of the new homes will range from 15 dwellings per hectare (dph) to 35dph and comprise around 12.9ha of the total application area. It is proposed to create the higher density dwellings to the south and far eastern side of the site, and gradually reduce the density towards the northern edges of the site. The dwellings will range from 2 to 4 bed detached, semi-detached and terraced houses and predominantly two storey. The design, materials and layout will be considered at the reserved matters stage. The submitted masterplan shows that the houses would be located across the whole site other than at the far western and eastern ends along the northern boundary.

The Football Club along with the clubhouse and training pitches and additional planting would be located in the top north-east section of the site. A 30-metre belt of additional planting has been proposed in the far north-west corner.

A legal agreement has been entered into between the developer and the Chard Town Football Club that secures the delivery of the football pitches in the event of planning permission. While this document is a confidential item it has been reviewed by South Somerset District Council's Legal Section who are of the opinion that the legal agreement to be binding.

A small hub for local neighbourhood facilities will be created and will comprise retail, commercial and community floorspace. Areas of open space will be created with the main public spaces situated along the main north to south routes.

The development will be accessed via the creation of the main access point via Thordurn Park Drive to the east. Access from Thordurn Park Drive will incorporate new footways and cycleways along with footways linking with existing footpaths.

Environmental Impact Assessment (EIA)

Prior to the submission of the application, the applicant submitted a screening request under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, to ascertain whether the Local Planning Authority (LPA) considered that an Environmental Impact Assessment (EIA) was required. The LPA concluded that an EIA was required in order to fully assess the likely significant environmental effects of the development. Transport, ecology and landscape issues were identified as requiring consideration of their environmental effects. Accordingly, as part of the documents accompanying the application was an Environmental Statement dealing with those 3 issues including proposed measures to reduce any adverse effects. These reports were supported by technical appendices comprising detailed technical reports in relation to the environmental matters considered or relevant to them. These covered transport, ecological/wildlife, landscape and visual assessment, a planning statement, Design and Access Statement, sustainability statement, arboricultural survey, lighting impact assessment, flood risk assessment, utilities appraisal report, open space assessment, a heritage desk-based assessment, ground condition report, affordable housing statement and a statement on agricultural land classification.

Landscape and Visual Appraisal

The landscape and visual appraisal that was undertaken assessed the topography of the site and that of the surrounding area, identifying the key short and long viewpoints into the site. The Design and Access Statement outlines that the development proposals have been prepared to ensure that they respect and respond to the local landscape. The wooded area around Cuttifords Door and 'Wayside' will play an important role in screening and visually separating the site when viewed from outside the site. Additional planting is proposed to complement the existing trees and hedgerows and aims to improve the quality of Chard's built edge. The scheme was amended in the north-west corner by bringing the development back around 30 metres in width to include additional planting in this corner. This will also provide additional habitat provision. In addition, planting has been increased along the north-eastern boundary to provide an additional landscape buffer and habitat provision.

Transport Assessment

In terms of highway issues, it is considered that subject to adequate mitigation, the development would not result in significant impact and would not prejudice the development principles as presented in the emerging Local Plan.

Ecology

In terms of ecology, the report states that the site is bounded by hedgerows, the majority of which are species-rich and would be classed as important under the Hedgerow Regulations. There are also a number of mature oaks within most of the hedgerows. These features should be integrated into the development. The report states that the field habitats offer poor biodiversity value due to the use for growing arable crops. However, the site does contain habitat for a range of wildlife including badgers and their setts, reptiles, dormice, bats and opportunities for birds and other wildlife. Mitigation strategies are proposed in response to the report and comments received from the Council's ecologist. This includes additional planting and habitat creation providing a total of 2.41ha of useable habitat for dormice.

Flood Risk Assessment

In relation to flooding, the site lies entirely within Flood Zone 1 ie land assessed as having less than a 1 in 1000 annual probability of river or sea flooding'. The FRA states that the fields are flanked by land drainage ditches and these direct runoff eastwards, converging at the south-east corner of the woods, north of the business park, flowing then to Chard Reservoir. Permeability tests were undertaken across

the site and this concluded that site infiltration is low, thus surface water runoff will need to be attenuated at greenfield rates using open storage ponds before being discharged to the ditches. The report states that this will ensure that the risk of flooding downstream of the site is not increased. The report mentions the recent localised flooding events, particularly along Cuttifords Door Road, though it states that there was no on-site flooding. The use of swales, ditches, rainwater harvesting, permeable paving and appropriate threshold levels will be included amongst the mitigation measures.

Open Space Assessment

The Open Space Assessment identifies the shortfall of playing pitches within Chard. The proposal will provide a Football Club with much needed improved facilities as well as providing new sporting/leisure facilities for the town.

Heritage Assessment

The Heritage Assessment identified no evidence of heritage assets within the site of such significance such as to preclude development. The report concludes that there is sufficient information contained in the report to accompany the outline application. The requirement for /scope of any further work and/or mitigation will be agreed with the County Archaeological Officer at reserved matters stage.

Lighting Impact Assessment

A Lighting Impact Assessment was undertaken. This acknowledges that there will be an impact for residents to the south of the site given the unlit nature of the site at present. Light will be seen from houses and street lights but due to the distances involved, the report states that there would be no harm to residential amenity. However, the report does accept that the football club lights will clearly be different from residential and street lighting. The report concludes that further design work will be required to ensure that this lighting is fully mitigated.

Affordable Housing

In terms of affordable housing, the scheme proposes 35% affordable homes which compliant with the Council's target. The location and mix shall be agreed with the Council at the reserved matters stage.

Agricultural Land

The agricultural land assessment states that the site comprises a mix of good (3a) (western side) and moderate (3b) (eastern side) agricultural land quality.

Arboricultural Report

With regard to the arboricultural report, it identified that most of the trees within the site were in good health and that most should be retained as part of the scheme and protected during the development phase. Oak is the predominant species. The report states that 6 trees would be removed in the centre of the site to facilitate the construction of the new main internal road but concluded that the negative arboricultural impacts would be few and not significant.

Phasing

In addition, the applicant has outlined that the development would be constructed in 3 main phases with each phase taking 1-2 years with an overall development timeframe of around 5 years. The planting will take place early in the development with the development being constructed on the eastern side first.

HISTORY

12/02681/EIASS (Screening and Scoping request).

Relocation of Chard Town Football Club, 1 hectare of employment land with access, around 450 homes and principal distributor road linking Thordurn Park Drive with Crimchard.

Following the submission of the above screening and scoping request, the Local Planning Authority informed the applicant that an Environmental Impact Assessment (EIA) was required.

12/04518/OUT - Mixed development comprising 350 homes, floodlit full size football pitch, unlit full size training and mini pitches, multiuse club house, spectator facilities and parking. Hub for neighbourhood/community facilities, public open space, landscaping, drainage, associated vehicular & pedestrian access. Land regrading, associated infrastructure and engineering works (GR 332536/110057) - Refused and appeal dismissed - 3 June 2015 –

Appeal Decision APP/R3325/A/13/2209680 is material to the current applications assessment. **(Appendix 1).**

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 Paragraphs 2, 11, and 12 of the NPPF requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

For the purposes of determining the current application, the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS3 – Delivering New Employment Land

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

EP3 - Safeguarding Employment Land

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework - March 2019

Part 2 - Achieving sustainable development
Part 5 - Delivering a sufficient supply of homes
Part 8 - Promoting healthy and safe communities
Part 9 - Promoting sustainable transport
Part 11 - Making effective use of land
Part 12 - Achieving well-designed places
Part 14 - Meeting the challenge of climate change, flooding and coastal change
Part 15 - Conserving and enhancing the natural environment
Part 16 - Conserving and enhancing the historic environment
Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

National Design Guide October 2019

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017) Policy PMT1

The Chard Regeneration Framework

CONSULTATIONS

COMBE ST NICHOLAS PC

The Parish Councillors Object to this Proposal Comments and Reasons:

1. The proposed development is in conflict with the other developments in Chard which are now currently passing through the planning process
2. This development is Outside Chard town boundary and not included in the adopted Local Plan. It (295 urban houses) would have the effect of just under a 50% increase in the number of houses in Combe St. Nicholas Parish — currently 660 (rural) altering the balance of the Parish
3. All the infrastructure needs to be in place before any approval can be given — schools, doctors. Etc. etc. Currently, this is totally unsuitable and most schools full. Even the Government are now talking about the infrastructure being in position before housing. The needs of young people to be considered too.
4. If approved a condition needs to be in place - that NO connecting link road be allowed between this site and the Barratt Homes site on Land to the east of Crimchard (Blackdown Heights). Reason — That amount (possibly combined total of 445 houses) of extra Vehicles joining the Crimchard Road would be dangerous at this narrow point and cause more vehicles using the road through Combe St. Nicholas and Cuttifords Door. Construction traffic too would increase the dangers for these roads.
5. Environmental report figures were inaccurate (Somerset Wildlife Trust)

CHARD TOWN COUNCIL:

No comment

PLANNING POLICY:

The proposal includes the following:

Up to 295 residential dwellings.

- A floodlit football pitch including ancillary facilities. The proposed clubhouse could be managed and made available to the wider community as a community use space.
- A second full-size football pitch.
- Small scale facilities comprising retail, commercial and community floorspace (980 sqm).
- Significant additional areas of open space including formal and informal areas. Neighbourhood equipped areas of play, locally equipped areas of play and informal areas of play. A further community football pitch is also proposed.
- Provision of access from Crimchard.
- Associated infrastructure including roads, haul roads, footways, cycleways, balancing ponds, drainage scheme, street lighting and strategic landscaping.

As noted in the appellant's Planning Statement this site forms part of a larger proposal previously dismissed at appeal - application No. 12/04518/OUT.

The development plan for the purposes of determining this planning application consists of the South Somerset Local Plan 2006-2028. The Council is currently undertaking a Local Plan Review (LPR) covering the period 2016-2036. The LPR is still at an early stage of preparation having undergone Issues and Options consultation from October 2018 until January 2019 (Regulation 18). Public consultation on the Preferred Options (Regulation 18) has been undertaken with public consultation on the Publication Plan (Regulation 19) expected to be undertaken early to mid-2021. You will note that the planning application site has been identified as a preferred option in the draft document put before District Executive on 7th February 2019. However, at this stage in the process, the emerging Local Plan Review can be given very limited weight.

Chard is the second-largest settlement South Somerset and Policy SSI of the Local Plan designates it as a Primary Market Town. Policy SS5 sets a housing requirement of at least 1,852 dwellings in Chard. This includes the 1,220 homes to be delivered during the plan period with at least a further 1,496 being delivered post-2028 within the Chard Eastern Development Area (CEDA) (Policy PMT2). Policy PMT1 allocates the whole 2,716 dwellings to be delivered within the plan period and beyond. This allocation takes forward the masterplan devised as part of the Chard Regeneration Framework and supporting Implementation Plan, 2010.

A portion at the eastern end of the proposal site is included within land identified in the Chard Regeneration Plan, 2010 and supporting Implementation Plan, 2010 for employment use and for the possible relocation of Chard Football Club (Policies PMT1 and 2). The whole site is located within a Mineral Safeguarding Area — Policy SMP 9 of Somerset Minerals Plan. The remainder of the proposal site is located outside of the Development Area for Chard and outside of the CDEA allocation (Policies PMT1 and 2).

Table 20 of the Authority Monitoring Report, October 2018 (AMR) shows that between 1st April 2006 and 31st March 2018 a total of 670 (net) dwellings have been completed and 474 (net) dwellings were committed. Between 1st April 2018 and 31st December 2018, a further 54 (net) homes were granted planning permission and 1 (net) was completed.

Currently, the number of new homes expected to be delivered within CEDA has not been achieved. Whilst 78 dwellings have reserved matters permission within CEDA (Morrish Builders site) and there are pending planning applications for around 515 dwellings, so far no new homes have been completed. The infrastructure costs associated with the delivery of the allocation are significant and this is recognised by a CIL nil tariff and the inclusion of elements of the road infrastructure being included on the Council's CIL Regulation 123 list.

A key issue for Chard is the impact of development proposals on the central Convent Link junction, as part of any balancing exercise, the contents of the transport assessment and the views of SCC as the Highway Authority will be of particular importance.

Policy SS3 of the Local Plan requires 17.14ha of employment land to be delivered in Chard over the plan period. Areas for employment use are not specifically identified in Policy PMT1 or PMT2 however, there is an expectation that 13ha of employment land will be delivered as part of the CEDA allocation, 10.5 hectares of which are locationally specific. As referred to above, this site falls within the part of the CEDA site known as Thorndun Park, an area adjoining the existing established Chard Business Park, where 4.1 hectares of residential and employment land is identified to be delivered. This proposal does not include any employment land, but 980 sqm of land is identified for some economic development purposes comprising retail and commercial uses as well as community use. The Council's employment land and floorspace monitoring illustrates that land is being delivered slowly in Chard for employment uses, only 0.28 hectares had been delivered however a further 3.9 ha of employment land was approved (19/01219/FUL) for Numatic at the end of 2019. In comparison, Chard had until last year delivered roughly the same level of floor space over the plan period as Yeovil, the District's principal settlement (circa 24,400 sq m). This could be a demonstration of the difficulties in bringing employment land forward, which is a District-wide issue where businesses are expanding by optimising their existing land holdings, rather than purchasing new sites. This situation cannot continue indefinitely, and businesses will become constrained. The emerging Employment land Review identifies a quantitative need for a minimum of 13.5 hectares of employment land in Chard. This is based on 0.5 hectares for office development and 13 hectares of land for industrial use. This suggests that the need for the land identified in the CEDA still exists. It should be noted that paragraph 80 of the NPPF states that "planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt" set against the context of meeting the anticipated needs over the plan period.

A significant material consideration is the National Planning Policy Framework, 2019 (NPPF). Paragraph 11 d) states:

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.

Footnote 7 of the NPPF clarifies that for applications involving housing 'out-of-date' includes, situations where the local planning authority is unable to demonstrate a five-year supply of deliverable housing sites. Based upon the report published in January 2020, South Somerset District Council is unable to demonstrate a five-year housing land supply. This means that paragraph 11 d) of the NPPF is activated.

In conclusion, this proposal is contrary to Local Plan Policies SS3, SS5, PMT1 and PMT2 however, the lack of a five- year housing land supply means that paragraph 11 d) comes into force and in conjunction with the responses from other consultees you should undertake a balancing exercise to determine whether any adverse impacts of approving the proposal would outweigh the benefits of allowing up to 295 homes and a site for a re-located football club in addition to the other uses proposed.

HIGHWAY AUTHORITY:

Further to this Authority's previous recommendation, further discussions have been completed and the Highway Authority has the following additional comments to amend those previously submitted.

Travel Plan - Not Acceptable - Revisions Required

The actions required to get the Framework Travel Plan up to standard have already been provided.

The Travel Plan should be secured via an agreement under s106 of the Town and Country Planning Act of 1990

Highway Improvement works

The following package of mitigation works has been offered by the applicant:

- A new access road via Thorndun Park Road
- An Emergency Vehicle Access onto Crimchard
- Extension of the 30mph limit on Crimchard 50m north (the TRO amendments to be included in s278/106 agreement)
- Visibility splays measuring 2.4x43m for both accesses
- Parking in accordance with standards
- Footway and Cycling Infrastructure links
- A Travel Plan (secured via a s106 agreement)
- A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close
- Improvement of public footpath to the west of the Bowling Club.
- Two new bus stops on Crimchard at the site frontage.
- Provision of bus shelters at two nearest bus stops on Thorndun Park Drive - the developer has accepted that the Highway Authority do not take contributions.
- Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance, which is currently being considered for allocation for housing in the current Local Plan review, should it be developed.
- Signalisation of Furnham Road/Victoria Avenue Junction linked to Coker Way existing signals

- Conclusion

The developer has agreed to the above package of mitigation measures which can be secured via appropriate legal agreements. In this regard, the Highway Authority is content that the impact of this development on the local highway network will not create a highway safety or efficiency issue.

Any outstanding matters with the Travel Plan, internal site layout and technical details of the mitigation package can be agreed during the next stage.

- Highway Authority suggested Conditions

In the event of permission being granted, the Highway Authority would recommend that the following conditions are imposed:-

Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme.

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

The development hereby permitted shall not be commenced until the developer has applied for an

amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority,

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

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

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

In the interests of sustainable development, no part of any particular phase of the development hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within that particular phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but not be limited to,

- Footway and Cycling Infrastructure links,
- A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close,
- Improvement of the public footpath to the west of the Bowling Club.
- Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance

No part of any particular phase of this development shall be occupied until parking spaces and properly consolidated and surfaced turning spaces for vehicles have been provided in accordance with current standards in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

The new development shall not be commenced until the Travel Plan has been fully agreed and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to the implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Before any particular phase of the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed

necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the 50th dwelling, the developer shall provide two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive.

Prior to the occupation of the 150th dwelling the developer will undertake works to install traffic signals at the junction of Furnham Road and Victoria Avenue linked to the existing traffic signals at Coker Way.

NOTE: All works within the highway will be designed in agreement with this Authority and contained within an appropriate Agreement under s278 Highways Act 1980, or s106 Town and Country Planning Act

- Principle

The development is outside development limits and, although some of the land is part of the Chard Regeneration Strategy, this development exceeds the limits of that development. It will be a significant traffic generator and while remote from services and amenities, such as education, employment, health, and retail the provision of housing and leisure facilities are a material planning considerations weighing in its favour.

- Parking

This application seeks outline permission and seeks approval for the principle and access at this stage. It is important at this stage to set out the parameters to inform any reserved matters application.

The level of parking required is set out in the County Parking Strategy which is part of Local Transport Plan 3 which was adopted in March 2012. The site lies on the cusp of Zones B and C for the purpose of the strategy and it is felt that Zone C is more appropriate since the site is remote from services and amenities. This means that the optimum level is: 1 bedroom dwelling 2 spaces; 2 bedrooms 2.5 spaces; 3 bedrooms 3 car spaces; 4 bedrooms 3.5 car spaces. It is possible to deviate from these levels up or down depending on sufficient justification.

The Strategy also requires visitor parking at a level of 0.2 per dwelling where less than half the parking is unallocated. Unallocated spaces are more efficient than on plot spaces since they are available for use by visitors and the standards reflect this. Unallocated spaces need to be in laybys, perpendicular bays or in parking courts.

Parking spaces fronting the highway should be 5 metres long to prevent vehicles overhanging the highway. Spaces which are obstructed, by a wall or fence at the rear, for example, should be 5.5 metres. Spaces fronting garages should be 6 metres to allow room for the operation of the garage door.

If a garage is to be counted as a parking space it must be easy to use for drivers. The minimum internal dimensions are, therefore, 6 by 3 metres.

- Travel Plan

The Travel Plan (TP) is well structured but the content requires further amendments however this can be secured by way of a condition and incorporated in s106 agreement. Because this site is in a relatively remote location, it is essential that the likelihood of sustainable travel is maximized.

Despite being an outline application, the end use is known and the details of the TP can be fully finalized at a later stage. If the TP is to become part of a Section 106 agreement, it will need to be complete in all its details.

Creating bus stops and diverting buses into the site would make catching a bus more attractive. If the distance walked to a bus stop is reduced, the attractiveness increases to a great extent.

There are some measures like pedestrian and cycle permeability that will become more important once the detailed layout has been fixed. If the main desire lines are fixed, however, this will inform the layout. It will also help to highlight where improvements off-site can be useful in creating attractive routes. The provision of cycle parking is important. The minimum standard is one cycle parking space per bedroom and the spaces provided should be accessible from the road when the garages and parking spaces are occupied.

The number and location of travel information boards are possible not in terms of the exact location but certainly in terms of the other features likely to be included such as the Football Club and the communal areas. The type of information that is to be displayed on these boards can also be stated.

There is mention in some of the supporting documents of a retail element in the development and clearly this could be a focal point for future residents. This is a good place to position travel information boards and could be used to position bus stops in the layout. All of this could be detailed in the TP and used to build a range of measures to encourage sustainable travel.

The TP proposes a welcome pack for future residents. A smarter travel leaflet which is site-specific should be included with easy to read information about how to travel more sustainably. Promotional events could be held to promote sustainable travel such as health workshops and bike maintenance sessions. Small cheap gifts could be included in the welcome pack to further encourage better travel habits such as reflective cycle clips or reflective vests. A site car-share scheme could be set up and integrated with the Somerset wide scheme. This is a good way to cut costs for residents by sharing petrol and parking costs on the daily journeys which can yield cash savings for the participants and reduced trips for the TP.

All the suggested measures can be costed and these costs trapped in the TP summary. This means that SCC can gauge the level of commitment to sustainable travel and it also caps the commitment for the developer by ensuring that a maximum spend is indicated. The same is true of safeguard measures, measures to be employed should the TP targets not be met. Measures should be identified and costed and a safeguard sum deduced from these costings. Once again the developer is protected from excessive costs. A safeguard sum has been mentioned but it is not based on costed measures and looks very small compared to similar sized developments in better locations. The key is to identify safeguard measures, cost them and then calculate the safeguard sum.

In monitoring the traffic levels, the TP mentions multi-modal traffic surveys and residential travel surveys. This is an essential way of collecting data for a residential development of this sort so that the details from the other types of survey can be verified empirically. All monitoring data should be entered on the iOnTRAVEL website where SCC can monitor the targets. This is essential in measuring the success of the TP.

- Estate Roads

This is an outline application and only access is to be determined at this stage. This means that the layouts are indicative and likely to change. It is important to define the parameters for reserved matters, should this come forward, and there are concerns that the Highway Authority would seek to raise. The primary route through the site conforms to the Regeneration Strategy but this proposal is much bigger than was envisaged in the Strategy. Thought should be given to whether the design code should be revisited if this development goes ahead especially in relation to the road widths and layouts. The Highway Authority has not objected to this proposal and is content with the principle.

The Advanced Payments Code will apply in this instance and where streets don't meet the requirements of the Highway Authority, a considerable liability could fall to the developer to cover future maintenance.

There is mention of tree planting in the proposed streets but at this stage, there is little detail on the types and positioning. Any planting in areas to be adopted by the Highway Authority or adjacent to adopted areas must be agreed in advance. The species of any trees will be crucial as well as any root ball protection measures so that tree roots don't interfere with the road underpinnings.

The layouts submitted are illustrative only and do not show adequate suitable turning heads for refuse and emergency vehicles. There is a distinct limit, as defined in Manual for Streets, to how far refuse vehicles can be expected to reverse when servicing households and these appear to be exceeded in the layouts. Modern houses are heavily serviced and provision must be included for the service vehicles to carry out this servicing in a reasonable manner.

- Drainage

The current drainage plan relies heavily on attenuation ponds and this strategy is based on the investigation that has been carried out. These ponds are proposed close to both existing highways and proposed adoptable roads. The effect of these ponds on the underpinnings of the highways should be carefully considered because roads, like any other structure, are susceptible to uncontrolled water undermining the foundations.

The Highway Authority currently enjoys rights to discharge highway water into ditches running along the south side of Cuttisford Door. This right of discharge needs to survive the drainage plan so that the existing road drainage will continue to operate. There is a concern that the operation of these ditches could be compromised by inclusion in the drainage plan and increased use.

- Conclusion

It is noted the site as proposed is not part of the Chard Regeneration Framework and as such it must be a matter for the Local Planning Authority to decide whether there is an overriding planning need for such a development.

From a Highway Authority perspective, the applicant has addressed many of the concerns within the original Transport Assessment, and it would appear that the proposal will not have a severe impact on highway movements and whilst there is still work to be undertaken on the Travel Plan on balance there is no highway objection.

LANDSCAPE:

The application site lays within the scope of this council's peripheral landscape study (March 2008) which undertook an assessment of the capacity of Chard's peripheral land to accommodate built development. The study found that land against the immediate edge of the town had a 'high' capacity for additional growth, yet that capacity rapidly lessened on moving north and away from the town's edge, judging land immediately alongside Cuttisford's Door Lane to have only a moderate to low capacity for built development - for precise grading, see figure 5 of the study. This reflects the sensitivity of this edge relative to the rural land to the north. The outline proposal indicates a development footprint that concentrates the main area of built form toward the current edge of town and incorporates open space in the form of football pitches, allotments and community orchards into areas evaluated by the peripheral study to be sensitive. It is considered that there is scope for some development along this edge of town, to round off Chard's northward extent and the proposal complies with this strategy.

ECOLOGIST:

Subject to the County Ecologist's suggested conditions there is no objection to this application.

The points below are a summary by the Council's ecologist following his assessment of the submitted Environmental Statement and ecological reports:

- Mount Hindrance Farm Hedges Local Wildlife Site

An additional section of circa 90m of the Mount Hindrance Local Wildlife Site (LWS) which is outside of the proposed Mount Hindrance development, lies at the eastern boundary of the Blackdown Heights site boundary. Development of both the Blackdown Heights and Mount Hindrance schemes will result in all of this LWS being situated adjacent to developed land.

- Badgers

The surveys undertaken for the Blackdown Heights site recorded the same significant setts as that recorded in the 2019 Mount Hindrance update badger survey, namely the Main sett and an Annexe sett on the southern boundary. There are however a small number of Outlying setts recorded by the Mount Hindrance update survey which were not recorded in the MD Ecology report. However, as acknowledged in both reports, there is high rabbit and fox activity in the area, and Outlying setts at recorded at both sites are likely to be used occasionally by badgers, with use by fox and rabbit at other times.

The two recorded Main setts are expected to be able to be retained as part of both schemes. Both schemes identify how setts will be protected from damage or, where not possible, how setts will be excluded and closed under the correct Natural England licence and in accordance with the legal protection afforded to badgers.

The 2019 update badger survey considered two social groups to be present in the area, with one focused on the Main sett recorded at the north of the Mount Hindrance site, and the other focussed on the Main sett at the southern boundary of the Blackdown Heights site. The development of both sites is therefore likely to result in the inevitable loss of a significant proportion of foraging habitat for two social groups. Over time, this may result in the abandonment of the setts by one or both of the social groups, although proposed soft landscaping includes the creation of habitats which will provide year-round foraging opportunities for badgers. As badgers are a widespread and common species, no significant ecological impacts are anticipated regardless of whether or not badgers continue to utilise the developed sites to the same extent as existing levels.

- Bats

The 2019 bat activity surveys undertaken of the Blackdown Heights site recorded very similar bat assemblage and use of the site as recorded for the Mount Hindrance surveys in 2017. Both schemes have sought to mitigate impacts by retaining and protecting the most valuable features for bats (namely the boundary hedgerows) and maintain connective links to habitats off-site including restricting light spillage onto these features. The northern boundary of the Blackdown Hills site, which will be sandwiched between both proposals if consented, has been shown through surveys of both sites to be of low importance to foraging/commuting bats. The interior fields of both sites, which will be largely lost to development, are not considered to be of high importance for bats.

Assuming the successful implementation of the mitigation measures described, cumulative impacts on the assemblage of bats species using both sites will not be significant.

- Dormice

Surveys in support of the Blackdown Heights site identified dormice nests along the southern and western boundary of the site, including in the same location where dormouse-opened hazelnuts were found in 2017 during surveys for the Mount Hindrance scheme.

The design of both schemes have sought to retain a buffer zone between the LWS and residential development with landscape planting, wetland attenuation features and amenity space provided within the buffer zones along the majority of the LWS at both sites, and lighting of the LWS restricted. Other boundary hedgerows (outside of the LWS) comprising suitable dormouse habitat adjacent to both schemes will also be largely retained and protected, ensuring habitat connectivity between both sites and other off-site habitat is maintained. The northern boundary of the Blackdown Heights site, which will lie in close proximity to both schemes, is of very low suitability for dormice, being heavily flailed and/or un-vegetated along its entire length. Despite this however, should both schemes be consented, the setting of the LWS and other boundary hedgerows used by dormice will change from being on a settlement fringe, to being largely situated within sub-urban development, which will come with inherent pressures from noise, human activity, lighting etc.

It should be noted that the condition of the LWS as far as it provides suitable opportunities for dormice could be considerably improved through additional structure planting. Currently some of the LWS lacks a substantial understorey and provides little opportunity for foraging dormice. The landscaping proposals put forward as part of the development will seek to improve this.

As reported in the MD Ecology report, the significant proposed new soft landscape planting of benefit for dormice at the Mount Hindrance site is expected to adequately mitigate for the effects of both schemes on the local dormouse population, and ensure suitable size and quality of habitat remains available to sustain a population of dormice on site and ensure connectivity to suitable habitat beyond the application areas. Therefore, no significant cumulative effects on dormice are anticipated.

- Reptiles

Populations of reptiles at both sites are restricted to the arable field margins. Both schemes are to retain and protect marginal habitats in order to allow retention of reptile populations on site, and ensure connective links are available for the movement of wildlife, including reptiles, between sites and the immediate surrounding area.

Assuming these mitigation measures are implemented, cumulative effects of both schemes on the existing reptile populations are not considered significant.

- Birds

The most valuable habitat for birds at both sites are the field boundary hedgerows which provide nesting and foraging opportunities. Both schemes propose to retain these habitats where possible; where sections of hedgerow are however to be removed for access, this will be undertaken outside of the key breeding season or subject to an inspection by an ecologist before removal, to ensure no active nests are damaged or disturbed.

New soft landscape planting and integrated bird nesting sites will be provided on new buildings within both schemes, as detailed within the relevant reports, and will be expected to provide new potential nest sites for a variety of bird species.

Cumulative effects of both schemes on breeding birds are not considered significant.

OPEN SPACES OFFICER:

With regards to the above I have the following comments to make:

1. I am not clear how much Open Space they are proposing; the 0.8ha indicated on page 5 of the "Assessment of Open Space Provision" and page 37 of the "Design and Access Statement" would be acceptable. The 0.05ha on page 19 of the former document would not.
2. The developer's recreational focus is primarily upon sport, play and the relocation of football

facilities which is disappointing

3. SUDs are not included in the Open Space allocation and depending on their design may be unacceptable or need fencing and landscaping if sited within the Open Space
4. I do not support the Open Space in the north western corner, whilst I appreciate that structural landscaping is needed, Open Space on the periphery does not serve the entirety of this section. There is also a shortage of Open Space in the eastern section of the site
5. There is a linear piece of Open Space to the south east corner that abuts the existing bund which would be best either relocated or linking into additional Open Space in this section of the plan.
6. There are a shortage of trees along some of the street lines
7. Is there adequate parking for the formal recreation users?

Case officer comments:

The layout plan submitted with the application is indicative only and the issues raised above including the location and sizes of the area of open space will be discussed in detail at the reserved matters stage.

BLACKDOWN HILLS AONB PARTNERSHIPS:

The AONB Unit was consulted on the potential impact on the AONB and responded that: "the proposed sites would not be unduly prominent or extensive in such views such that there would be any adverse impact".

COMMUNITY HEALTH AND LEISURE:

A total contribution of £888,059 is sought for equipped play, youth facilities, playing pitches, changing rooms, community halls and strategic facilities.

COUNTY EDUCATION OFFICER:

Advises that the primary schools in the town would not have the capacity and the catchment Redstart School and Holyrood have forecast to be over capacity. Based on 295 homes, the following contribution is being sought:

Primary - 95 places @ £17,074 per place = £1,622,030.

Secondary - 42 places @ £24,861 per place = £1,044,162.

Total = £2,633,192.

ENVIRONMENT AGENCY:

The Environment Agency raises no objection to the application subject to a condition in respect of submission of a surface water drainage scheme. The details shall include how the scheme shall be maintained and managed after completion along with criteria that the surface water scheme must meet. The EA also supports the other flood risk measures as outlined by the applicant.

COUNCIL ENGINEER:

A detailed Flood Risk Assessment is required setting out the general drainage strategy and measures to be incorporated on-site to control surface water runoff.

ENVIRONMENTAL HEALTH OFFICER:

No objection subject to conditions in respect of light impact assessment in relation to the football club. Dependent upon the outcome of this assessment, mitigation measures may be required to protect future and existing occupiers adjacent to the pitch.

COUNTY RIGHTS OF WAY:

Confirms that there are 4 public footpaths that run through and site. One of the footpaths (ch5/30) would be obstructed by the proposal and will need to be diverted. Also, request improvements to the surfacing of the existing rights of way through and abutting the site. Also advises of the circumstances when permission from the County Rights of Way officer would be required for example changes to the surface of a public right of way.

REPRESENTATIONS

90 letters and emails have been received in relation to this application. 61 raise a number of objections, 26 support the application and 2 representations.

The following is a summary of the points made objecting to the application:

Chard Regeneration Plan and NPPF:

- Not in accord with the democratically chosen Chard Plan
- Will not provide for the future growth of the town in a well-planned and sustainable manner as required by the NPPF and Chard Plan.
- Does not meet the 3 sustainability criteria as outlined in the NPPF ie economic, social and environmental aims and objectives.
- The scheme does not provide the necessary highway infrastructure as outlined in the Chard Plan.
- Does not provide the necessary infrastructure in terms of jobs, medical and school provision as the Chard plan is seeking
- The proposal runs contrary to the neighbourhood planning principle as adopted in Chard.
- The Chard plan is deliverable and the first application has been approved.
- In the wrong place and will have a negative impact on the town
- Would destroy years of effort in formulating the regeneration plans for the town.
- Does not provide a sustainable mixed-use development required by the NPPF.

Employment

- Does not provide any long term employment provision, only short term construction employment
- Will seal off the existing business land, take up proposed employment land for housing and delay the bringing forward of employment land in Chard.

Education

- Will not provide any new capacity for the schools which are at their limits
- School children will need to travel further to other schools in Chard or outside of the town.
- Redstart Primary is concerned about the lack of places and is unable to expand to meet the demand.

Landscape

- Harmful and adverse impact on the landscape.
- Land identified as being highly sensitive.

Highways

- Increased congestion within and outside of Chard.
- Residents will travel by car to access employment, schools, shopping and other services/facilities
- Increase in traffic between Chard and Wadeford and on many other local roads
- delays will be caused by the introduction of the new traffic lights along Crimchard and Bondfield Way
- More traffic in and through Combe St Nicholas
- Local roads do not have the capacity to absorb extra traffic
- Poor local junctions and visibility,
- Many narrow roads

Impact on Wildlife

- There would be a significant and detrimental impact on the various and large numbers of species of wildlife found on site
- The wildlife will not return
- Need for a full EIA to assess the wildlife impact
- Increase in light pollution from housing and floodlights will be harmful to wildlife and their habitats and reduce the quality of the night sky

Flooding/Drainage

- There has been flooding in the local area
- The fields within the site are often waterlogged
- Cuttifford's Door road to the A358 frequently floods, sometimes becoming impassable
- Recent rainfall water ran from the west through the site leaving gravel/debris on the roads.
- The proposal is insufficient to deal with future flood risk.

Impact on Cuttifford's Door

- The development would engulf the hamlet and would cease to be a separate hamlet.
- Its unique identity would be lost

Amenity land

- Development of the site would result in the loss of valuable amenity land enjoyed by local people and visitors.

Chard Town Football Club

- The relocation of the football club is catered for in the local plan
- Inclusion of the football club in this application is seen as a ploy to gain public support for the whole application.

Loss of agricultural land

- The application will result in the loss of a significant amount of good quality agricultural land - grade 2 and 3a.
- Land used very recently for growing crops - 3 different crops grown recently.
- The land has been in constant production.
- Continued loss of such land puts greater reliance on imported food which is not sustainable

Other issues

- The development will only benefit the developer and not the residents of Chard and surrounding villages.

Supporting comments:

The vast majority of these letters were in the form of a circular letter, focusing upon the support for the relocation of Chard Town Football Club. Other support has been received from The Football Association, Somerset FA, Perry Street League and the Chard and District Referees Society.

The points raised include:

- CTFC has been providing sporting opportunities to the people of Chard for nearly 100 years.
- Second only to Yeovil Town FC in South Somerset in the football pyramid.
- Current facilities fall short of FA requirements and will lose its place in some FA competitions.
- League position in jeopardy.
- Clear need for new facilities
- Club searching for many years for a new ground.
- Clear need for playing pitches in the town
- The Council should address the problem and support CTFC.

CONSIDERATIONS

There are a number of key considerations in respect to this development and each of these are addressed below.

Principle of Development

The starting point for consideration of this proposed development are the policies of the South Somerset Local Plan (SSLP). The site is outside of the development area for Chard as defined in the SSLP. However, as per the guidance in the NPPF, relevant policies for the supply of housing are considered not up-to-date if the Council is not able to demonstrate a 5 year supply of housing. The Council currently does not have a 5 year supply of housing. Accordingly, policies insofar as its application to housing restraint policy, are not up-to-date. As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, it is considered that whilst the Council currently does not have a 5 year supply of housing, the approval of this application, specifically taking into account the dismissed appeal decision would not result in adverse impacts that would significantly and demonstrably outweigh any benefits of the scheme. The technical areas of adverse impact outlined in this report include ecological and landscape harm, conflict with and contrary to the Chard Regeneration Framework, lack of employment land provision and conflict with the government's aims and objectives in terms of achieving sustainable development have substantially been overcome.

The Chard Regeneration Framework has been formulated over a period of years following the non-delivery of the Chard Key Site. It is supported by the Town Council and local residents. It proposes an appropriate level of growth for the town to 2028. It is clear that Chard requires growth to be delivered in a properly planned and undertaken in a strategic manner. Key to the successful future growth of Chard is a need to ensure that the homes, employment, schools and other services and facilities are built with the necessary infrastructure. However, this strategy has not been successful in delivering these aspirations. It is now considered that the proposed development will provide benefits including the delivery of housing affordable housing and important leisure facilities, despite the majority of the site falling outside of the Council's proposed strategic growth area for Chard. A small section of the site is included within Phase 1 of the Chard Plan but this is for an employment site and relocation of Chard Town Football Club. Accordingly, while the proposal does not accord with the Council's planned and strategic approach to the town, taking into account the current delivery of growth envisaged by the

strategy, the proposal is considered acceptable in this respect.

Sustainability.

At the heart of the NPPF is the key aim to achieve sustainable forms of development. The NPPF outlines 3 dimensions to sustainable development ie economic, social and environmental. Moreover, these are mutually dependent and all 3 should be sought jointly through the planning system. The applicant has made the case that this development would provide sustainable mixed-use development by providing a range of housing, new sport and play facilities, relocation of CTFC, provision of a small community hub, highway improvements and the creation of attractive and strong linkages within the development and to the existing town.

It is considered that the development would importantly meet some of the District's housing needs, provide welcome new leisure facilities and have economic spin-offs.

In terms of the environmental role, it is considered that the development satisfactorily protects or enhances the natural environment. The ecologist had previously raised concerns in terms of the harmful impact of the development on dormice however is now content that sufficient mitigation can be achieved to protect the dormice habitat. In addition in considering the previously dismissed appeal, the Inspector concluded that given the level of mitigation the impact would be neutral and accordingly, it is considered that the environmental thread of sustainable development would be achieved with the approval of this development.

The proposal is considered to provide a mix of development and to provide both housing and employment during the construction phase and spin-off employment in the longer term, along with the contributions for appropriate infrastructure. This is a key element of the NPPF and would meet the economic role of sustainable development.

In terms of the social role, it is accepted that this development would help towards providing new facilities, in particular play and sporting facilities that would help towards creating healthy communities. Most of the town's key services and facilities are located in the town centre and therefore the applicant has proposed improvements to existing footpaths and crossings to encourage walking. The local primary and preschools are forecast to reach capacity and therefore, financial contributions are sought. It is considered that the social role can be achieved by this development.

It is considered that the proposed development constitutes sustainable development as defined by the National Planning Policy Framework.

Highways

The Highway Authority has assessed the application and, as can be noted from its comments outlined above, is now satisfied and do not raise an objection to the proposed development, therefore, no objection is raised by the Local Planning Authority.

The Travel Plan requires further work which can be resolved at reserved matters stage. The required parking levels are outlined by the Highway Authority. However, this is a matter that would be raised at the reserved matters stage when the detailed layout would be discussed. In respect of the design and layout of the estate roads, this will be a matter for the reserved matters application, although it will be advisable for the applicant to discuss this issue with the Highway Authority at an early stage.

Ecology

A summary of the Council's Ecologist comments in response to the application is outlined earlier in this report. In addition, the proposals for new habitat creation along with the retention and enhancement of

existing habitat have been assessed and found to be acceptable. The need for mitigation outlined by the ecologist in respect of dormice, badgers, bats and reptiles have been secured through the use of conditions.

Of consideration is the Inspectors view on the previous application that on balance taking the proposed mitigation into account the proposed development would have a neutral impact on ecology.

In terms of habitat fragmentation, the ecological consultant has forwarded evidence that gaps in hedgerows of up to 20 metres do not result in harmful fragmentation effects. Thus the proposed gaps would, on the basis of the evidence, not result in any measurable fragmentation impact on dormice.

On this basis, it is considered that there would be no significant harm to the ecology of the site.

Landscape

The application has been supported by a previous detailed Landscape and Visual Impact Assessment, much of which the landscape Officer agreed with, and in most part, reflects the peripheral landscape study work undertaken by him a few years ago. This identified that against the immediate edge of Chard the town had a 'high' capacity for growth but this decreased as one came closer to the more sensitive Cuttifford's Door Road and the application sites' northern edge.

The proposed layout now includes a 30-metre buffer with a tree belt to reduce the impact. The density of housing towards this more sensitive area is also low at 15 dwellings per hectare.

The football clubhouse is sited further away from the northern edge and closer to the proposed residential form. It is now considered that sufficient space for the woody buffering is provided to counter the more concentrated siting of the clubhouse and stadium. Accordingly, the proposal is considered to comply with Local Plan policies.

Blackdown Hills AONB Partnerships were consulted on the potential impact on the AONB and responded that: "the proposed sites would not be unduly prominent or extensive in such views such that there would be any adverse impact"

Flooding/Drainage Issues

Concern has been raised with regard to the regular flooding of local roads and to the site itself being waterlogged. The site is classed as being in Flood Zone 1, although the evidence from local residents shows that parts of the site do become waterlogged. The Flood Risk Assessment (FRA) confirms that the results of permeability tests taken across the site reveal that infiltration is low, thus surface water runoff will need to be attenuated at greenfield rates. The FRA confirms that the surface water will be controlled by the use of open storage ponds before being discharged to the ditches. The report does mention recent localised flooding events, particularly along Cuttiffords Door Road, though it states that there was no on-site flooding.

Both the LLFA and The Environment Agency have assessed the FRA and are satisfied that surface water can be satisfactorily controlled to ensure that the risk of flooding downstream of the site is not increased. Whilst there is no dispute about local flooding events that have occurred, based on the submitted FRA and the agreement of the Environment Agency and the LLFA in relation to the control of surface water, it is considered that subject to conditions the development can be satisfactorily mitigated in terms of flood risk.

Employment

The proposed scheme provides short term employment and a small amount of long term employment.

The applicant states that the development will provide employment during the course of its construction and that jobs will also be created in some of the community facilities, in particular, the community hub that will be created with a local convenience store and other local services/facilities. It is considered that new employment is welcome, the direct employment that would be generated by the construction of the development would only be for a limited period and the likely number of jobs generated on-site with a local convenience store and other similar type services will be small. Additional employment will be generated by ongoing maintenance of the proposed residential properties and through use of services within Chard. While this will not directly help regenerate the town as explicitly outlined in the Chard Regeneration Framework it will go some way in creating a sustainable form of development, as promoted by the National Planning Policy Framework and as recognised by the appeal Inspector.

Relocation of Chard Town Football Club.

A significant element of the application involves the relocation of Chard Town Football Club. The new playing pitch and associated facilities will be located in the north-east section of the site. Phase 1 of the Chard Regeneration Framework does include land on the northern side of Chard for the relocation of the football club along with employment land provision.

Supporters of the football club have stated their support for the proposal and, in particular, have stressed the urgent need for new facilities to be provided. Otherwise, due to the poor quality of current facilities, the club's participation in both their current league and FA cup competitions are in jeopardy. It is understood that the club has been told that they are not able to enter certain cup competitions due to their current ground and facilities not being compliant with regulations.

The points raised about the need for the football club to move to a new site with the opportunity to provide better facilities are fully supported. Indeed, this support has been acknowledged with the specific inclusion of a site for the relocation of the football club within Phase 1 of the Chard Regeneration Plan and possible opportunities within the regeneration plans on the eastern side of town. However, whilst the comments received in support of the football club concentrate on this particular issue, it clearly only forms part of a much larger planning application and indeed significant housing development, of which those in support of the football club do not comment upon or assess.

In terms of the proposed location of the football club and associated facilities, it is located further north than proposed within Phase 1 of the Chard Regeneration Framework, thus it is in conflict with the Council's proposed siting for the football club however given the non-performance of the regeneration strategy it is considered reasonable to take a more flexible approach to achieving the anticipated growth.

A legal agreement has been entered into between the applicant and Chard Football Club to ensure that in the event that planning permission is granted the site will pass to Chard Football Club for its development. While the legal agreement is confidential SSDC's legal section has reviewed the document and have found it to be binding.

It is considered that the siting of the football pitches and associated buildings are acceptable within its landscape setting

Loss of Agricultural Land

The development would result in the loss of agricultural land. The site is currently used for the growing of a variety of arable crops. Details submitted with the application show that the western part of the site is graded as good quality (class 3a) and medium quality agricultural land (class 3b) on the eastern side of the site. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. It is clear that from reading a few recent planning appeals where the loss of agricultural land has been raised, the issue is an important consideration although possibly not in itself sufficient to warrant refusal. In this case, less than half of the overall site to be

developed is on the higher class 3a land. Whilst it is clearly productive as evidenced by the recent growing of crops, on balance, in the absence of evidence regarding the economic benefits of crops grown on the site, it is not considered that the loss of agricultural land within classes 3a and 3b warrant refusal of the application.

Viability

An increasing number of development schemes are facing viability issues and are not viable with fully policy compliant planning obligations. Moreover, the government have made it clear through the NPPF and the recently introduced right for developers to appeal against affordable housing requirements, that Local Planning Authorities should, 'be sufficiently flexible to prevent planned development being stalled'. The developer, in this case, has not stated that the contributions as sought in terms of affordable housing, play, sport and open space requirements, highway works and education contributions would make the scheme unviable.

Other issues

Comments have been received about the location and size of formal and informal play facilities and open spaces within the development. These are clearly important issues. However, as this application is in outline with only the means of access being sought for approval at this stage, the precise layout and size of the play areas etc. along with all matters of detailed design and layout in terms of the housing would be subject to discussion and submission at the reserved matters stage.

Concern has been raised that the local schools are at full capacity and would not be able to expand to accommodate the likely anticipated number of children that would result from this development. The County Education Officer has confirmed in commenting upon this application that the local Primary school is forecast to reach capacity while the preschool has capacity. He also confirmed that the secondary school is forecast to reach capacity. In order to mitigate the impact of the development, contributions have been sought by the Education Officer. The applicant has indicated that full contributions for the primary and secondary will be provided. It is considered that this will satisfactorily mitigate the impacts of the development in terms of educational need.

RECOMMENDATION

Grant permission

SUBJECT TO THE FOLLOWING:

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

- a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning permission to cover the following items/issues:
 - 1. The provision of affordable housing,
 - 2. Contribution towards the provision of sport, play, open space and strategic facilities.
 - 3. Phasing of the development.
 - 4. Highway infrastructure and works.
 - 5. Education contribution
 - 6. Travel Plan
 - 7. Management of Public Open Spaces

01. Notwithstanding the local concerns, the provision of residential accommodation and leisure facilities together with access/highway improvements, drainage and attenuation, play area, open space and landscaping in this sustainable location would contribute to the council's housing supply and leisure facilities without demonstrable harm to the local landscape, the character of the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

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

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

02. Unless where superseded by any of the following conditions, or by the obligations contained within the accompanying Section 106 Agreement, the development hereby permitted shall be carried out in accordance with the approved plans:

180129 L 01 01 - Location Plan
180129 L 02 02 - Illustrative Master Plan

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

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site. The development shall begin no later than three years from the date of this permission or not later than two years from the approval of the reserved matters application.

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

04. The development hereby permitted shall comprise no more than 295 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies SD1, SS6, HG3 and HW1 of the South Somerset Local Plan.

05. Prior to commencement, the final access arrangement shall be agreed in writing with the Highway Authority. The agreed access arrangement shall be constructed to the satisfaction of the Highway Authority prior to occupation of any new dwellings.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

06. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the first occupation and thereafter maintained at all times;

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

11. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

12. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

13. 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 to accord with Policy TA5 of the SSLP.

14. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities

for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

15. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied..

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP.

16. 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 and delivery hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- 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 interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

18. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

19. The houses hereby permitted shall not be occupied until the parking spaces for the dwellings and

properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

20. The development hereby permitted shall not be commenced until the developer has applied for an amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority,

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

21. In the interests of sustainable development no part of any particular phase of development hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within that particular phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but not be limited to, Footway and Cycling Infrastructure links, A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close, Improvement of the public footpath to the west of the Bowling Club. Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

22. Before any particular phase of the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

23. Prior to occupation of the 50th dwelling the developer shall provide two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP

24. Prior to occupation of the 150th dwelling the developer will undertake works to install traffic signals at the junction of Furnham Road and Victoria Avenue linked to the existing traffic signals at Coker Way by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

25. No development hereby approved which shall interfere with or compromise the use of public footpaths shall take place until a path diversion order has been made and confirmed, (and the diverted

route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that the appropriate measures are taken to divert the public footpaths

26. 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, a phased scheme of tree and hedgerow protection measures shall 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 and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, 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 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.

27. The development shall be undertaken in accordance with the submitted Ecological Assessment Report recommendations.

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan

28. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitat (trees and hedgerows) and protected species (bats, birds, badgers, hazel dormice and reptiles).
- 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 South Somerset District Council Local Plan - Policy EQ4 Biodiversity

29. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be created, restored, protected and managed, as outlined within the Environment Statement, including the addition of native wild flower grassland areas and edges to open spaces and native pollinator friendly wetland plants to be planted within the SuDS. (Note - In order to maintain and improve dormouse habitat, the LEMP should also increase the amount of vegetation and buffer zone planting along the section of the hedgerow making up part of the LWS within the central-western section of the site. See location for this identified in drawing reference CESB -01).
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

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

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

30. The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

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

A badger mitigation and compensation plan shall be submitted to and approved in writing by the local planning authority. The plan shall show how mitigation and compensation measures, in conjunction with the CEMP and LEMP, will be accommodated, along with measures to maintain badger welfare on the site.

Reason: A pre-commencement condition in the interests of a UK protected species, the Animal Welfare Act 2006, NERC Act 2006 and in accordance with South Somerset District Council Local Plan Policy

EQ4 Biodiversity

31. Prior to occupation, a “lighting design for bats”, following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

32. The removal of hedgerow sections shall not in any circumstances commence unless the Local Planning Authority has been provided with a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead

The dormouse compensation and mitigation strategy will be prepared and carried out in strict accordance with the following procedure, either:

- a) In October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using hand held tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or
- b) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work

Compensation will be delivered through the mitigation measures outlined within the Environment Statement and LEMP.

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

33. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before

occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

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

34. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include:

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant)-
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (2019) and the Technical Guidance to the National Planning Policy Framework.

35. The residential development hereby permitted shall achieve an improvement over Building Regulations (current at the date of this permission) of 19% reduction in carbon emissions across the entire residential development. The dwellings shall not be occupied unless all carbon reduction measures have been fully carried out.

Reason: To ensure the development addresses climate change by utilising sustainable construction methods to minimise carbon dioxide emissions in accordance with Policy EQ1 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

02. The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition:

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-andplanning/ rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

Appendix 1

Appeal Decision APP/R3325/A/13/2209680

Appeal Decisions

Inquiries opened on 20 May 2014

Site visits made on 1 October 2014

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 03 June 2015

Appeal A: APP/R3325/A/13/2209680

Land East of Mount Hindrance Farm, Mount Hindrance Lane, Chard

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by MacTaggart & Mickel Homes Ltd and the S E Blackburn Discretionary Trust against the decision of South Somerset District Council.
 - The application Ref.12/04518/OUT, dated 20 November 2012, was refused by notice dated 6 September 2013.
 - The development proposed was described as 'mixed development comprising 450 (no.) new family homes, provision of a floodlit full size football pitch, unlit full size training pitch and mini pitches, with associated multi-use clubhouse, spectator facilities and vehicle parking area; hub for local neighbourhood facilities and other community uses; public open space; landscaping; drainage and other facilities; associated vehicular and pedestrian accesses; land regrading; associated infrastructure; and engineering works'.
-

Appeal B: APP/R3325/A/13/2203867

Land East of Crimchard, Chard

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by David Wilson Homes South West Ltd against South Somerset District Council.
 - The application Ref.13/01535/OUT is dated 12 April 2013.
 - The development proposed is a residential development of up to 110 dwellings, open space, and SUDs basin, together with formation of new access and related works.
-

Procedural Matters

1. Appeals A and B were originally intended to be run as separate Inquiries before the same Inspector. The Inquiry into Appeal A¹ opened on 20 May 2014, and sat on that day, and also on 21, 22, and 23 May 2014, when it was closed.
2. An unaccompanied site visit was programmed to take place shortly afterwards but it was postponed because before it could take place, the Council contacted PINS to assert that contrary to the case it had advanced at Inquiry 1, it could now demonstrate a five-year supply of deliverable housing sites.
3. Given the obvious importance of that change of tack, I decided that Inquiry 1 should be re-opened in order that the Council's revised position, and the implications, could be properly interrogated.

¹ Referred to hereafter as Inquiry 1

4. Obviously, the Council's changed position had important ramifications for Appeal B too. On that basis, it was considered expedient to conjoin the two Inquiries so that the Council's evidence on housing land supply, and the ramifications for that decision-making process, could be examined contemporaneously at the Inquiry into the scheme at issue in Appeal B².
5. Inquiry 2 opened on 28 August 2014 and also sat on 29 August, 2, 3 and 4 September 2014, when it was closed.
6. After Inquiry 2 closed, a number of major issues arose which gave rise to a need for further representations from the main parties. The first of these concerned an appeal decision on a housing development proposed for a site in Crewkerne³ which concerned itself with whether the Council could demonstrate a five-year supply of deliverable housing sites, amongst other things.
7. After that, there was a significant hiatus caused by a request from the Council, followed by the local Member of Parliament, that the appeals be called-in for determination by the Secretary of State. Eventually, the decision was made that the appeals should remain transferred to my jurisdiction.
8. Then, on 8 January 2015, the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028 was published. After comments were received from the main parties on the implications of that publication, I was advised that on 5 March 2015, the Council had formally voted to adopt the LP.
9. On 6 April 2015, the transitional period under CIL Regulation 123(3) (as amended) after which s.106 planning obligations designed to collect pooled contributions ('tariffs') may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally. I had to revert once again to the Council, and through them the County Council, for comments on how that might impact upon the submitted Obligations under Section 106, relating to both appeals. I also sought the views of the appellants on this matter, a process that was completed on 30 April 2015.
10. I undertook an unaccompanied site visit on 1 October 2014⁴, where I took in both appeal sites, the various walking and vehicular routes into and out of Chard, to and from them, and the various services and facilities in the town. I observed the traffic conditions around the appeal sites and the town centre, in the busy morning and afternoon periods.
11. Inevitably, I also gained experience of the town itself, and used and observed the operation of, the Convent junction at various times during the Inquiries, and subsequently, on 5 November 2014, and 23 March 2015, when I visited and passed through Chard, in connection with other PINS casework.
12. The application that resulted in Appeal A was made in outline with access to be determined and appearance, landscaping, layout and scale reserved. Originally, the appeal site included the area covered by the scheme in Appeal B. Once the application that resulted in Appeal B was lodged, the extent of the Appeal A scheme was reduced to take that into account. The Council considered it on the basis that it included 350 dwellings, as well as the associated elements set out in the original description of development.

² Referred to hereafter as Inquiry 2

³ APP/R3325/A/13/2210545 dated 4 November 2014

⁴ A Wednesday – the day when refuse and recycling collections are carried out in Chard

13. At the Inquiry, to take account of the Statement of Common Ground agreed with the Council on landscape matters, and Drawing No. 11-26-08 revision D: Landscape Masterplan, the scheme was further reduced to include 335 dwellings. Subject to the point I refer to below regarding the means of access, I have dealt with Appeal A on that basis.
14. The application that resulted in Appeal B was also made in outline with access to be determined and appearance, landscaping, layout and scale reserved. Again, subject to the point I refer to below regarding the means of access, I have dealt with Appeal B on that basis.
15. There was some discussion at Inquiry 2 about the nature of Appeal B. The Council produced a decision notice, dated 4 September 2013, setting out three reasons for refusal. However, an appeal against non-determination was lodged on 19 August 2013. I have therefore dealt with Appeal B on the basis that it is against a failure to give notice within the prescribed period of a decision on an application for outline planning permission. I have treated the reasons for refusal set out by the Council in its decision notice as putative.
16. Both sets of proposals were considered to be EIA development for the purposes of the relevant regulations and, as such, the original applications were accompanied by Environmental Statements. There has been no sustained suggestion that the Environmental Statements, in their final forms, fail to meet the requirements of the relevant regulations. I have no good reason to reach a different conclusion and have taken both fully into account.
17. At Inquiry 2, applications for partial awards of costs against the Council were made by both appellants. These are the subject of separate Decisions.
18. Given the nature of the evidence relating to housing land supply, and the Obligations under S.106, submitted by the main parties, and in particular the various financial contributions involved, these elements of Inquiry 2 were dealt with on a 'round table' basis. Some of those recorded as appearing for the main parties presented their evidence in that less formal manner, and were not subjected to cross-examination.
19. While they were originally intended to be dealt with separately, because of the way Appeals A and B were brought together in the manner outlined, the adjoining nature of the two sites, and the potential for cumulative impacts, I have dealt with them together, as linked appeals.

Decisions

Appeal A

20. The appeal is dismissed.

Appeal B

21. The appeal is dismissed.

Main Issue

22. The matters to be considered are multifarious but put very simply, the main issue before me is whether the Council can demonstrate a five-year supply of deliverable housing sites and the implications, in terms of the application of local and national policy, that flow from a conclusion on that matter.

Reasons

Planning Policy

23. Notwithstanding the importance that attaches to the question of whether the Council can demonstrate a five-year supply of deliverable housing sites as a consequence of the Framework⁵, the starting point for analysis of the proposal remains the development plan. Section 38(6) of the Act⁶ sets out that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
24. The Council based its policy position in the lead up to, and at, the Inquiries on saved policies of the South Somerset Local Plan 1991-2011, adopted in April 2006, as well as draft policies in the South Somerset Local Plan 2006-2028.
25. Following examination and receipt of the Inspector's report dated 8 January 2015 which found the plan sound, subject to a number of agreed modifications, the South Somerset Local Plan 2006-2028⁷ was adopted by the Council on 5 March 2015. As set out above, the main parties were consulted on the implications of that adoption because I have to proceed on the basis of the development plan in place at the time of reaching my decisions. In their submissions, the Council relies principally upon Policies PMT1 and PMT2.
26. LP Policy PMT1 is titled Chard Strategic Growth Area. It sets out that land at Chard is allocated for strategic growth to provide the following within the plan period, and beyond: at least 2,716 dwellings; approximately 13 hectares of employment land; 2 new primary schools; 4 neighbourhood centres (Avishayes, Stop Line Slopes, Millfields and Holbear); highway infrastructure and improvements; and sports and open space provision.
27. LP Policy PMT2 deals with what it terms Chard Phasing. To ensure the timely delivery of highway and other infrastructure to support the proposed growth of Chard Eastern Development Area⁸, it sets out that a phased approach to delivery will be taken. Within the plan period, at least 1,220 dwellings; approximately 13 hectares of employment land; 1 new primary school; 2 neighbourhood centres; and sports and open space provision are projected and post 2028, at least 1,496 dwellings; 1 new primary school; and 2 neighbourhood centres. In order to ensure the timely delivery of the necessary infrastructure to support the growth, phasing sequences should be justified and it should be demonstrated that the proposal will not compromise the delivery of total growth.
28. The background to these policies is set out in the supporting text of the LP. Paragraph 7.21 tells us that the Chard Regeneration Plan of October 2009, prepared by LDA Design presented four options for the future growth of Chard. Option 3 (CEDA) has been chosen as the most appropriate location for strategic growth providing a scale of growth that will enable Chard to achieve and maximise its needs for employment, housing, retail, and associated amenities, as well as improved highway infrastructure.

⁵ The National Planning Policy Framework

⁶ The Planning and Compulsory Purchase Act 2004

⁷ Referred to hereafter as LP

⁸ Referred to hereafter as CEDA

29. In terms of implementation, paragraph 7.38 sets out that there will be a phased approach to growth on the basis of the Chard Regeneration Framework Implementation Plan of October 2010. According to paragraph 7.40, the key driver of the phasing sequence is the need to incrementally increase the capacity of the highways infrastructure to accommodate the traffic flows as the town grows.
30. This infrastructure includes improvements to the Convent junction traffic lights, some of which has already taken place, and the eventual provision of the Millfield Link Road. The latter may require the Council to exercise compulsory purchase powers and it is intended to fund the link road, at least in part through financial contributions from the development coming forward, furnished through CIL⁹, or planning obligations under S.106.
31. The LP Inspector noted that there is a robust commitment to securing the proposed growth in Chard and found there was insufficient evidence to justify the adoption of a different approach at this stage. On that basis, he found that Policies PMT1 and PMT2 are sufficiently flexible and provide the basis on which decisions about the future of the town can be taken.
32. It is argued on behalf of the appellants that the proposals do not fall foul of Policies PMT1 and PMT2. I cannot agree with that. These policies are predicated upon CEDA and the Chard Strategic Growth Area is clearly shown in figure 5. Apart from a part of the site covered by the Appeal A proposal, which is in any event intended for employment generating uses, the appeal sites are not identified for development. It is axiomatic, therefore, that the proposals at issue do not accord with LP Policies PMT1 and PMT2.
33. That is not the end of the matter, however. As Section 38(6) of the Act points out, decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. The Framework is such a material consideration.

Housing Supply

34. To boost significantly the supply of housing, paragraph 47 of the Framework sets out a number of requirements for local planning authorities. These include using their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing.
35. Moreover, it is incumbent on them to illustrate the expected rate of housing delivery through a housing trajectory and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target.
36. LP paragraph 5.60 sets out that the evidence base has established that the full objectively assessed need for housing growth in South Somerset is 15,950 homes to be built over the period April 2006 to March 2028. This is confirmed in LP Policy SS4. Broadly speaking, the main parties accepted this figure and I have no good reason to dispute it.
37. The Council contends that whether the base date is taken to be 31 March 2014, or 31 July 2014, it can demonstrate a five-year supply of deliverable housing sites. That is based on a calculation that runs as follows.

⁹ Community Infrastructure Levy

38. The sum of 15,950 homes over 22 years equates to 725 a year. That makes the base requirement for the first five years 3,625 homes. Given that there has been a record of persistent under delivery of housing, the Council accepts that the appropriate buffer is 20%. By their calculation, this makes the requirement for the first five years 4,350.
39. To that, says the Council, needs to be added 880 dwellings undelivered in the previous plan period, giving a total requirement of 5,230. It is suggested by the Council that as of 31 March 2014, it had a supply of 5,356 homes, or 5 years and 1 month, or on the basis of 31 July 2014, 5,789 dwellings, or 5 years and 5 months.
40. There is, however, a difficulty with that calculation. As the PPG tells us¹⁰, local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period, where possible. No good reasons were advanced to suggest that dealing with the backlog from the previous plan period in the first 5 years is not possible in South Somerset.
41. On that basis, the requirement for the first five years is 3,625 homes plus the backlog of 880 giving a total requirement of 4,505. It is at that point that the buffer of 20% should be added meaning that the total requirement for the first 5 years is 5,406 homes.
42. The Council suggests that the 20% buffer should not be applied to the backlog as this would result in additional housing. That is incorrect. All it would do is bring forward housing provision from later in the plan period to allow the backlog to be dealt with effectively in the first five years. The buffer affects the supply side; it does not alter the requirement.
43. It is clear, therefore, on the basis of their own figures, that as of 31 March 2014, the Council could not demonstrate a five-year supply of deliverable housing sites. The 5,789 figure presented for 31 July 2014 is of doubtful provenance because it is not clear that the Council took 31 July 2009 as the start point for their calculation. In any event, as the appellants pointed out, there are other difficulties with that figure.
44. It is clear from the Council's ready acceptance that there has been persistent under-delivery that the South Somerset housing market is weak. Moreover, the longstanding failure of the regeneration plans for Chard shows that the market there too is difficult. Evidence was adduced by the Council to support other aspects of their case which referred to the housing market as 'soft', with plans and schemes vulnerable to being blown off-course.
45. A number of individual sites regarded as deliverable within five years were examined at the Inquiry and it is clear that an appreciable number have issues, including around viability, which means that they might not come forward in that period, or indeed, at all. There is a wider, linked, point. The Council's projections rely on housing being brought forward, year-on-year, between March or July 2014 and March or July 2019, well in advance of historic rates of completion. While there might be some pent up demand, the record of delivery, suggests that the Council's forecasts are rather optimistic in the face of the competition between different house-builders that would arise. In that light, I find it difficult to foresee with any confidence that the 5,356 figure,

¹⁰ Planning Practice Guidance Paragraph 035 Reference ID: 3-035-20140306

based on March 2014, or the 5,789 figure for July 2014, promulgated by the Council, will in fact be delivered.

46. On that overall basis, it is my conclusion, in the light of the evidence presented to me, that the Council cannot demonstrate a five-year supply of deliverable housing sites.
47. I recognise that this conclusion puts me at odds with the Inspector who dealt with the LP examination, and the Inspector who dealt with the recent appeal in Crewkerne. The former found that the Council could demonstrate a supply of 5 years and 1 month based on a requirement in the first five years of 5,230. While I am not party to the evidence before the LP Inspector, the figure of 5,230 suggests to me that the 20% buffer was not applied to the backlog. It is very clear from paragraph 52 of the decision letter that the Inspector who dealt with the Crewkerne appeal, on the basis of the evidence before him, followed that same path. For the reasons set out, I cannot agree with that approach.
48. There is a question too about whether it is proper for me to form a conclusion on this matter at odds with that of the LP Inspector. The PPG¹¹ says that the examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position. Be that as it may, given the importance attached to it in the context of how I reach a decision as a consequence of the Framework, and paragraphs 49 and 14 in particular, I cannot avoid examining the evidence on housing land supply presented to me and forming my own conclusions on the matter.
49. Paragraph 49 of the Framework says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In that they direct the provision of housing in Chard, in terms of location and quantity, LP Policies PMT1 and PMT2 are obviously relevant policies for the supply of housing. In the light of my conclusion that the Council cannot demonstrate a five-year supply of deliverable housing sites, despite having been adopted only very recently, they cannot be considered up-to-date. In those circumstances, the decision-maker is directed to paragraph 14 of the Framework.

The Implications of the conclusion on housing supply

50. Paragraph 14 tells us that at the heart of the Framework is a **presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision-taking. For decision-making, unless material considerations indicate otherwise, this means that where the development plan is absent, silent, or as is the case here, relevant policies are out-of-date, the decision-maker is directed to grant permission unless any adverse impacts of doing so would significantly and demonstrably

¹¹ Paragraph 033 Reference ID: 3-033-20150327

outweigh the benefits, when assessed against the policies in the Framework, taken as a whole¹².

51. I have been invited down the path of *Davis* and the suggestion therein that a preliminary assessment of whether a proposal is sustainable development, or not, is necessary before paragraph 14 can properly be applied¹³. In my view, that is not a correct reading of the Framework. Paragraph 14 directs those dealing with plan-making or decision-taking in how to decide whether a plan, or a proposal, benefits from the presumption in favour of sustainable development. Nowhere does it suggest that there is any need for a preliminary assessment of whether a proposal represents a sustainable form of development, and in the absence of any unambiguous definition of 'sustainable development' in the Framework, it is difficult to see how that assessment could properly be approached.
52. The Council suggests that I should analyse the proposal against the three dimensions outlined in paragraph 7 of the Framework, the economic role, the social role, and the environmental role, and perform a balance between all three in order to reach a preliminary conclusion on whether the proposal represents sustainable development. However, save for a balancing provision more favourable towards development, that is more or less the same process one carries out in asking the question whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
53. Further, if a simple preliminary balancing exercise of the sort proposed by the Council led to a finding that a proposal would represent a sustainable form of development, what then would be the point of the decision-maker posing the question of whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole? That question would already have been answered in the affirmative.
54. In that overall context, following the line of Patterson J¹⁴ in *Dartford*, I cannot accept the elevation of *Davis* to a formulaic sequential approach to paragraph 14, in the manner suggested by the Council. I accept that Patterson J says in *Dartford* that '*I agree with Lang J in her conclusion that it would be contrary to the fundamental principles of the Framework if the presumption in favour of development in paragraph 14 applied equally to sustainable and non-sustainable development*' but do not believe that the application of paragraph 14, in the way I have set out, would lead to such an outcome. Whether a proposal benefits from the presumption in favour of sustainable development is an outcome of applying paragraph 14, not an input.
55. Put very simply, in cases like those at issue, if, when assessed against the policies in the Framework taken as a whole, the benefits of a proposal are not significantly and demonstrably outweighed by adverse impacts, then the proposal benefits from the presumption in favour of sustainable development. While my approach does not strictly accord with *Davis*, it is endorsed in the

¹² On the basis that the appeal sites are not ones where specific policies in the Framework indicate that development should be restricted.

¹³ *William Davis Limited, Jelson Limited v Secretary of State for Communities and Local Government, North West Leicestershire District Council* [2013] EWHC 3058 (Admin)

¹⁴ *Dartford BC v SoS for Communities and Local Government and Landhold Capital Ltd* [2014] EWHC 2636 (Admin)

Colman, Stratford, and Tewkesbury judgements¹⁵. It might be argued that the *Davis* judgement post-dates them but nowhere does *Davis* seek to distinguish itself from these decisions.

56. Bringing that all together, in order to decide whether the proposals benefit from the presumption in favour of sustainable development, it is necessary for me to address the question of whether any adverse impacts of granting permission would significantly and demonstrably outweigh any benefits, when assessed against the policies in the Framework taken as a whole.

Accessibility

57. This alleged adverse impact was referred to many times at the Inquiry as the 'sustainability' of the appeal sites. In my view, bearing in mind the way the term is used in the Framework, that is inaccurate. Rather, the question is one of accessibility. Paragraph 37 of the Framework says that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education, and other activities. Part of the reason for that approach is set out in paragraph 93. This says that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Paragraph 32 sets out that decisions should take account of whether, amongst other things, the opportunities for sustainable travel modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
58. The LP designates Chard as a Primary Market Town and the idea is that it will grow and continue to expand its identified role. There can be no question that Chard has the capacity to accommodate additional housing. However, put simply, the argument advanced by the Council and interested parties is that the location of the appeal sites, on the periphery of the town, is such that residents and other users of the proposals would be overly reliant on the private car, and that the measures put forward to secure modal shift would be insufficient to alleviate the adverse environmental impacts flowing from that.
59. The sites are located on the edge of the settlement. It is clear that walking distances from the appeal sites to facilities like schools, the town centre shops and other facilities, and places of employment would, in most cases, be well beyond the 800 metres seen as acceptable to walk in Manual for Streets, and other, similar measures. However, the analysis of accessibility cannot be so reliant on suggested distances because it is largely a behavioural matter. Some people will be motivated to walk much further than 800 metres to school, or work, or the shops. Others will prefer to use the car for even shorter distances. The essential question, it seems to me, is whether the proposals would offer residents a reasonable opportunity to use more environmentally-friendly modes of transport than the private car.
60. I walked the likely routes residents of the proposals would use to access education, retail and employment facilities and, despite refuse and recycling collections which restricted pavement widths in places, and some relatively

¹⁵ *Stratford on Avon DC v SoS for Communities and Local Government, J S Bloor (Tewkesbury) Ltd, Hallam Land Management Ltd, RASE* [2013] EWHC 2074 (Admin) and *Tewkesbury BC v SoS for Communities and Local Government, Comparo Ltd, Welbeck Strategic Land LLP* [2013] EWHC 286 (Admin)

gentle gradients, did not find any of them particularly onerous. Even if one factors in the need to carry schools bags, or shopping, escort children, or use pushchairs, I do not believe that anyone reasonably motivated, or able, would choose not to walk to access those facilities because of the length, or nature, of the routes involved. The improvements to pedestrian connectivity proposed as part of Appeal A would assist too. Similarly, there was nothing that I saw that would put off someone who wanted to cycle to work, or school, or to the shops.

61. It is also relevant to note that the Appeal A scheme includes provision for a Local Centre that would include a relatively small shop, secured by condition. This would allow residents of the schemes, and other residents in the vicinity, the option of a shop in closer proximity that could be accessed on foot or bicycle. I recognise that this would not replace a major supermarket trip, but it would certainly go a long way towards obviating the use of the car for convenience shopping trips.
62. Moreover, both schemes include Travel Plans. These drew some criticism in terms of lack of ambition, and their approach to bus services, in particular. However, it would be difficult to do a great deal in terms of bus services given the limited nature of the existing service. What is proposed in the Travel Plan associated with Appeal A seems proportionate in that context. Most importantly, given my conclusions about the location of the sites, and the capacity for walking and cycling to and from them, I do not regard either Travel Plan as inadequate. They would go a reasonable way towards assisting residents in choosing more environmentally acceptable modes of travel than they might otherwise. It is also relevant to note that the County Council has approved the Appeal B Travel Plan.
63. It must be borne in mind that a significant amount of housing development is planned for Chard, some of which is relatively remote from the town centre. Notwithstanding associated infrastructure improvements that might come about, that is inevitably going to lead to increased car use. In that context, I see nothing inherently difficult about the appeal sites in terms of accessibility by means of travel other than the private car, and both schemes include measures that would go some way to reduce dependence on that mode. All in all, there is no good reason why the developments proposed should be rejected on accessibility grounds.

Whether the proposals would prejudice the LP strategy for Chard

64. There are two main planks to this issue. The first revolves around the suggestion that the proposals would use up capacity at the traffic-light controlled Convent junction in an unplanned way and that this would provide a barrier to other, planned, schemes that rely on the existence of the available capacity of the Convent junction to work, in traffic generation terms.
65. Dealing with the Appeal B scheme first, the Council's witness accepted in cross-examination that the impact of the traffic generated by the scheme on the Convent junction would be negligible. It is difficult to see how, in that context, the Appeal B scheme would prejudice the delivery of planned schemes for Chard, in that respect at least.
66. The Appeal A scheme includes as a part of it proposed works to the arrangement of the Convent junction, involving the prohibition of certain turning manoeuvres, which would increase capacity. I recognise that the

Council has certain misgivings about the impact that prohibiting some turning manoeuvres would have, and I am sure that it would be inconvenient for some. However, on my analysis, the proposal as promulgated would undoubtedly increase capacity at the Convent junction, and more than offset any impact the proposal would have on its capacity. It would not prejudice the ability of other schemes to come forward, because of the capacity limitations of the Convent junction, as a consequence. Indeed, it would increase the capacity of the junction and thereby make it easier for other schemes to be accommodated.

67. I accept that the works to the Convent junction proposed would require a TRO¹⁶. However, the appellant is prepared to accept a Grampian condition restricting implementation of the development until the TRO is confirmed. The Council sees difficulties with that arrangement but to my mind, it is perfectly legitimate. It is correct to say that there is a risk that the TRO would not be confirmed but there is at least a prospect of it being. In that context, the Grampian condition put forward is reasonable and if for some reason the TRO was not confirmed, then the proposal could not take place in a way that would use up capacity at the Convent junction and prejudice other schemes that might come forward. On that basis, Appeal A is acceptable, in this regard.
68. The other plank of the Council's case relates to the housing market in South Somerset, and Chard in particular. As set out above, there can be no real doubt that it is a 'soft' market. The record, during, and coming out of, the recession, shows as much. While not the only reason, difficulties with the market have certainly contributed to the lack of delivery of development, and regeneration, in the town.
69. As set out, to allow for development and regeneration to come forward, LP Policy PMT2 envisages at least 1,220 dwellings coming forward in the plan period, on sites earmarked for that purpose. Paragraph 7.21 of the LP is clear that the number of homes expected to come forward in the plan period reflects market deliverability. Appeal A would bring forward 335 dwellings and Appeal B, 110 dwellings, on unplanned sites. Viewed separately, or together, the provision of this many dwellings, on sites seemingly unencumbered by the restraints of others envisaged by LP Policy PMT2, would be very likely, in my view, to blow the LP strategy off-course. I cannot see why, given the capacity of the market in Chard, developers would seek to provide housing on more difficult regeneration sites, when relatively significant numbers of dwellings might have already been delivered, or be in the process of coming forward simultaneously, on edge of settlement sites, much less constrained, and therefore more profitable, to develop.
70. On that basis, while I acknowledge the doubts expressed on behalf of the appellants about whether the regeneration of Chard will ever get off the ground, a matter I return to below, I agree with the Council that the proposals, viewed separately, or together, would prejudice the LP strategy for Chard.

Highway Safety

71. It is important, first of all, to set out the approach of paragraph 32 of the Framework. Decisions must take account of whether, of relevance under this particular issue, safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network

¹⁶ Traffic Regulation Order

that cost-effectively limit the significant impacts of the development.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

72. Viewed individually, the schemes at issue in Appeals A and B, as promulgated (access being before me in each case) would not cause any impact that could reasonably be described as severe. If they are considered together, as they are put forward, with each having their own separate access on to Crimchard, the one for Appeal A signal controlled, then the result would be a rather contrived arrangement that would make for rather difficult traffic conditions on Crimchard, which, as I observed during my site visits, is relatively narrow, and can carry relatively significant volumes of traffic, at certain times of the day. Adding the additional traffic from the schemes on to Crimchard, in that way, would lead to some difficulties in highway safety terms, though it would be stretching credulity to describe those impacts as severe.
73. However, the appellants are quite prepared to consider the imposition of conditions that would, in effect, mean that the two separate developments would function with one access on to Crimchard. So long as that access was properly designed, with signals if deemed necessary, something that could be dealt with through the conditions, the additional traffic generated could be accommodated with no significant detrimental impact in highway safety terms. On that basis, there would be accord with paragraph 32 of the Framework.

Landscape

74. It is one of the core principles of the Framework that the intrinsic character and beauty of the countryside should be recognised. Both appeal sites are currently in use as pasture and are clearly perceived as part of the countryside, beyond the confines of the settlement. Following discussions with the appellant about the extent of housing in Appeal A, reflected in a Statement of Common Ground, the Council takes no issue with either scheme in landscape terms. Local residents take a rather different view.
75. Put simply, if the intrinsic character and beauty of the countryside is to be recognised, then extending the built form of the settlement into green fields at the edge of the town must be deemed harmful in character and appearance terms. The question is to what extent would it be harmful?
76. The scheme at issue in Appeal B would lead to a relatively limited northern extension of Chard. Given that there is already development to the west, on the opposite side of Crimchard, south, and east, it would represent a logical rounding off of the settlement. In that context, the degree of landscape harm inherent in the appeal B scheme would be very limited.
77. The scheme in Appeal A would be significantly greater in area and extend the built form of Chard much further northwards. Notwithstanding the potential for landscape buffers and the provision of open space, in effect, the scheme would fill the existing gap between Chard and the small settlement of Cuttifford's Door. Cuttifford's Door would, to all intents and purposes, lose its identity and become a part of the town. In that way, the scheme in Appeal A would cause much more harm, in character and appearance terms, than the scheme in Appeal B.

Benefits

78. Given the exhortation in the Framework to boost significantly the supply of housing, the provision of market housing, in a situation where there is a prevailing under-supply, must be seen as a significant benefit that weighs in favour of Appeals A and B.
79. I heard too that there is a significant shortfall of affordable housing in South Somerset. Both schemes provide for policy compliant levels of affordable housing. Normally, one would not attach any additional weight to that because it is what a development should bring forward in any event. However, it is clear that South Somerset has had difficulties with delivering policy compliant levels of affordable housing because of issues around viability. In that context, the ability of the proposals at issue to deliver a policy compliant amount of affordable housing counts as a significant benefit.
80. Appeal A has other characteristics that require consideration. As set out above, it includes provision for a local centre that might include facilities such as a shop. The appellant was quite content to accept a condition requiring their inclusion in the scheme that would come forward at reserved matters stage.
81. Even acknowledging that some of them would most likely be part-time, I find it difficult to accept that such a facility might generate 100-150 jobs, as the appellant claimed. However, it would generate some employment and, given the focus in the Framework on securing economic growth¹⁷, that must be seen as an advantage of the scheme. The same is true of the construction activity and the jobs that would be generated or secured as a result of that.
82. Of more import, the Appeal A scheme includes provision for the relocation of Chard Town Football Club. I heard clear and persuasive evidence of the importance of the football club to the town and acknowledge that its current facilities are a great drag on progress. Paragraph 7.10 of the LP notes that the relocation of the football club has been a longstanding issue.
83. I heard from representatives of the football club about the way in which new facilities could be funded and provided - the existing ground has a value and any funds generated from sale would be matched by the Football Association. Whatever might be said about public access to the facilities that would come forward, if one could be sure that the Appeal A scheme would provide for a relocated Chard FC then that would be a weighty matter indeed.
84. The difficulty is that one cannot be sure. While it is a part of the scheme, the necessary transfer of land to the football club cannot be required by condition. Neither has any Obligation under S.106 been provided to ensure that the transfer takes place.
85. All I have is a letter written on behalf of the S E Blackburn Discretionary Trust which says that if Appeal A is successful and outline planning permission is granted for the proposal, then they are prepared to transfer the land identified, to the football club, free of charge. I have no good reason to doubt the intention but the letter is not contractual, or enforceable, and no guarantee that the transfer will take place. That severely limits the weight I can attach to this matter.

¹⁷ Paragraphs 18 and 19 in particular

86. The appellants have put forward Obligations under S.106 to make various financial contributions. Those pooled contributions towards theatres and arts centres and a new indoor tennis centre are no longer pursued by the Council. The other contributions, that accord with CIL Regulation 122, and advice in paragraph 204 of the Framework, are all designed to mitigate impacts. As such, they are neutral, and carry no weight in favour of the proposals.
87. Similarly, while concern was raised at application stage about likely impacts on biodiversity, and dormice in particular, both schemes make provision for proper mitigation. However, that mitigation means the impact of the proposals will be neutral. It is neither a benefit, nor an adverse impact.

Conclusion

88. As set out above, in order to decide whether the proposals benefit from the presumption in favour of sustainable development set out in the Framework, it is necessary for me to address the question of whether any adverse impacts of granting permission would significantly and demonstrably outweigh any benefits, when assessed against the policies in the Framework taken as a whole. In terms of Appeal A, there are adverse impacts in terms of the effect on character and appearance, and in terms of prejudicing the delivery of the LP strategy for Chard. Appeal B would have a limited negative impact on the landscape, and, something of a prejudicial impact on the LP strategy.
89. On the other hand, the Appeal A scheme would bring forward market and policy compliant affordable housing, and a local centre, with attendant jobs, increase capacity at the Convent junction, subject to confirmation of a TRO, and hold out at least the potential for the relocation of Chard Town FC. Appeal B would bring forward market and policy compliant affordable housing. Both would bring forward economic benefits through construction activity.
90. There is a prevailing undersupply of housing and obvious and acknowledged hurdles, like the provision of the Millfield Link, and the potential necessity for CPOs, which call into question whether the LP strategy for Chard is realistic. In that context, viewed as separate schemes, or together, as one larger scheme, the adverse impacts of the proposals would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework considered as a whole. On that basis, the proposals, whether viewed separately, or together, benefit from the presumption in favour of sustainable development.
91. That is not the end of the matter, however. The proposals are contrary to LP Policies PMT1 and PMT2 and the approach of the LP to future development in Chard. As the Framework readily acknowledges¹⁸, it is but a material consideration. It does not change the statutory status of the development plan as the starting point for decision making. It is incumbent upon me to make decisions that accord with the development plan, unless material considerations indicate otherwise.
92. The LP, and the approach therein to development in Chard, has only very recently been found sound, and adopted. The Council, and local people, have clearly invested much time, and energy, in ensuring that outcome. It seems to me that the approach to development in Chard, enshrined in the recently

¹⁸ Paragraphs 2 and 12 in particular

adopted LP, needs to be given some time to succeed before it could reasonably be set aside. To do otherwise would undermine the primacy of the plan-led system. On that basis, the fact that the proposals benefit from the presumption in favour of sustainable development, as set out in the Framework, is not a material consideration of sufficient weight to justify setting aside the policies of the LP, at this stage.

93. As the LP Inspector points out, in paragraph 93 of his report, any failure to deliver will be picked up by the Council's monitoring and should that situation arise, then the Council could take appropriate remedial action at that time, as a matter of urgency. If the LP strategy for Chard does falter, or fail completely, then the conclusion on similar proposals to those at issue in these appeals in the future, might well be different.

94. For the reasons given above I conclude that the appeals should be dismissed.

Paul Griffiths

INSPECTOR

APPEARANCES

INQUIRY 1

FOR THE LOCAL PLANNING AUTHORITY:

John Pugh-Smith of Counsel	Instructed by Angela Watson, Legal Services Manager, SSDC
He called	
John Gallimore	Principal Planning Liaison Officer, Somerset County Council
MCInstCES	
Patrick Moss	Director, Moss Naylor Young Ltd
BSc(Hons) DipTP MRTPI	
Andrew Gunn	Team Leader, Area West Planning Team, SSDC
BA DipTP MRTPI	
Lynda Pincombe	Community Health and Leisure Manager, SSDC
BA(Hons) CMI	

FOR MacTAGGART & MICKEL HOMES LTD AND THE S E BLACKBURN DISCRETIONARY TRUST

Anthony Crean QC	Instructed by D2 Planning
He called	
Sean McIntyre	Director, Key Transport Consultants Ltd
BSc(Hons) CEng MICE	
MCIHT	
Des Dunlop	Managing Director, D2 Planning
BA(Hons) MRTPI	

INTERESTED PERSONS:

Mike Hone	Director, Chard Town FC
Tony Prior	Chard Town Councillor
Ros Roderigo	District Councillor, Blackdown Ward
Jenny Kenton	District Councillor, Crimchard Ward
Elizabeth Quantrell	Mount Hindrance Action Group
Martin Wale	District Councillor, Combe Ward
Alan Quantrell	Local Resident
Helen Lock	Secretary of Cuttiford's Door & District Residents' Association
Michael Lee	Local Resident
Brennie Halse	District Councillor, Chard Holyrood
Jenny Sayers	Combe St Nicholas parish Council
Sue Pargeter	Local Resident
Vicky Atoe	Local Resident
John Gallagher	Local Resident
Brian Beer	Chard Town FC
David Bulmer	District Councillor, Jocelyn Ward and Town Councillor
Marcus Fysh	County & District Councillor, Parliamentary Candidate

INQUIRY 1 DOCUMENTS (I1D)

- 1 Statements of Common Ground (Planning, Transport, Ecology and Landscape) and Landscape Masterplan (Figure PJR-2 Drawing No: 11-26-08 Revision D)
- 2 Residential Travel Plan Revision A dated March 2014
- 3 Opening Statement on behalf of the Council
- 4 Submission of Mr Sayers, Chair, Combe St Nicholas Parish Council
- 5 Comments of Somerset County Council Strategic Transport Planning on Residential Travel Plan Revision A dated March 2014 with attachments
- 6 Submission of Mike Hone, Director of Chard Town FC
- 7 Diagram of Chard Development Options (Development Option 3) as outlined by Patrick Moss (clean copy plus annotated copy)
- 8 Copies of 11128(L)0001 Revision C and 11128(L)100 revision B with red line boundaries
- 9 Submission of Jenny Kenton, District Councillor, Crimchard Ward
- 10 Submission of Liz Quantrell, Mount Hindrance Action Group
- 11 Submission of Martin Wale, District Councillor, Combe Ward
- 12 Submission of Alan Quantrell
- 13 Submission of Helen Lock, Secretary of Cuttiford's Door & District Residents' Association (including Traffic Survey)
- 14 Submission of Michael Lee
- 15 Submission of S M Pargeter
- 16 Draft Unilateral Undertaking with comments thereon
- 17 Map of Crimchard Ward
- 18 Copy of APP/D3315/A/12/2170249
- 19 Copy of APP/R3325/A/12/2170082
- 20 Submission of John Gallagher
- 21 Bundle of documents relating to Chard Town FC put in by Brian Beer
- 22 E-mail trail regarding the Millfield Link
- 23 Objection to Proposed Main Modifications to South Somerset Local Plan 2006-2028 on behalf of David Wilson Homes Ltd
- 24 Draft Conditions
- 25 Submission of Cuttiford's Door & District Residents' Association on proposed relocation of Chard Town FC
- 26 Lists of Possible Grampian Conditions
- 27 Response by Sean McIntyre to representations of Councillor Bulmer
- 28 Copy of Statutory Instrument 1996 No.2489: Road Traffic The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996
- 29 Letter of Intent relating to the relocation of Chard Town FC put in on behalf of S E Blackburn Discretionary Trust dated 23 May 2014
- 30 Letter dated 22 May 2014 from AP Planning on behalf of David Wilson Homes South West Ltd relating to ecological matters
- 31 Letter dated 23 May 2014 from D2 Planning relating to ecological and highway matters and withdrawing their Rule 6 status at Inquiry 2
- 32 Copy of Judgement in *Barrow upon Soar Parish Council v SoS for Communities and Local Government and Charnwood BC and Jelson Ltd* [2014] EWHC 274 (Admin)
- 33 Copy of Judgement in *William Davis Ltd and Jelson Ltd v SoS for Communities and Local Government and NW Leicestershire DC* [2013] EWHC 3058 (Admin)
- 34 Closing Statement on behalf of Council
- 35 Closing Statement on behalf of Appellant

INQUIRY 2

FOR THE LOCAL PLANNING AUTHORITY:

John Pugh-Smith of Counsel	Instructed by Angela Watson, Legal Services Manager, SSDC
He called	
Patrick Moss	Director, Moss Naylor Young Ltd
BSc(Hons) DipTP MRTPI	
Andrew Gunn	Team Leader, Area West Planning Team, SSDC
BA DipTP MRTPI	
David Anthony Clews	Corporate Planning Officer, Somerset County Council
BSc(Hons) DipTP MRTPI	
Lynda Pincombe	Community Health and Leisure Manager, SSDC
BA(Hons) CMI	
David Norris	Development Manager, SSDC
Paul Wheatley	Principal Spatial Planner, SSDC
BA(Hons) DipTP MRTPI	

FOR DAVID WILSON HOMES SOUTH WEST LTD:

Paul Cairnes of Counsel	Instructed by AP Planning
He called	
Richard White	Managing Director, FMW Consultancy Ltd
BSc(Hons) MSc MCIT	
MIHT M.IPENZ (Civil)	
MITE FFB	
Jan Kinsman	Associate Director, EFM Ltd
CEng MICE BSc(Eng)	
ACGI	
Andrew Penna	AP Planning
BA(Hons) MA MRTPI	

FOR MacTAGGART & MICKEL HOMES LTD AND THE S E BLACKBURN DISCRETIONARY TRUST

Giles Cannock of Counsel	Instructed by D2 Planning
He called	
Des Dunlop	Managing Director, D2 Planning
BA(Hons) MRTPI	

INTERESTED PERSONS:

G Sayers	Chair, Combe St Nicholas Parish Council
Brennie Halse	District Councillor, Chard Holyrood
Martin Wale	District Councillor, Combe Ward
Jenny Kenton	District Councillor, Crimchard Ward
Michael Lee	Local Resident
Helen Lock	Secretary of Cuttiford's Door & District Residents' Association
Alan Quantrell	Local Resident
Elizabeth Quantrell	Mount Hindrance Action Group
John Gallagher	Local Resident
Richard Manley	Resident of Ilminster

INQUIRY 2 DOCUMENTS (I2D)

- 1 Unsigned Agreement under S.106 (1)
- 2 Unsigned Agreement under S.106 (2)
- 3 Summary Report on S.106 Agreements
- 4 Statement of Common Ground
- 5 Opening Statement on behalf of David Wilson Homes South West Ltd
- 6 Opening Statement on behalf of the Council
- 7 Draft Conditions
- 8 PoE of Mr Moss relating to Land at Mitchell Gardens, Chard
- 9 Copy of Judgement in *Dartford BC v SoS for Communities and Local Government and Landhold Capital Ltd* [2014] EWHC 2636 (Admin)
- 10 Submission of John Gallagher
- 11 Submission of Helen Lock (including Traffic Survey)
- 12 Extract from Report on the disposal of Council land in Chard to Henry Boot Plc
- 13 Comparison Table of Peter Brett Town Centre C Phase 1 and Henry Boot Plc Proposal
- 14 Letter from Stagecoach dated 13 February 2014 re Route 99/99A
- 15 Consultation Response from John Gallimore of SCC on highway and transportation aspects of the proposal dated 29 May 2013
- 16 Consultation Response from Keith Wheaton-Green on climate change mitigation dated 2 May 2013
- 17 Map of Walking Routes to Employment Sites prepared by FMW Consultancy (FMW1246-SK07)
- 18 Extract from PPG on prematurity
- 19 Copy of e-mail from David Norris of SSDC to Des Dunlop of D2 Planning dated 29 August 2014, about resumption of Inquiry
- 20 Extract from Executive Summary of CEDA Feasibility Report
- 21 Rebuttal PoE of P M Wheatley
- 22 Copy of e-mail from Andrew Gunn of SSDC to Andrew Penna of AP Planning dated 7 January 2014 about Travel Plan and reason for refusal No.3
- 23 Copy of e-mail trail about Travel Plan Revision B
- 24 Copy of letter from Andrew Penna of AP Planning to Angela Watson of SSDC about reasons for refusal, dated 14 August 2014
- 25 Response from Michael Jones of SSDC to Andrew Penna of AP Planning dated 20 August 2014
- 26 Copy of e-mail from Richard White of FMW Consultancy to Andrew Gunn of SSDC, dated 14 July 2014 dealing with SCC's acceptance of the Travel Plan (Revision E)
- 27 Note on Education Multipliers
- 28 Education Position Statement
- 29 Note on Education Issues by David Clews of SCC dated 27 August 2014
- 30 Response by David Clews of SCC to the Note by Stephen Clyne
- 31 Copy of e-mail from Jan Kinsman to David Clews about DfE Multipliers, dated 28 August 2014
- 32 Copy of LGA Media Release about school places, dated 27 August 2014
- 33 Copy of SSLP Policy ST3
- 34 Copy of Maps from SHLAA
- 35 Technical Note 6 by FMW Consultancy explaining LinSig assessment of the potential 4 arm traffic signals access arrangement for Crimchard
- 36 Note on Traffic Generation from Henry Boot Development by Patrick Moss, dated 1 September 2014
- 37 Copy of APP/R3325/A/12/2170082

- 38 Copy of APP/D3315/A/12/2170249
- 39 Copy of e-mail trail between David Norris of SSDC and David Lohfink of C G Fry & Son Ltd and others about the Chard housing market
- 40 Note from Inspector dealing with progress into Report into emerging Local Plan, dated 1 September 2014
- 41 Submission of Robert Trott
- 42 Technical Note 7 by FMW Consultancy dealing with Town Centre Regeneration, dated 3 September 2014
- 43 Memorandum of Disagreement dealing with UU submitted in relation to Appeal A
- 44 Costs application by Appellant on Appeal A
- 45 Response by Patrick Moss on behalf of SSDC to Technical Note 7, dated 4 September 2014
- 46 Technical Note 8 by FMW Consultancy dealing further with Town Centre Regeneration, dated 4 September 2014
- 47 Costs Application by Appellant on Appeal B
- 48 Copy of signed Agreement under S.106 dated 4 September 2014
- 49 Closing Statement on behalf of Council (Appeal B)
- 50 Closing Statement on behalf of Council (Appeal A)
- 51 Supplemental Closing Statement on behalf of Appellant on Appeal A
- 52 Closing Statement on behalf of Appellant on Appeal B
- 53 Costs Response by Council on Application relating to Appeal A
- 54 Costs Response by Council on Application relating to Appeal B

POST-INQUIRY DOCUMENTS

- 1 Agreement under S.106 relating to Appeal B Travel Plan
- 2 Copy of APP/R3325/A/13/2210545
- 3 Comments of SSDC on APP/R3325/A/13/2210545
- 4 Comments of AP Planning (on behalf of David Wilson Homes South West Ltd) on APP/R3325/A/13/2210545
- 5 Comments of D2 Planning (on behalf of MacTaggart & Mickel Homes Ltd and the S E Blackburn Discretionary Trust) on APP/R3325/A/13/2210545
- 6 Copy of the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028
- 7 Comments of SSDC on the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028
- 8 Comments of AP Planning (on behalf of David Wilson Homes South West Ltd) on the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028
- 9 Comments of D2 Planning (on behalf of MacTaggart & Mickel Homes Ltd and the S E Blackburn Discretionary Trust) on the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028
- 10 Copy of e-mail from SSDC dated 6 March 2015 regarding the adoption of the South Somerset Local Plan 2006-2028
- 11 Bundle of material relating to CIL Regulation 123(3)

PLANS: Appeal A

- A 11128(L)001 Revision D: Location Plan
- B 11128(L)100 Revision D: Site Block Plan
- C 0359-025: Access from Thorndun Park Drive
- D 0359-026 Revision A: Access from Crimchard
- E 11-26-08 revision D: Landscape Masterplan

PLANS: Appeal B

- A 003ii: Site Location
- B 012i Revision E: Illustrative Concept Masterplan
- C 013i: Parameter Plan
- D 013ii: Parameter Plan – Building Height
- E FMW1033-SK02: Proposed Site Access Arrangement

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Appendix A2
Extract of Minutes for
SSDC Regulation Committee held on
18 February 2020

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil on Tuesday 18 February 2020.**

Present:

Members: Councillor Peter Gubbins (Chairman)

Jason Baker	Sue Osborne
Robin Bastable	David Recardo
Louise Clarke	Andy Soughton
Adam Dance	Mike Stanton
Henry Hobhouse	Paul Rowsell
Tony Lock	William Wallace

Officers:

Simon Fox	Lead Specialist - Development Management
Colin Begeman	Agency Planner
Sarah Hickey	Senior Planning Lawyer
Angela Cox	Specialist - Democratic Services

117. Planning Application 18/04057/OUT - Land East Of Mount Hindrance Farm Mount Hindrance Lane Chard TA20 1FF (Agenda Item 6)

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

The Agency Planner introduced his report in detail with the assistance of a power point presentation. He advised that since writing his report a further 71 letters of support for the scheme, a petition of 600 signatures in support of the football club element of the proposal and 6 letters of objection had been received. He said that a traffic management plan would agree access and timing of construction to avoid impact on neighbours and schools. He noted that SCC Highway Authority or Ecologist had not raised any objections to the scheme. A previous application for 450 houses at the site had been

dismissed on appeal and the Planning Inspectors decision was a material consideration. Although 2/3 of the site was outside the defined development limit, the lack of a 5 year housing land supply meant the proposal was acceptable subject to more work on the travel plan.

In response to questions from Members, the Agency Planner and Lead Specialist for Development Management advised:-

- The current housing land supply was 4.5 years and this would be reviewed in August 2020.
- The Local Plan set out growth for Chard to the east of the town but the anticipated growth had not been as great as anticipated, possibly because of the access road not coming forward. Because insufficient housing had been provided applications had been approved where not plan-led where the harm of the development was not evident.
- If the site was not given permission then the 5 year housing land supply would deteriorate further.
- Officers were working with a developer to deliver the access road to the east.
- Other future development sites in the town were expected at Forton Road, Milford section and the Hannick area.
- There were suggested highway improvements at the junction of B&Q and Victoria Avenue which would create a better traffic flow.
- The site was in flood zone 1 which was the lowest probability of flooding.
- The previous appeal at the site failed because the Planning Inspector said that although the site was acceptable on technical terms, he wished to allow the Chard Regeneration Scheme time to mature.
- A representative of the Highway Authority had been invited to attend the meeting but none were available.
- SSDC had not conducted its own traffic survey at the Convent junction because the Highway Authority had provided advice.
- It was understood that two of the football pitches would be for Chard Town football club and one would be for community use. The transfer of the land to the football club did not include the construction of a stadium. Management of the third pitch would be offered to the Town or District Councils or a management company through the Section 106 obligation.
- The emergency access point to the west of the site would allow pedestrian and cycle access only. A key operated bollard would allow access for emergency vehicles only.
- The retail shop would be of a corner shop type, serving local needs and would not be competing with town centre shops.
- A travel plan would support local bus links.

The committee were then addressed by Councillor Martin Wale as one of the Ward Members. He noted that he had declared a personal interest when the application was discussed at Area West Committee as he was a resident of Wadeford. He felt the Chard Regeneration Scheme was progressing well and development on this site could harm its progress. He also spoke of the additional traffic which the site would generate and said that local residents would avoid the A30 and A358 in favour of back roads through villages which were not designated for heavy traffic. He said there were potentially already over 600 homes proposed to be built to the east of the town that either had permission or were under construction and to allow this development would go against the Local Plan.

Councillor Jenny Kenton, the other Ward Member, reminded the Committee that the Chard Regeneration Plan supported development to the east of the town and the housing there would bring forward the much needed link road to take traffic away from the central Convent junction in the town.

The committee were then addressed by a member of Combe St Nicholas Parish Council and 8 local residents in opposition to the application. Their comments included:-

- The development was in conflict with the other developments in Chard, the site was not designated in the Local Plan and it would increase the number of dwellings in Wadeford by 50% and it will join Cuttiford Door to Chard.
- Much is made of the benefits to the football club but Combe St Nicholas already has several good pitches and the facilities at this development may never be built.
- In excess of 20 ha of land will be developed because of the lack of a housing land supply without reference to the Local Plan.
- The road through Wadeford is narrow and an increase in traffic will bring increased air and noise pollution.
- The Ecologist raised significant concerns about dormice at the site as they are reliant on lengths of dense mature hedging which would be fragmented by the development.
- If the development was approved then the developer should install traffic calming measures through Combe St Nicholas.
- The residents of Chard were asked to consider options for where development should be in the town which was accepted by SSDC, but this application was outside the Local Plan area and should be rejected.
- This development is not sustainable and there is a lack of infrastructure.
- Why waste time on the site when it has already been refused permission before.

The committee were then addressed by Councillor Dave Bulmer, the President of the Western Football League, the Captain of Chard Town football club and a local resident in support of the application. Their comments included:-

- The proposed scheme is an improvement on the previous scheme refused by the Planning Inspector.
- The proposed eastern relief road does not cover the full length of the A30 so it will not mitigate traffic on the A358 at the Convent junction.
- Chard was the second largest town in the SSDC area but was the worst for sporting facilities.
- Chard Town football club had been relegated for having a sub-standard ground but the sale of the existing site would give them the funds to develop the new site.
- Just one of the 3 pitches would be for the use of the football club and the other two would be available for community use.
- Increased traffic through Combe St Nicholas could help the sustainability of the village shop and public house.
- A cycle path between Chard and Combe St Nicholas, paid with Section 106 contributions would be appreciated.

The Agent for the applicant said the 2015 planning appeal was dismissed by the Inspector because he wanted to give the Local Plan time to deliver housing but the Plan

had been adopted 5 years ago and had 14 years to run and there was clear evidence in the report that housing had not been delivered to the east of Chard. He said there were no specific objections to this site and it would significantly boost open housing in the town whilst allowing the football club to relocate and provide open space and amenity area. In response to a question, he clarified that all 3 pitches would be transferred to Chard Town football club and there would be an agreement for one or two to be for community use. This would be subject to a Section 106 obligation.

Members then discussed the merits of the application and varying views were expressed. Some members felt the increased traffic on local roads would be a major issue and the Local Plan should be given time to deliver housing to the eastern side of the town which would bring the relief road, school and surgery. Other members felt that the benefits outweighed the disadvantages as it would bring forward affordable housing in the town.

At the conclusion of the debate, it was proposed and seconded to refuse permission for the following reasons:-

1. The proposal prejudices the delivery of the Chard Regeneration Plan forming part of the Council's Local Plan and on which work has started; therefore, the proposal is contrary to policies PMT1, PMT2, SS3 and SS5 of the South Somerset Local Plan (2006-2028).
2. The site is within an area of landscape importance between Chard and Cuttiford's Door, on the periphery of the AONB. The resultant demonstrable harm is not outweighed by the benefits and therefore the scheme is contrary to policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the NPPF.

However, when put to the vote, this proposal was not carried by 5 votes in favour and 7 against with no abstentions. The officer's recommendation to grant permission, subject to a Section 106 planning obligation and conditions was proposed and seconded and when put to the vote, was carried by 8 votes in favour and 5 against. It was therefore:

RESOLVED: That planning application 18/04057/OUT be **GRANTED** permission subject to:

SECTION 106 PLANNING OBLIGATION / UNILATERAL UNDERTAKING

- a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning permission to cover the following items/issues:
 1. The provision of affordable housing,
 2. Contribution towards the provision of sport, play, open space and strategic facilities.
 3. Phasing of the development.
 4. Highway infrastructure and works.
 5. Education contribution
 6. Travel Plan
 7. Management of Public Open Spaces

For the following reason:

01. Notwithstanding the local concerns, the provision of residential accommodation and leisure facilities together with access/highway improvements, drainage and attenuation, play area, open space and landscaping in this sustainable location would contribute to the council's housing supply and leisure facilities without demonstrable harm to the local landscape, the character of the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

Conditions:

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

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

02. Unless where superseded by any of the following conditions, or by the obligations contained within the accompanying Section 106 Agreement, the development hereby permitted shall be carried out in accordance with the approved plans:

180129 L 01 01 - Location Plan
180129 L 02 02 - Illustrative Master Plan

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

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site. The development shall begin no later than three years from the date of this permission or not later than two years from the approval of the reserved matters application.

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

04. The development hereby permitted shall comprise no more than 295 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies SD1, SS6, HG3 and HW1 of the South Somerset Local Plan.

05. Prior to commencement, the final access arrangement shall be agreed in writing with the Highway Authority. The agreed access arrangement shall be constructed to the satisfaction of the Highway Authority prior to occupation of any new dwellings.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

06. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the first occupation and thereafter maintained at all times;

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

11. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

12. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

13. 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 to accord with Policy TA5 of the SSLP.

14. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

15. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied..

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP.

16. 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 and delivery hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- 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 interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

17. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility

splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

18. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

19. The houses hereby permitted shall not be occupied until the parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

20. The development hereby permitted shall not be commenced until the developer has applied for an amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority,

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

21. In the interests of sustainable development no part of any particular phase of development hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within that particular phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but not be limited to, Footway and Cycling Infrastructure links, A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close, Improvement of the public footpath to the west of the Bowling Club. Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

22. Before any particular phase of the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained

in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

23. Prior to occupation of the 50th dwelling the developer shall provide two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP

24. Prior to occupation of the 150th dwelling the developer will undertake works to install traffic signals at the junction of Furnham Road and Victoria Avenue linked to the existing traffic signals at Coker Way by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

25. No development hereby approved which shall interfere with or compromise the use of public footpaths shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that the appropriate measures are taken to divert the public footpaths

26. 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, a phased scheme of tree and hedgerow protection measures shall 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 and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, 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 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.

27. The development shall be undertaken in accordance with the submitted Ecological Assessment Report recommendations.

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan

28. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitat (trees and hedgerows) and protected species (bats, birds, badgers, hazel dormice and reptiles).
- 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 South Somerset District Council Local Plan - Policy EQ4 Biodiversity

29. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be created, restored, protected and managed, as outlined within the Environment Statement, including the addition of native wild flower grassland areas and edges to open spaces and native pollinator friendly wetland plants to be planted within the SuDS. (Note - In order to maintain and improve dormouse habitat, the LEMP should also increase the amount of vegetation and buffer zone planting along the section of the hedgerow making up part of the LWS within the central-western section of the site. See location for this identified in drawing reference CESB -01).
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.

h) On-going monitoring and remedial measures.

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

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

30. The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

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

A badger mitigation and compensation plan shall be submitted to and approved in writing by the local planning authority. The plan shall show how mitigation and compensation measures, in conjunction with the CEMP and LEMP, will be accommodated, along with measures to maintain badger welfare on the site.

Reason: A pre-commencement condition in the interests of a UK protected species, the Animal Welfare Act 2006, NERC Act 2006 and in accordance with South Somerset District Council Local Plan Policy EQ4 Biodiversity

31. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

32. The removal of hedgerow sections shall not in any circumstances commence unless the Local Planning Authority has been provided with a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead

The dormouse compensation and mitigation strategy will be prepared and carried out in strict accordance with the following procedure, either:

- a) In October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using hand held tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or
- b) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work

Compensation will be delivered through the mitigation measures outlined within the Environment Statement and LEMP.

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

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

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

34. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage

strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include:

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant)-
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (2019) and the Technical Guidance to the National Planning Policy Framework.

35. The residential development hereby permitted shall achieve an improvement over Building Regulations (current at the date of this permission) of 19% reduction in carbon emissions across the entire residential development. The dwellings shall not be occupied unless all carbon reduction measures have been fully carried out.

Reason: To ensure the development addresses climate change by utilising sustainable construction methods to minimise carbon dioxide emissions in accordance with Policy EQ1 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

02. The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition:

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-andplanning/ rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

(Voting: 8 in favour, 5 against, 0 abstentions)

**Report for Information
Planning Committee - South**



19 December 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 (17 November 2023.)

Application No: 21/0224/ENF (Enforcement Notice)
Address: Land South of The Old Farmhouse, Down Lane, Purtington, Chard TA20 4DH
Description: The breach of planning control as alleged in the notice is without the benefit of planning permission the installation of foundations and creation and construction of a concrete hardstanding/pad (“the unauthorised development”).
Application Decision by: Not applicable
Appeal Decision: Dismissed

Application No: 20/02047/OUT
Address: Land South of Tintinhull Road, Chilthorne Domer.
Description: Outline application for residential development for up to 73 dwellings, including access with all other matters reserved.
Application Decision by: Not applicable
Appeal Decision: Dismissed

Application Nos: 21/01051/FUL, 21/01052/FUL, and 21/01053/OUT
Address: The Red Lion Inn, Main Street, Babcary TA11 7ED
Description: Various – see detail in Inspector’s decision letter.
Application Decision by: SSDC Area East Committee (Informal) / CEO
Appeal Decision: Dismissed (3 appeals)

Application Nos: 22/02461/OUT and 22/02462/OUT
Address: Land to the North of Fore Street, Tatworth TA20 2SJ
Description: Outline application with all matters reserved, except for access, for up to 35 dwellings (Appeal A), and 13 dwellings (Appeal B).
Application Decision by: Not applicable.
Appeal Decision: Dismissed (Appeals A & B)
(Please note this is an amended decision letter from the Planning Inspectorate as a typographical error was noticed within the original letter at paragraph 22)

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



Appeal Decisions

Site visit made on 8 August 2023

by **Roy Curnow MA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th November 2023

Appeal A Ref: APP/R3325/C/22/3309700

Appeal B Ref: APP/R3325/C/22/3309701

Land South of The Old Farmhouse, Down Lane, Purtington, Chard, Somerset TA20 4DH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - **Appeal A** is made by Dr Christian Wachsmuth against an enforcement notice issued by South Somerset District Council ('the Notice').
 - **Appeal B** is made by Dr Rachel Wachsmuth against an enforcement notice issued by South Somerset District Council.
 - The enforcement notice, numbered 21/00224/ENF, was issued on 20 September 2022.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission the installation of foundations and creation and construction of a concrete hardstanding/pad ("the unauthorised development").
 - The requirements of the notice are: i) Remove the entire concrete hardstanding/pad from the land; ii) Remove the pipework from the land; iii) Remove the foundations associated with the unauthorised development; iv) Restore the land to its original condition prior to the unauthorised development taking place; and v) remove from the land all materials arising from the requirements of i)-iii) above.
 - The period for compliance with requirements i)-v) is 2 (two) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (d) (f) and (g) of the Town and Country Planning Act 1990 as amended ('the Act').
-

Decision

1. It is directed that the enforcement notice is corrected by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice, and the addition of the words "shown marked with a cross on the land outlined in red on the attached plan" to the end of section 3, 'The matters which appear to constitute the breach of planning control'

and it is varied by the deletion of "2 (two) months" and the substitution of "4 (four) months" as the period for compliance.

Subject to the corrections and variation, the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. The plan attached to the Notice by the Council was incorrect, in as much as it outlined land to the north and south of the stream when the Notice only referred to land to the south of the stream. I wrote to the parties on the matter

and the Council duly provided a revised plan, omitting the land to the north of the stream and marking the site of the hardstanding with an 'x'.

3. For their part, the Appellants submitted a plan that they say is from a title deed, though I was not given details of the title number nor a copy of the associated title deed document. It shows The Old Farmhouse and land around it. Part of the land to the south of the river, which includes the land on which the hardstanding has been constructed, is outlined in a red line. This, they say, "clearly shows the separation of the small parcel to the East from the wider field". I cannot conclude that this is the case from the evidence before me. Without a title deed document, I do not know what the meaning of the red line is and how this separates the land.
4. The Appellants also queried the meaning of the colours that land on the plan has been finished in. It is clear that this is colouring on the base mapping system used by the Council.
5. From the evidence before me, including what I saw at my site visit, the corrected plan submitted by the Council should be attached to the Notice *in lieu* of that which was originally attached.

Reasons

6. The Old Farmhouse is a substantial residential property set within a small hamlet in the open countryside. It lies on the north side of a stream, and the Appellants also own land on the south side of the stream. The development that is the subject of the Notice lies on the land to the south of the stream. That land is fairly level adjacent to the stream but rises more steeply as one moves southwards away from it. The hardstanding/pad has been laid on a terrace set into this steeper land.

Ground (c)

7. An appeal made under Ground (c) is that the matters alleged in the Notice do not constitute a breach of planning control. This is a legal ground of appeal where the onus lies with the Appellants to make their case on the balance of probability.
8. The Appellants submitted a statutory declaration ('the declaration') in support of their case on this ground of appeal. The plan attached to the declaration shows the area of land that the Appellants refer to in their response to the Council's corrected plan submission, which I refer to above. Given the legal ramifications associated with making a declaration, it is a piece of evidence to which I attach significant weight.
9. It states that the land has been in the Appellants' ownership since August 2007, when they bought the Old Farmhouse and land to the south of the stream. At that time, that land was fenced off and used for the grazing of animals. There was, I am told, a small animal shelter on the land on a concrete base. It would appear that this is shown in the photograph entitled 'Flash flooding 1.1.2014.jpg' attached to the declaration. The declaration sets out that from 2008 animals were excluded from the land, outdoor play equipment was placed on it and it was used as a play area.
10. Latterly, in Summer 2019 a borehole was drilled on the land, and in May-June 2021 works were undertaken to extend the concrete slab on which the animal

shelter stood and, in August 2021, the north bank of the stream close to the house was reinforced.

11. During 2021 work was carried out to the hardstanding, as well as works to prevent further erosion by the river. Following "instruction" from the Council, work ceased on the land and a planning application was made. This was withdrawn and a subsequent pre-application enquiry made. The declaration states that since the cessation of the work the land became more naturalised, though car parking on a hardcored area has continued and the extended slab remains.
12. The basis of the declaration is that the land "has been used as ancillary domestic curtilage/garden to the Dwellinghouse on a continuous and uninterrupted basis since prior to January 2009". The importance of this position is expanded in their statement of case where they set out that as the use of the land has been carried out for a period of ten years, so it has become lawful. Therefore, they say, the erection of an outbuilding here would be permitted development under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, 'the GPDO'.
13. Curtilage and garden have different meanings. Whilst land used as a garden might well coincide with a building's curtilage, it does not automatically follow that land used as a garden or for purposes ancillary to the residential use of a property is its curtilage.
14. Established case law sets out that to be considered to be curtilage to The Old Farmhouse, the land would have to be used for some reasonably necessary or useful manner associated with it. This case law provides criteria for identifying curtilage, namely: (i) the physical 'layout'; (ii) the ownership past and present; and (iii) the use or function past or present. Whether land lies within a curtilage is a matter of fact and degree for the decision-maker, after deciding what weight to give to the relevant factors.
15. In terms of layout, the land is close to The Old Farmhouse, but the stream provides a strong physical boundary between the two.
16. In terms of ownership, as it is not expressly set out in the evidence, I cannot be sure that the land to the south of the stream was in the same ownership as the Old Farmhouse when the latter was purchased by the Appellants.
17. At the time they purchased the house, the declaration states that "the land to the north of the stream was in active use as domestic garden/curtilage and that portion of our existing domestic curtilage/garden to the south of the stream was a fenced off grassed paddock, used as equestrian pasture, separated from the adjoining two larger paddocks that we also own". This does not, to my mind, equate to it being part of the curtilage of The Old Farmhouse prior to their purchase. I would be of the same opinion even were it to have been shown that the land was in the same ownership when the Appellants purchased it.
18. The evidence shows that the Appellants have been using the land for domestic purposes but, as I have said, this does not mean that it is automatically within the curtilage of The Old Farmhouse.

19. As a matter of fact and degree, I find that the land on which the hardstanding has been constructed is not within the curtilage of The Old Farmhouse. This being the case, the hardstanding, nor the building that the Appellants wish to erect, cannot be held to be permitted development under Class E of Part 1 of Schedule 2 of the GPDO.
20. I have been provided with a copy of an enforcement notice that was issued by the Council on 20 September 2022. This alleged the change of use of land to the south of the stream, including that on which the hardstanding has been formed, from agricultural to residential.
21. That notice ('the mcu notice') was not appealed, and it came into effect on 28 October 2022. Its requirement was to cease the residential use of the land. The Council asserts that this means the Appellants "have therefore accepted that there has been an unauthorised change of use of the land". It is clear, from the arguments that they have put forward, that this is not the Appellants' view. Notwithstanding this, they did not appeal that Notice, and its requirement to cease the use of the land is binding. The appeal before me relates to operational development rather than the lawful use of the land.
22. For the above reasons, the Appellants fail to demonstrate on the balance of probability that there has not been a breach of planning control. For the above reasons, the appeal under Ground (c) fails.

Ground (d)

23. An appeal made under Ground (d) is that, at the date when the Notice was issued, no enforcement action could be taken in respect of the breach of planning control it alleges. Again, this is a legal ground of appeal where the onus lies with the Appellants to make their case on the balance of probability.
24. The time limits, after which immunity for unauthorised development is conferred, are set out in s171B of the Act. The Notice relates to operational development and, therefore, s171B(1) applies; it sets out that this is a period of four years beginning with the date on which the operations were substantially completed. To make their case, the Appellants would have to show that the hardstanding was substantially completed by 20 September 2018
25. The statutory declarations show that this was not the case. They state that "in June 2021 temporary hard core was laid down to allow the existing slab to be extended to its present size".
26. As the concrete hardstanding/pad, to which the Notice relates, had not been substantially completed for 4 years when the Notice was issued, so it was not immune from enforcement action. Therefore, the Ground (d) appeal fails.

Ground (a)

27. An appeal made under this Ground is that planning permission ought to be granted for the breach of planning control alleged in the Notice.
28. The Main Issue to be assessed is the effect that the development has on the character and appearance of the area.
29. Purtington is a small collection of houses set in open countryside, to the south of the A30 between Chard and Crewkerne. The landscape in the area is of

- rolling hills into which steeply sided valleys have been cut by small rivers. The hamlet lies towards the upper end of the valley of a small stream. Although the area in which the appeal site is located is not covered by any landscape designation, it is, nonetheless, attractive.
30. Two narrow lanes run through Purtington; one at a lower level near the course of the stream, whilst the other runs south-westwards from it at a higher level. A steep, narrow and unmade bridleway, Rose Lane, links the two roads. It leaves the lower road close to The Old Farmhouse and runs southwards along the boundary with the land on which the hardstanding has been formed.
 31. Policy EQ2 of the South Somerset Local Plan 2006-2028, adopted March 2015, ('SSLP'), sets out the Council's general approach to development proposals. It provides 12 criteria against which they will be assessed, but it is not necessary for all to be met. Criteria 2, 3, 4, 11 and 12 are those that are relevant to the effects of a development on the character and appearance of an area.
 32. The hardstanding has been constructed very close to Rose Lane. It is clearly visible from that public right of way' notwithstanding the presence of trees and other vegetation', though landscaping would reduce its visual impact.
 33. The siting of the concrete base in a location divorced from the area that has a lawful residential use is alien to the character of the area. Whilst properties in the area might have curtilages or gardens that are large and irregularly shaped, I have not been given evidence of an example like that which is before me where a development for residential purposes lies outside a property's curtilage.
 34. I saw domestic outbuildings in a variety of forms in the area. However, they appeared to be within the gardens or curtilages of properties and not outside of them, as is the case here. The Appellants pointed out that the hardstanding has been formed "mere metres away from the neighbour's carport structure". I do not know the planning status of that structure, nor whether it lies within the curtilage of the neighbouring property. In any event, each proposal has to be assessed on its individual merits, and the construction of the hardstanding on land outside the curtilage or garden of The Old Farmhouse causes harm to the area's character and appearance that is not mitigated by the presence of another structure close-by.
 35. Save for the details that I refer to, above, other I have little information regarding the building that was formerly on the land. As such, I attach little weight to arguments that it should lead to the development being allowed.
 36. The appeal before me relates to the hardstanding that has been constructed. Notwithstanding this, although I do not have copies of the drawings for the building that is proposed, I was nonetheless able to see how a building erected here utilising the size of hardstanding that has been constructed would further harm the character and appearance of the area.
 37. Whilst the site would allow sunlight to reach a building on the hardstanding, and thus exploit solar gain, and it is in a position where there would be no harm to neighbours' living conditions, neither is sufficient to outweigh the harm that would be caused. Although an electric charging point might be provided, there is no evidence to show that this could not be provided within the curtilage of The Old Farmhouse.

Other Matters

38. The Appellant refers to the lack of engagement by the Council. Whilst this might have been the case, this is not the forum to address the Council's procedural approach.

Conclusion on Ground(a)

39. For the above reasons, the development causes harm to the character and appearance of the area. It is, therefore, contrary to the terms of SSLP Policy SD1. It does not represent sustainable development and is therefore contrary to the terms of SSLP Policy SD1 and the terms of the National Planning Policy Framework, in particular its chapter 15.

Ground (g)

40. An appeal under this Ground is that the period allowed for compliance with the requirements of the Notice falls short of what should reasonably be allowed.

41. The Notice allows 2 months for compliance with its requirements. In their statement of case, the Appellants suggest a date of June 2023 for compliance; this is explained in their Final Comments as being 4 months based on the expected date for a decision on the appeal being February 2023.

42. The removal of the steel reinforced concrete slab will be a fairly significant undertaking. I am aware of difficulties generally in appointing contractors, and that undertaking the work when the ground is wet would be likely to be problematic.

43. In their statement, the Appellants refer to a loss of potable water supply to the dwelling arising from compliance with the Notice. The Council states that "the concrete pad, pipework and foundations does not facilitate the supply of water to the dwelling house and...would have no impact on the water supply to the property". This is not challenged by the Appellants in their Final Comments and no substantive evidence has been submitted to show that the Notice would result in the loss of potable water to the dwelling. This does not provide a compelling case to extend the period for compliance. I find similarly in respect of arguments made regarding the effects of the Covid pandemic,

44. Notwithstanding that little evidence has been provided in respect of the potable water supply, given the work involved I find that the 2-month period for compliance falls short of what is reasonable required. I will extend the period for compliance to 4 months and, to this extent, the Ground (g) appeal succeeds.

Conclusion

45. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Roy Curnow

Inspector



Plan

This is the plan referred to in my decision dated: 27th November 2023

by Roy Curnow MA BSc(Hons) DipTP MRTPI

Land at: Land South of The Old Farmhouse, Down Lane, Purtington, Chard, Somerset TA20 4DH

Reference: APP/R3325/C/22/3309700 and APP/R3325/C/22/3309701

Scale: Not to scale



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Appeal Decision

Site visit made on 27 November 2023

by Neil Pope BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/R3325/W/22/3313410

Land South Of Tintinhull Road, Chilthorne Domer, Yeovil, Somerset, BA22 8RA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Land Allocation Ltd against South Somerset District Council.
 - The application ref. 20/02047/OUT, is dated 7 July 2020.
 - The development proposed is residential development for up to 73 dwellings, including access, with all other matters reserved.
-

Decision

1. The appeal is dismissed and outline planning permission is refused.

Preliminary Matters

2. Other than the means of access, all other matters of detail have been reserved for subsequent consideration. I have treated the plans showing a proposed layout and landscaping as being illustrative only.
3. On 1 April 2023, South Somerset District Council was replaced by the new unitary Somerset County Council (the LPA).
4. The LPA has informed me that had it determined the application it would have refused outline planning permission for the following reasons:

1. The size and scale of the proposed development (of up to 73 no. dwellings) would not be commensurate with the scale and character of the existing rural settlement of Chilthorne Domer, contrary to policy SS2 of the South Somerset Local Plan.

2. The proposed development of up to 73 residential properties would cause significant harm to the character of the area and would be at odds with the development pattern of the existing settlement of Chilthorne Domer. There would be physical harm through the loss of two significant lengths of existing hedgerow on the northern boundary of the site where the new vehicular access is proposed, and on the boundary between the two fields. The proposals for residential development would have a harmful visual impact, primarily to those areas and viewpoints closest to the proposed development, including neighbouring residential properties. The proposals would fail to preserve, enhance or promote local distinctiveness, and preserve or enhance the character and appearance of the district, contrary to policies SS2, EQ2, EQ5 of the South Somerset Local Plan and paragraphs 124, 130 and 174 b) of the National Planning Policy Framework.

3. *Insufficient information has been submitted to assess whether the proposal would result in an unacceptable impact upon the Favourable Conservation Status of protected species and therefore whether the proposal is compliant with the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). Furthermore, the development conflicts with Policy EQ4 Biodiversity of the Somerset Council (Area South Council Local Plan & Part 15 of the National Planning Policy Framework 2021.*
4. *Insufficient information has been submitted to satisfy the LPA that the impacts on the Somerset Levels and Moors Ramsar from the development have been sufficiently taken into account and, as such, satisfactory mitigation measures and evidence of their intended implementation have not been provided, in line with the Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and in accordance with the Somerset Council Area South Local Plan - Policy EQ4 Biodiversity. Therefore, as evidence (in this case purchase of a sufficient number of credits, or a comprehensive wetland design) has not been forthcoming, SES can only derive to the conclusions that the proposal would result in an unacceptable increase in phosphate levels within the foul water discharge affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such fails Regulation 63 of the Habitat Regulations 2017. Furthermore, the development therefore conflicts with Somerset Councils (sic) Policy EQ4 as well as Part 15 of the National Planning Policy Framework 2021.*
5. The appeal site lies within the settings of various designated heritage assets¹. These include the grade I listed Montacute House (approximately 2.75km from the appeal site), the grade II listed Tower on St. Michael's Hill (approx. 3.5km south west of the appeal site), the grade II listed parish boundary stone adjacent to the north western corner of the appeal site, the grade II listed house known as 'Glyncote' (approx. 200 metres to the north west), the grade II listed Lower Vagg Farmhouse (approx. 300m to the north east), the grade I Registered Park and Garden at Montacute House (the nearest part is approx. 2km from the site) and Montacute Castle Scheduled Monument (SM) approximately 3.5km south west.
6. As part of the appeal, the appellant has submitted a Unilateral Undertaking (UU) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). Amongst other things, the UU includes provision for: 35% of the proposed dwellings to be made affordable; a local area of children's play (LAP) and a local equipped area of children's play (LEAP); financial contributions towards the costs of off-site open space provision and playing pitches; a Travel Plan and; a commitment to enter an EnTrade scheme or, provide alternative off-site wetland mitigation. These matters would need to be considered having regard, amongst other things, to the provisions of paragraphs 55 and 57 of the National Planning Policy Framework (the Framework) before any planning permission could be granted.

¹ The provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. However, the site lies beyond the settings of the Thorne Coffin Conservation Area, as shown within the Thorne Conservation Area Appraisal 2010, and the various grade II listed buildings within the grounds of Montacute House

7. The LPA accepts that it is unable to demonstrate a five year housing land supply².
8. Although the postal address for the appeal site is Chilthorne Dormer, I understand that the site lies within Brympton Parish.

Main Issues

9. The four main issues are: firstly, the weight to be given to the benefits of the proposed development; secondly, the likely effect upon the character and appearance of the area, including the settlement of Chilthorne Dormer; thirdly, the effect upon the settings of the above noted designated heritage assets and; fourthly, the effect upon nature conservation interests, including the Somerset Levels and Moors Ramsar Site and Special Protection Area³ (SPA).

Reasons

Planning Policy

10. The development plan includes the South Somerset Local Plan 2006-2023 (LP). The most important policies to the determination of this appeal are: SD1 (sustainable development), SS1 (settlement strategy⁴), SS2 (development in rural settlements), SS5 (delivering new housing growth), EQ2 (general development), EQ3 (historic environment), EQ4 (biodiversity) and EQ5 (green infrastructure). Given the housing land supply position and the provisions of the Framework, I attach only limited weight to LP policies SS1, SS2 and SS5.
11. In determining this appeal, I have also had regard to the Written Ministerial Statement dated 20 July 2022, 'Statement on Improving Water Quality and Tackling Nutrient Pollution' by the Secretary of State for Environment, Food and Rural Affairs.

First Main Issue - Weight to be given to the Benefits of the Proposals

12. The proposed development would help to address the shortfall⁵ in supply of housing within Somerset. It would accord with the provisions of LP policy HG5 by providing a mix of housing and would increase the choice of residential accommodation within the local area. In addition, 35% of the proposed dwellings would be affordable, as required by LP policy HG3. This would assist in meeting the housing needs of the local community. The proposal would accord with the thrust of the Government's objective for significantly boosting the supply of housing. I afford these benefits considerable weight.
13. Occupiers of the proposed dwellings would be likely to support local businesses, services and facilities and, in so doing, help to maintain the vitality of the local area. There would also be economic benefits during the construction phase and an increase in Council Tax revenue when the new homes are occupied. I afford these benefits moderate weight.
14. I note from the appellant's Flood Risk Assessment (FRA) that the proposed Sustainable Drainage System, which would form part of the reserved matters,

² I note from the appellant's Statement that the latest figures indicate only about 4.55 years supply.

³ This extends to about 6,388 ha and is situated approximately 7.6km north west of the appeal site at its closest point. The SPA is underpinned by numerous Sites of Special Scientific Interest (SSSI).

⁴ Chilthorne Dormer is not a named village under this policy and is accordingly categorised as a Rural Settlement.

⁵ This in itself adds much weight to the appellant's argument for granting permission.

would have the potential to result in some very modest land drainage (flood mitigation) betterment. I afford this benefit some limited weight.

Second Main Issue - Character and Appearance

15. This 3.5 ha appeal site forms part of the countryside to the south of the village of Chilthorne Dormer and to the north of the settlement of Thorne Coffin. It comprises two fields with boundary hedgerows⁶ and some trees. A public footpath runs along much of the western boundary of the site. Tintinhull Road and the junction with Main Street lie immediately to the north of the site, with the Carpenter's Arms public house to the north east⁷. A narrow country lane runs along the eastern and southern eastern boundaries of the site. The northern edge of Yeovil is approximately 1km to the south. The Monarch's Way and Leland Trail are approximately 2km to the west.
16. The appeal site lies within the 'northern escarpments dip slopes and foothills central' landscape zone/type, as defined within the 'The Landscape of South Somerset – A Landscape Assessment of the Scenery of south Somerset'⁸ (1993). As I noted during my visit, the site lies within a landscape that, in the main, comprises rolling, mixed farmland with hedgerows (including some hedgerow trees) and scattered farms. I note from the appellant's Landscape and Visual Appraisal that this is a landscape of 'medium' sensitivity.
17. Notwithstanding the close proximity to the southern edge of Chilthorn Dormer, the appeal site, lying on the opposite side of Tintinhull Road⁹, forms an integral part of the undulating rural landscape in this part of south Somerset. As I saw during my visit, the unspoilt open qualities of the appeal site and its hedgerows and hedgerow trees, which contribute to the local pattern of fields, form part of the distinctive qualities of the local environment. These make a very pleasing and important contribution to the rural setting of the village and to the character and appearance of the local area.
18. When walking along the footway between Main Street and the Carpenter's Arms, the appeal site provides attractive views across the countryside to the minor escarpment to the east and to the countryside to the south and west. I agree with the appellant that motor traffic along Tintinhull Road is a detracting element of these views. However, the traffic is intermittent and some of those using this section of highway, such as walkers and cyclists, would be people experiencing and deriving enjoyment from the amenity of the countryside. These people can be considered as 'high sensitivity' receptors.
19. Such receptors would also be making use of the well-worn public footpath along much of the western edge of the site, as well as the users of the narrow lane to the east and those walking the more distant footpaths that bisect the landscape to the west¹⁰ and south west. As I found during my visit, the footpath through the site affords a pleasing experience of this area of gently undulating Somerset countryside, including a vista south west of Montacute House and St. Michael's Tower. From the west and south west, the site forms

⁶ On behalf of the appellant, five sections of these hedgerows, including much of the hedgerow growing along the boundary with Tintinhull Road, have been identified as 'important' under the Hedgerows Regulations 1997.

⁷ I note that outline permission exists for 28 dwellings on land to the west of Vagg Lane (ref. 17/02659/OUT) with a reserved matters application (ref. 21/03414/REM) yet to be determined.

⁸ Published by the former South Somerset District Council, this document carries limited weight.

⁹ This road very clearly demarcates the southern limit of Chilthorne Dormer, with the hedgerow along the northern boundary of the appeal site and the land beyond forming open countryside.

¹⁰ From here, there are glimpsed views of the appeal site.

- part of a wide expanse of attractive countryside to the south of Chilthorne Dormer, this also includes the backdrop of the minor escarpment to the east of the settlement. When viewed from the narrow lane to the east and south east, there are limited, but nevertheless, attractive countryside views across the site.
20. The proposed dwellings, access, estate roads, other hard surfaced areas and external lighting would markedly change the character of the appeal site. Sections of hedgerow would be removed¹¹, eroding the local (distinctive) pattern of fields, and the unspoilt open qualities of the site would be almost entirely lost. The agricultural use and rural character of the site would be supplanted by a sizeable residential estate with its associated paraphernalia and increased activity and vehicular movements. The development would considerably extend the settlement limits of Chilthorne Dormer into the countryside to the south. Notwithstanding new planting, the proposal would be a very discordant addition to this landscape of rolling, mixed farmland with hedgerows and scattered farms. It would be an uncomfortable fit.
 21. The development would be separated from Yeovil and Thorne Coffin by sizeable tracts of countryside and would not result in any settlement coalescence. However, in 'leapfrogging' Tintinhull Road, the proposal would considerably detract from the landscape setting of Chilthorne Dormer. The impact that I have identified above would result in an unwelcome finger of development protruding into this part of the countryside and a harmful extension of the settlement limits. I disagree with the appellant that the proposal would result in only 'minor to moderate adverse' effects on the landscape character of the area. The effects would be at the lower end of 'high adverse'.
 22. If permitted, the development would be readily visible from Tintinhull Road, the footpath along the western boundary of the site and the narrow lane to the east. In all probability, the upper parts of some of the new buildings and the effects of external lighting would also be apparent in some distant views from the west and south west. Seeing a development does not in itself amount to a harmful impact. However, in this instance, the impact would be considerable.
 23. Notwithstanding the likely setting back of new buildings from the highway and the new planting, when seen from Tintinhull Road the proposed dwellings would block some views of the minor escarpment to the east of the village and interrupt some other views of the countryside to the south and west. Instead of looking across attractive open countryside, these views would be dominated by buildings and a sizeable new access road and associated highway works. In future, walking/travelling along this section of Tintinhull Road would be akin to passing through a suburban corridor with buildings on either side. The proposal would seriously detract from the appearance of the area.
 24. From the footpath within the site, the experience would change from that of walking through unspoilt open countryside with open views of the minor escarpment to the east, to that of a narrow channel at the side of a housing estate. This would considerably detract from the amenity of this popular public right of way. From the east and south east, the new buildings would be prominent and would obscure open views across the site. There would be a high magnitude of change and for walkers and/or cyclists experiencing this part of the countryside the impact would be 'major adverse'.

¹¹ This includes the hedgerow growing within the centre of the site and part of the hedgerow growing along the northern boundary.

25. In some more distant views¹² from the west and south west, the ensuing encroachment of the extended settlement limits of Chilthorne Dormer into the surrounding countryside would be apparent. From these locations, the development would contrast awkwardly with the appearance of the rural landscape and detract from the quality of views. It would appear as one element of these wider views across the landscape. I consider that the magnitude of change from these areas would be 'medium' and the effect upon the quality of views would be 'moderate adverse'. In views between 2-4km from the site, the magnitude of change would be 'low' and the effect 'minor'.
26. I conclude on the second main issue that the proposal would erode the distinctive qualities of the local environment and seriously harm the character and appearance of the area, including the setting of Chilthorne Dormer. In so doing, there would be conflict with the provisions of LP policies SS2, EQ2 and EQ5. This harm weighs very heavily against granting planning permission.

Third Main Issue - Settings of Designated Heritage Assets

Montecute House

27. The heritage interest (significance) of this grade I listed circa 1590-1601 country house (remodelled in the late 18th century) is derived primarily from its Elizabethan Renaissance architecture and design¹³, as well as its historic qualities as a symbol of power and wealth¹⁴ within Somerset.
28. This very important designated heritage asset has an extensive setting. This comprises the surrounding garden, parkland and countryside. These elements reflect the grandeur of this house and the historical influence exerted by this building (and its previous occupants) within the local landscape. As noted within a 2009 report¹⁵ prepared on behalf of The National Trust, some views across the landscape, as well as some views from Montacute house, are also important in understanding the heritage interest of this grade I listed building.
29. Over time, there have been many changes within the setting of Montacute House. The appeal site, which forms a very small element of the surroundings in which this heritage asset is experienced, is an integral part of the historic and attractive (rural) landscape setting of this country house. The unspoilt open qualities of the site make a very small, but nevertheless, positive contribution to the ability to appreciate the significance of Montacute House.
30. During my site visit, I was unable to identify the appeal site from the Long Gallery within Montacute House or from its surrounding garden. I note from the supplementary information provided by the appellant's heritage consultant that due to intervening trees and hedgerows the site cannot be seen from these locations. I also viewed Montacute House from some of the major axial views identified within the Study that was produced on behalf of the National Trust. There is no cogent evidence¹⁶ to demonstrate that the proposed development would affect the significance of Montacute House when viewed

¹² Those within the appellant's 2km Study Area.

¹³ This includes its 'H' shaped plan, the symmetry of its principal (east) façade with towering Ham stone ashlar walls of glass, Dutch style gables, Welsh slate roof with open balustered parapets, as well as internal features such as the flamboyant Long Gallery.

¹⁴ Associated with the Phelips family, but now owned by The National Trust.

¹⁵ 'Montacute Setting Study' (Nicholas Pearson Associates).

¹⁶ Other than the photo locations shown within the appellant's historic environment assessment, no other party identified/pinpointed any specific location within the Long Gallery or any other part of Montacute House.

from inside this listed country house, or from within its garden, or from any major axial views. There would also be no harm to the significance of Montacute House when viewed from the public right way that runs along part of the western edge of the appeal site.

31. However, the proposal would be likely to disrupt views of Montacute House from within part¹⁷ of the appeal site. Whilst these are not public views, they afford distant views of this listed building from within the countryside and afford an appreciation and understanding of its grandeur and historic landscape setting. Other similar views of this listed building from elsewhere would remain unaffected. As a consequence, the extent of harm would be towards the lower end of the category of less than substantial harm, as set out within the Framework. (I note that the LPA's conservation officer found that there would be a low level of less than substantial harm to the significance of this listed building.) The proposal would conflict with the provisions of LP policy EQ3.
32. Great weight must be given to a designated heritage asset's conservation when considering the impact of a proposed development and any harm to the significance of such an asset, including development within its setting, weighs heavily against granting planning permission. However, unlike LP policy EQ3¹⁸, the Framework also requires any less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal. When this heritage balance is undertaken, I find that the benefits would outweigh the less than substantial harm to the heritage interest of Montacute House. It would appear from the LPA's deemed 'reasons for refusal' that it reached a similar finding in respect of this designated heritage asset.

Tower on St. Michael's Hill

33. The significance of this 18th century folly is primarily derived from its historic qualities as a 12m tall signal tower to Newton Surmaville (approximately 7.5 km east), as well as its architectural qualities as an 'eye-catcher' for Montacute House, its circular plan, Ham stone ashlar walls and 3 slit-light windows. Built on the summit of St, Michael's Hill, this listed tower has an extensive setting with wide ranging views across the Somerset landscape.
34. Over time, there have been very many changes within the setting of this grade II listed building, including the construction of the A3088. The appeal site forms a very small element of the surroundings in which the Tower on St. Michael's Hill is experienced. Nevertheless, as I noted during my visit up the tower¹⁹, the appeal site is an integral part of the historic and mainly rural landscape setting of this listed building. The unspoilt open qualities of the site make a very small, positive contribution to the ability to appreciate the significance of this listed building.
35. The proposed development would be seen in a view from near the top of the Tower on St. Michael's Hill and would comprise an additional 'urban' element that would further erode the historic, rural landscape setting of this grade II listed building. This would conflict with the provisions of LP policy EQ3. However, this would be a distant view. The proposal would not be prominent or occupy anything other than a very minor part of a wide panorama that

¹⁷ The northern section of the western field.

¹⁸ This policy pre-dates the latest version of the Framework.

¹⁹ The tower is currently closed as it is in need of repair works. However, access was arranged for my visit.

exists from the tower and the area immediately alongside. The development would not intrude into views towards Newton Surmaville or affect the function of the tower as an 'eye-catcher'.

36. The extent of harm to the significance of this listed building would be towards the very lower end of the category of less than substantial harm. When undertaking the heritage balance, this harm would be outweighed by the public benefits of the proposal.

Boundary Stone

37. The significance of this small circa 18th century Ham stone pillar is derived primarily from its historic qualities as a parish boundary marker. The setting of this grade II listed structure is limited to the section of highway within which it sits. This includes the southern end of Main Street, the northern edge of the appeal site and a strip of land on the northern side of Tintinhull Road.
38. Over time, there have been changes within the setting of this designated heritage asset. These include works to the highway and some development along the northern side of the junction with Main Street. The hedgerow growing along the northern edge of the appeal site denotes part of the parish boundary and makes a positive contribution to the historic interest and significance of this listed boundary stone. I disagree with the appellant's assessment that the appeal site makes no contribution to the significance of this designated heritage asset.
39. The proposed development would entail the removal of sections of 'important' hedgerow to the east of the listed boundary stone. Whilst the proposed footway widening alongside the bus stop would include replacement hedgerow planting, it is by no means certain that this would maintain the line of the parish boundary and preserve the setting and historic significance of the boundary stone. Even if there was no disruption as a result of these works, the proposed vehicular access onto Tintinhull Road, including its associated entrance radii and visibility splays, would diminish the integrity of the roadside hedge (and erode the line of the parish boundary). In so doing, this would detract from an appreciation and understanding of the significance of this listed boundary marker. There would be conflict with the provisions of LP policy EQ3.
40. In the context of the Framework, there would be a moderate amount of less than substantial harm to the heritage interest of this listed structure. This harm would be outweighed by the public benefits of the proposals.

'Glyncote'

41. The significance of this detached house, which dates from the 18th century, is primarily derived from its architectural qualities, which include its brick and Ham stone walls, Welsh slate roof, brick and stone chimneys, 18th century sash windows and 19th century casement windows, as well as its historic interest as a vernacular building within the Somerset countryside.
42. The setting of this listed building includes the surrounding countryside (of which the appeal site forms part) and assists in affording an appreciation and understanding of the historic landscape setting and interest of this rural dwelling. Whilst over time there have been some changes within the setting, the unspoilt open qualities of the appeal site make a small, positive contribution to an appreciation of the historic interest of this listed structure.

43. The proposed development would entail the loss of a very small part of the historic rural landscape setting of 'Glyncote'. This would, to a very limited extent, detract from the ability to appreciate the significance of this rural dwelling and would conflict with the provisions of LP policy EQ3. The extent of the less than substantial harm to the significance of this listed building would be towards the very low end of this category of harm. This harm would be outweighed by the public benefits of the proposal.

Lower Vagg Farmhouse

44. The significance of this 18th century farmhouse is primarily derived from its architectural qualities, which include its Ham stone cut and squared walls with ashlar dressings, clay tiled roof with coped gables, chimneys and mullioned windows, as well as its historic qualities as a traditional farmhouse within this part of the Somerset countryside.

45. The setting of this listed building includes the surrounding countryside (of which the appeal site forms part) and assists in affording an appreciation and understanding of the historic landscape setting and interest of this farmhouse. Whilst over time there have been some changes within the setting, the unspoilt open qualities of the appeal site make a small, positive contribution to an appreciation of the historic interest of this listed structure.

46. The proposals would entail the loss of a very small part of the historic rural landscape setting of Lower Vagg Farmhouse. This would, to a very limited extent, detract from the ability to appreciate the significance of this 18th century farmhouse and would conflict with the provisions of LP policy EQ3. The extent of the less than substantial harm to the significance of this listed building would also be towards the very low end of this category of harm. This harm would be outweighed by the public benefits of the proposal.

Registered Park and Garden at Montacute House

47. The significance of this 110 ha grade I listed park and garden is primarily derived from the historic landscape interest of the mid-19th century formal gardens²⁰ and pleasure grounds, as well as the surrounding 18th and 19th century parkland²¹ and ornamental plantations.

48. The setting of this designated heritage asset is extensive and includes surroundings areas of countryside, of which the appeal site forms a very small part. Over time, there have been many changes within the setting of this registered park and garden. Nevertheless, the unspoilt open qualities of the appeal site make a very small, positive contribution to an appreciation of the historic interest of this heritage asset.

49. The proposed development would entail the loss of a very small part of the historic rural landscape setting of this registered park and garden. Due to intervening landform, trees and vegetation this would have an almost imperceptible effect upon the ability to appreciate the significance of this designated heritage asset²². There would be a modicum of conflict with the provisions of LP policy EQ3. The extent of less than substantial harm to the significance of this designated heritage asset would be towards the very low

²⁰ Within a framework of late 16th century formal gardens.

²¹ With medieval and 16th century origins.

²² I note that the Gardens Trust was unconcerned by the proposals.

end of this category of harm. This harm would be outweighed by the public benefits of the proposal.

Montacute Castle SM

50. The significance of this motte and bailey castle, which is mentioned in the Domesday Book, is primarily derived from its historic interest as a Norman fortification and from its archaeological remains. Formed from a natural conical hill, this very important designated heritage asset has an extensive setting. This includes the above noted registered park and garden and other swathes of the surrounding countryside. The largely unspoilt open qualities of the countryside, of which the appeal site forms a very small part, assists in affording an appreciation of the strategic importance and historic landscape setting of this SM.
51. The proposed development would entail the loss of a very small part of the historic rural landscape setting of this SM. Given the distance from the site, intervening landform, trees and vegetation this would have an almost imperceptible effect upon the ability to appreciate the significance of this designated heritage asset. There would be a modicum of conflict with the provisions of LP policy EQ3. The extent of less than substantial harm to the significance of this SM would be towards the very low end of this category of harm. This harm would be outweighed by the public benefits of the proposal.
52. I conclude on the third main issue that the proposed development would fail to preserve the settings of five listed buildings and would result in less than substantial harm to the significance of seven designated heritage assets. However, in each case, this harm would be outweighed by the public benefits of the proposals.

Fourth Main Issue - Nature Conservation Interests

Protected Species

53. Amongst other things, the development plan and the Framework recognise the importance of protecting and enhancing biodiversity and habitats. In this regard, and in support of the application, the appellant submitted a Preliminary Ecological Appraisal²³ (PEA). Amongst other things, this identified the site's potential (habitat) for providing shelter, foraging and nesting / hibernation / roosting opportunities for local bird species, Great Crested Newts (GCN)²⁴ and bats. In addition to species protection measures, the PEA recommended either further survey work be undertaken in respect of GCN or registration via the District Level Licensing route, as well as further survey work in respect of bats.
54. I note that the appellant subsequently pursued the licensing route for GCN and confirmed that trees growing within the site, that had been identified as affording a moderate potential for bat roosts, would be retained. The appellant also agreed with the LPA's ecologist that a lighting scheme would be submitted as part of a future Landscape Ecological Management Plan for the appeal site, so as to avoid any harmful disturbance to bats. As a consequence, the LPA accepted that there would be no further requirement for survey works.

²³ This comprises a Phase 1 Habitat Survey and protected species assessment, which was completed in April 2020.

²⁴ The Appraisal also notes that some nearby off-site ponds could support populations of Great Crested Newts.

55. The LPA has drawn my attention to guidance published by the Chartered Institute of Ecology and Environmental Management²⁵ which, in effect, advises that ecological reports/surveys that are over three years old are unlikely to still be valid and are likely to need updating. I note the appellant's argument that that the CIEEM advice is guidance only and that there is unlikely to have been any change to the baseline position over the intervening period.
56. Given the delay in determining this application and mindful of the need to avoid increasing the costs of the appeal, I have some sympathy for the appellant on this matter. However, a considerable period of time has lapsed since the PEA was undertaken during which, there could have been changes to the baseline position in respect of protected species that are known to exist within the area.
57. The appellant could have provided an update to the PEA as part of the appeal. I am also mindful of other guidance²⁶ which, in effect, advises that a planning condition (attached to a permission) that requires ecological survey work to be undertaken should only be used in exceptional circumstances. There are no such circumstances before me. Whilst my decision does not turn on this matter, in the absence of an update regarding protected species, there is a risk that the proposal could harm important nature conservation interests.

Protected Sites

58. The appeal site lies within the hydrological/fluvial catchment and the Impact Risk Zone of the Somerset Levels and Moors Ramsar Site and SPA. Amongst other things, this extensive area of lowland wet grassland supports an assemblage of rare aquatic invertebrates. Natural England (NE) has advised that poor water quality, due to nutrient enrichment from elevated levels of phosphorus, has resulted in a loss of biodiversity²⁷ within these protected areas and has led to them being in an 'unfavourable condition'.
59. On behalf of the appellant, it is accepted that without a suitable and effective mitigation package, the proposed development would result in an increase in the total phosphate load leaving the appeal site²⁸. The appellant also accepts that this has the potential, when considered alone and in-combinations with other developments, for a likely significant effect upon invertebrate species and supporting habitat within the Ramsar Site and SPA.
60. The evidence before me indicates that the proposed development would result in a significant adverse effect upon the integrity of these protected sites. In the circumstances, permission could only be granted if, after undertaking an Appropriate Assessment²⁹, it was found that adequate mitigation would occur so as to avoid this adverse effect. This presents a high bar to securing planning permission.
61. When consulted on the planning application, NE advised that the proposed development would generate a phosphate budget of 18.31 kg/P/yr. I understand that Wessex Water has informed the appellant that there are no

²⁵ CIEEM Advice Note 'The Lifespan of Ecological Reports & Surveys' (2019).

²⁶ Circular 06/225 'Biodiversity and Ecological Conservation – statutory obligations and their impact within the planning system'.

²⁷ I understand that, amongst other things, aquatic invertebrate communities are suffering the effects of hyper-eutrophication, caused by excessive levels of phosphates.

²⁸ From waste water via sewage treatment works discharges. I understand that foul water from the development would drain into the waste water recycling centre at Vagg Lane.

²⁹ Under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

investment plans related to phosphorous removal at the local waste water works³⁰. As noted above, in an attempt to avoid this significant increase in potential nutrient load into the protected sites, the appellant is proposing via the UU, to enter into an EnTrade Nutrient Mitigation (credit) Scheme that has/is being developed by NE, or provide an alternative off-site wetland³¹.

62. I am aware that Nutrient Mitigation Schemes have been used elsewhere within the country to meet the Government's aims of enabling housebuilding whilst also securing pollution mitigation and nature recovery. However, it is unclear to me if such a scheme is operating within the hydrological/fluvial catchment of the above noted protected sites, or if it has capacity to include the appeal scheme/is available to the appellant during the lifetime of a permission.
63. It is also unclear to me whether (and where in the same river catchment) the appellant's alternative wetland mitigation could be provided prior to the first homes being occupied. Furthermore, it is very far from certain that any such mitigation could be secured in perpetuity. I note from NE's consultation response that further details were required on this matter.
64. The appellant's suggestion of attaching a 'Grampian' style condition to a planning permission is unlikely to be sound. If I was to adopt this approach it would, in effect, result in a permission being created but would then pass the responsibility of undertaking an Appropriate Assessment onto another competent authority.
65. There is much uncertainty on the matter of wetland mitigation/credits. On the basis of the limited information before me, I am unable to find that the adverse effects upon the integrity of the protected sites could be ruled out beyond all reasonable scientific doubt. Although the proposal has the potential to result in some very modest biodiversity enhancement (via new planting and green infrastructure links) overall, it would be likely to harm nature conservation interests. The development would conflict with the provisions of LP policy EQ4.

Other Matters

66. The proposal would be at odds with the settlement strategy provided for under LP policy SS1. It would contribute towards meeting the housing requirement figure specified within LP policy SS5. However, this sizeable 'greenfield' development would be located within the countryside and beyond the settlement limits of Chilthorne Dormer. It would conflict with the objective of LP policy SS5 of maintaining the established settlement hierarchy.
67. The appeal site lies within the setting of the non-designated heritage asset known as 'Chilthrow' which lies adjacent to the site. The significance of this heritage asset appears to be primarily derived from its historic associations with agricultural activity within the local area. I understand that this building has a historic functional relationship with part of the appeal site. Whilst this house is now in separate ownership, the proposed loss of agricultural land would markedly erode its historic functional relationship with the appeal site and, in so doing, diminish the heritage interest of 'Chilthrow'. In taking a balanced judgement in respect of this heritage asset, the harm that I have identified would be very clearly outweighed by the benefits of the proposal.

³⁰ I note the provisions of the Levelling-up and Regeneration Act 2023, that requires sewerage undertakers to upgrade sewage treatment works/plants by 2030.

³¹ The appellant has calculated that an area of about 5.175 ha would be required.

68. I note the findings of the Inspector who dismissed an appeal for 60 dwellings on a site at Templecombe (ref. APP/R3325/W/20/3265558). However, each case must be determined on its own merits and the circumstances of that case (including the close proximity of a grade II* listed manor house and the site's location on a high point within a different landscape) are materially different to the situation before me. Whilst I note that the shortfall in housing land supply was greater than what has been relayed to me, that decision is dated July 2021. It does not set a precedent that I am bound to follow.
69. I have had regard to the numerous representations made by interested parties. These include concerns expressed by both Brympton and Chilthorne Dormer Parish Councils, as well as detailed representations made by the Residents of Chilthorne Dormer and Thorne Coffin Action Group. In respect of matters such as traffic and land drainage, there is more cogent evidence from the LPA's highway officers, the Local Lead Flood Authority and the appellant's transport consultant and FRA to demonstrate that the proposal would be unlikely to compromise highway safety interests or result in any increased risk of flooding. There would be no conflict with LP transport policy TA5 or the flood risk aspects of LP policy EQ1. Whilst I have found harm in respect of some other matters raised by interested parties, the extent of local opposition to the proposal does not in itself justify withholding permission.

Planning Balance/Overall Conclusion

70. I recognise that some greenfield land around some rural settlements would need to be released if the LPA is to meet its housing requirement and address the shortfall in supply. However, releasing the appeal site would result in unacceptable harm to the character and appearance of the local area. Even if adequate mitigation is available to address the likely impact upon nature conservation interests (and could be dealt with by way of a UU or planning conditions), when the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts that I have found in respect of the second and third main issues would significantly and demonstrably outweigh the benefits. There would be conflict with LP policy SD1.
71. The proposal would be at odds with the environmental objective of the Framework and would not comprise sustainable development. Although there is some limited policy support for aspects of the proposal, the appeal scheme would conflict with the overall provisions of the development plan.
72. Given all of the above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector

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Appeal Decisions

Site visit made on 20 November 2023

by **David Nicholson RIBA IHBC**

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

Decision date: 4 December 2023

The Red Lion Inn, Main Street, Babcary, Somerton TA11 7ED

- The appeals are made by Mr & Mrs C Garrard against the decisions of South Somerset District Council¹.
-

Appeal A: APP/R3325/W/22/3309133

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref 21/01051/FUL, dated 18 May 2021, was refused by notice dated 19 May 2022.
 - The development proposed is for²: Changes of use of the existing outbuildings from 6 short term letting units and garden/function room/store currently used in connection with the adjoining public house into a single independent, self-contained dwelling unit and ancillary annex accommodation to that dwelling unit, and provision of new vehicular access and relocation of public house car park to the rear of the public house.
-

Appeal B: APP/R3325/Y/22/3309132

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 [PLBCAA] against a refusal to grant listed building consent.
 - The application Ref. 21/01052/LBC, dated 18 May 2021, was refused by notice dated 19 May 2022.
 - The works proposed are partial-rebuilding and partial-realignment of front boundary wall adjoined to the North end of the West elevation of the Red Lion Inn.
-

Appeal C: APP/R3325/W/22/3309137

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The application Ref. 21/01053/OUT, dated 26 March 2021, was refused by notice dated 19 May 2022.
 - The development proposed is: Erection of 2no. detached new dwellings within the Red Lion Inn car park, and adaptation of existing vehicular access.
-

Decisions

1. Appeals A, B and C are dismissed.

Procedural matters

2. In Appeal C, matters are reserved except for access, layout and scale.

¹ A single unitary council, called Somerset Council was formed on 1 April 2023

² The original application and wording for Appeal A were altered by the Council. The revised wording is confirmed in the Appellants' draft of the Statement of Common Ground, and I have dealt with it on this basis.

Main Issues

3. The main issues are effects of the proposed development on:
 - a. the long-term viability and future of The Red Lion Inn;
 - b. the Grade II listed building and its setting;
 - c. highway safety as a result of a potential increase in on-street parking;
 - d. the living conditions of neighbouring residents.
 - e. phosphate levels on the Somerset Levels and Moors Ramsar.

Issues a-d relate to Appeal A; issue b to Appeal B; and all 5 relate to Appeal C.

Reasons

4. Babcary enjoys a church, a recreation ground and the Red Lion Inn. The site comprises the public house and recently rebuilt outbuildings comprising a Barn, Den and marquee used for tourist accommodation, breakfasts and functions. Beyond this is a vehicular access onto a large car park.

Viability

5. The Red Lion Inn is a successful food and drink pub with 6 ensuite bedrooms and a space for functions. The Appellants have achieved this through considerable effort and investment over the last 20 years, particularly in the demolition and rebuilding of an existing outbuilding to provide the bedrooms and function room. These, and a large car park, are all included in the pub's designation as an Asset of Community Value³.
6. The overall scheme (all 3 appeals) would replace the outbuildings with a single house, the car park with two new dwellings, and introduce a new parking area around the pub with a new access alongside a rebuilt wall. Three viability reports have been submitted, from the Appellants, the Council and the Parish Council, with additional advice from CAMRA⁴.
7. The Appellants' Viability Report argued that, even without the letting rooms, the pub would still represent a significant and profitable business, which would have market appeal, and that a smaller business with a lower asking price would be more accessible to a wider range of purchasers.
8. From the submitted accounts, I accept that the pub is currently an extremely well run business which could continue without the added letting rooms. However, much of this may be down to the skill of the incumbents that might not be replicated under different ownership, as witnessed by the large number of other pubs in the area which have closed. For many rural pubs, diversification into tourist accommodation has become very popular and is likely to have made a big difference to their success. CAMRA also considered that removing a very significant income stream would be detrimental to viability and the long term good of the community.

³ The Officer Report notes that: ... *the Council added the building and its associated land to its [ACV] list on 3rd September 2020. An appeal against this ... was subsequently dismissed on 1st July 2021, the Tribunal Judge concluding that The Red Lion Inn, including the public house, the Barn, the Den, the marquee area, the garden including the outside pizza area and the whole car park, was correctly listed as an ACV.*

⁴ Campaign for Real Ale. This produces the CAMRA Public House Viability Test

9. I note that the Appellants have claimed that the letting rooms have never contributed much to their business, and that the Council's figures for the profitability of this element may be wide of the mark. They add that the target occupancy must now be 80% which is hard to achieve. On the other hand, that difficulty might be as a result of the Appellants' focus on a successful food and drink offer, or because the cost of conversion was more than the income could readily service, or some other reason. For other operators, the balance might be skewed the other way, or the mutual relationship between the two might make the difference between success and failure.
10. I accept that a higher price for the business overall would limit the number of people who might be able to express an interest in acquiring it. However, I also consider that the market is likely to set its own level, based on its profitability as a pub with letting rooms, rather than the cost of conversion.
11. A marketing campaign in 2019 targeting corporate operators at a guide price of £1,500,000 was unsuccessful, but it is not evident to me that this was because of a lack of interest rather than limited marketing at a high asking price. I accept that reduced borrowings would improve viability for the current owners with current debts. However, given the trend towards pubs having overnight accommodation, I find that in the long term it is more likely that letting income would improve future viability overall.
12. While I acknowledge that many pubs thrive without letting rooms, many others do not and, in my view, the letting rooms and function spaces provide added flexibility of income and are likely to be a significant positive factor in the long-term viability of the Red Lion. The loss of these assets should weigh heavily against the likelihood of the long term viability of the business.
13. I have noted that there may have been an increase in Airbnb lettings, but to my mind these appeal to a different customer base than those who want to stay in a pub with an excellent food offer.
14. There are proposals to make the nearby A303 into a dual carriageway which might reduce passing trade. However, the evidence before me suggests that the pub's success is mostly as a food destination which is therefore unlikely to be enormously affected by these changes. Although only a small factor, if anything, the A303 works would make it more important for viability that the business maintains diversification through its letting rooms.
15. For Appeals A and C, the scheme would conflict with South Somerset Local Plan 2006-2028 (LP) Policy EP15 which does not permit proposals that would result in a significant or total loss of site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement unless the applicant demonstrates that: alternative provision of equivalent or better quality, is available within the settlement or that there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made.
16. The proposals would be contrary to policy in paragraph 93 of the National Planning Policy Framework (NPPF§93) which expects decisions to guard against the unnecessary loss of valued facilities and services (including public houses).

Heritage

17. The Red Lion Inn is a Grade II listed building. It has 17th Century origins with several later additions and was probably converted to a public house in Victorian times. It is built of local lias stone, roughly cut and squared, under thatched roofs between coped gables and brick chimney stacks. I find that its significance lies in the survival of its historic fabric, its long standing use as a public house, and its sympathetic setting.
18. Appeal B relates to a section of the front boundary wall which, by proximity, should be considered as a part of the Grade II structure for Listed Building Consent purposes. The section of wall sits forward of the pub and, together with a close boarded wooden fence and a dense hedge, encloses a bin storage area. It is about 1m high with 'cock and hen' capping stones. It is not known when it was originally erected, but the Heritage Statement concluded that this was a later iteration of a former boundary where there was once the gable end of an ancillary building. Either way, I consider that it contributes to the significance of the listed pub.
19. The proposal is to removal and re-position this wall for a new vehicular access. There was no dispute that the proposal represents less than substantial harm⁵ to the significance of the Red Lion Inn, albeit at the lower end of this scale. I saw that the wall is beginning to fall down, but also that it is far from beyond repair. Even if the wall may have been rebuilt previously, and/or belonged to a different building, I consider that it is probably of a significant age and that the proposals would result in harmful alterations to the wall.
20. I have noted the argument that the new arrangement might be more attractive. I am not persuaded of this, but even if that were the case, to my mind that would not justify the loss of historic fabric. I am aware that an old permission would have allowed the insertion of a gate in connection with a toilet block but the balance there would have been different. Moreover, even if the degree of harm would be at a very low level, historic buildings are at risk of substantial harm from successive alterations.
21. The proposed works to the front boundary wall would fail to have adequate regard to the need to preserve the listed building, as required by section 20 of the PLBCAA, and by NPPF§194, which requires clear and convincing justification for any harm to, or loss of a designated heritage asset. This includes low level harm such as the proposals for the wall. Under NPPF§202, any less than substantial harm is to be weighed against the public benefits, which I do below.
22. The Heritage Statement acknowledges, as it must, that the communal value of any public house in a village setting is an important component and should be taken into consideration when balancing the impact to the significance of a heritage asset as part of its setting. I have also found that part of the special interest and significance of the listed building is its use as a pub. For the above reasons, I find that the conversion of the Barn and Den would be likely to affect viability.
23. With regard to Appeals A and C, the introduction of parking close to the listed pub would be unsympathetic to its setting. The proposed change of use and loss of car park would be contrary to LP Policy EQ3 which expects all

⁵ As referred to in NPPF§202 and subsequent case law

development to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

Parking

24. The proposed conversion and new dwellings would result in the loss of the existing car park with new but smaller areas of parking around the pub. Conditions could ensure their provision across the three appeals. The local highway authority did not object. While the reduced car park would be likely to increase on-street parking, I find that it would not amount to severe harm to highway safety or to the road network, as referred to by NPPF§111, and so development should not be prevented on highways grounds. This outweighs any conflict which might arise with LP parking Policies TA5 and TA6.

Living conditions

25. The site is close to neighbouring dwellings to the north and the proposed vehicular access to the new car park would be adjacent to these. Even in its reduced size, the car park is likely to be well used, particularly late in the evening when the pub closes. On the other hand, the Council's Environmental Health Officer raised no objections, and signs could be erected reminding customers to leave quietly. Consequently, while I accept that the combination of car doors closing, engines starting and cars driving away may create some noise and disturbance close to adjacent houses, I find that the harm, and any conflict with LP policies EQ2 and EQ7 should not of itself prevent the scheme.

Phosphate levels

26. The site lies within the catchment to the Somerset Levels and Moors Ramsar, designated as a Special Protection Area and a Site of Special Scientific Interest for its rare aquatic invertebrates. The Council claimed that any new housing, including single dwellings, would increase the phosphates in foul water and harm the environmental conditions for these species. There is currently no means of strategic mitigation for phosphates, and no site-specific proposals. In the absence of mitigation, the new houses would have a likely adverse effect on the integrity of the Ramsar site due to the additional discharge of nutrients⁶. It would be contrary to NPPF paragraph 180(a)⁷, and LP Policy EQ4⁸.
27. However, taken as a whole, the scheme would remove the 6 letting bedrooms and reduce the phosphate discharge from these. Conditions could be imposed linking the appeals together. Consequently, I doubt that there would be a significant change in the overall levels of phosphate discharge and so no conflict with regulations or policies.

Benefits

28. Babcary has three of the key services which qualify it to be considered under LP Policy SS2 for Development in Rural Settlements. This restricts development other than in a limited number of circumstances, including meeting identified housing needs, and only where it is commensurate with the scale and character

⁶ contrary to the Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

⁷ which states that planning decisions permission should be refused if significant harm to biodiversity cannot be avoided, mitigated, or as a last resort, compensated for.

⁸ which does not allow development unless it can be demonstrated that it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation of the designated site,

of the settlement. The Council cannot currently demonstrate a five year supply of housing land⁹. The Council accepted that Babcary is a broadly sustainable location, with basic facilities and reasonable transport links, where the principle of some limited residential development within the village should be considered acceptable. I accept that weight should be given to the overall benefit of new dwellings. Nevertheless, in the context of the overall need in the district, this should be limited.

Overall balances

29. I have found that the proposals would be likely to undermine viability, rather than improve it, and give relatively limited weight to the benefits of new dwellings in this location. Consequently, for the NPPF§202 balance in Appeal B, I find that the less than substantial harm to the wall, and the risk the scheme would pose to its significance as a pub, would not be outweighed by the public benefits, and that Appeal B should fail.
30. I conclude that the risk to viability, and the additional harm to heritage, means that Appeals A and C would both be contrary to the development plan as a whole.
31. For the reasons given above, and having regard to all other matters raised including a footpath, the potential for flooding, and land ownership, I conclude that all the appeals should be dismissed.

David Nicholson

INSPECTOR

⁹ In line with advice in PPG Housing Supply and Delivery, paragraph 025 Reference ID: 68-025-20190722, the strategic housing requirement policies can continue to be used as the housing requirement for calculating supply where they are less than 5 years old or older.



Appeal Decisions

Site visits made on 12 September 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 December 2023

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

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

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

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

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

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

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 04 October 2023.

Decisions

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

Application for costs

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

Preliminary Matters

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

individual merits but, to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

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

Main Issues

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

Reasons

Phosphates

10. The sites are within the catchment area of the River Axe SAC and SSSI, which is protected pursuant to the Conservation of Habitats Regulations 2017 as amended (the Regulations). The SAC and SSSI has been designated for its water courses of Ranunculion flutantis and Callitricho-Batrachio vegetation. The

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

favourable ecological condition of the river is at risk, due to high levels of phosphorus.

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

Biodiversity

15. Government Circular 2005/06 (the Circular) relates to biodiversity and geological conservation. It advises that surveys of protected species should be undertaken where there is a reasonable likelihood of the species being present and affected by the development. A range of ecological surveys of the appeal sites have been carried out, including for bats, reptiles and dormice. These surveys have found, amongst other things, that the sites provide a habitat for slow worms and grass snakes, and that dormouse and bat roosts are within hedgerows.
16. The advice of CIEEM² is that the need for further surveys increases with time and that ecological data between 18 months and three years old should be subject to confirmation and possible updating from an ecologist to ensure its continued validity. In this case, some of the surveys (for example for dormice

² The Chartered Institute of Ecology and Environmental Management

or the Ecological Impact Assessment) were undertaken within this period but have not been subject to an ecologist's confirmation. Others, such as for bats or reptiles were carried out more than three years ago, in summer 2020. Given the length of time that has passed, they do not therefore provide a fully up-to-date assessment of the ecology of the site.

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

Amount of Growth, Services and Facilities

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

³ LPA reference 16/0284/FUL

result in overdevelopment or undue pressure on these or other services in the area. I therefore see little reason to doubt that there would be sufficient facilities for day-to-day activities to accommodate the proposals, or that the proposals would harmfully affect the availability of services and facilities locally.

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

Highway Safety

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

28. Consequently, whether taken by themselves or cumulatively, including with other development, I conclude that the Appeal A and B proposals would not have a harmful effect on highway safety. They would therefore accord with SSLP Policy TA5, which requires that proposals have a safe and convenient access and would not have a detrimental impact on the safety or function of the road network. The proposals would similarly comply with the aim of the Framework for safe and suitable access. It follows that this matter is neutral in the planning balance.

Other Considerations

29. There is no dispute that the Council cannot demonstrate a five-year supply of housing land. In such circumstances, in accordance with Framework Paragraph 11, the policies which are most important for determining the application are deemed to be out-of-date and permission should be granted unless Framework paragraphs 11(d)(i) or (ii) apply. However, in this case, in light of my findings regarding the effect of the proposal on the habitats site of the River Axe SAC and SSSI, in accordance with Framework paragraph 182, the presumption in favour of sustainable development does not apply. Accordingly, the tilted balance set out at Framework Paragraph 11 is not engaged.

30. Nevertheless, the Framework seeks to significantly boost the supply of housing. Each proposal would make a positive contribution to this, of 35 and 13 dwellings respectively. As such, I give significant positive weight to the contribution of the proposals to housing supply.

31. Future occupiers of the proposal would make a positive social and economic contribution to the village, for example to bus services or to the village shop. Construction of the proposals would provide direct and indirect economic benefits for example for those employed in the building industry. The proposals would deliver 12 and 5 units of affordable housing respectively. They would also provide new landscaping and public open space, as well as the provision of a bat box and reptile hibernation sites. I give these benefits moderate positive weight.

Other Matters

32. Local residents have raised concerns that the proposals would worsen problems of ongoing flooding of nearby properties. The proposals include engineered surface drainage solutions including potential additional surface water storage capacity and attenuation measures. As such, I have little reason to doubt the advice of the Local Lead Flood Authority, that subject to conditions, the proposals can adequately deal with surface water drainage.

33. Concerns have also been raised about the effect of the proposal on the landscape. However, the proposals would be contained within the existing built form of the village, and so its landscape effects would be limited. They would not therefore cause significant harm to the character or appearance of the area. The main parties disagree about whether the submitted UUs are adequate and enforceable, including in respect of their terms, definitions, and construction. However, in light of my overall findings, these matters are not crucial to my determination, and so I have not considered them further.

Planning Balance and Conclusion

34. Taking all the benefits of the proposals together into consideration, when balanced against with the harms that would arise from the proposals, I conclude that the harms would outweigh the benefits in each appeal.
35. For the reasons given, both proposals would conflict with the Development Plan as a whole. I find that the material considerations in these cases, including the Framework, do not have sufficient weight to warrant decisions other than in accordance with the Development Plan. Appeal A and Appeal B are therefore dismissed.

O Marigold

INSPECTOR

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