

## Officer Report On Planning Application: 20/03708/OUT

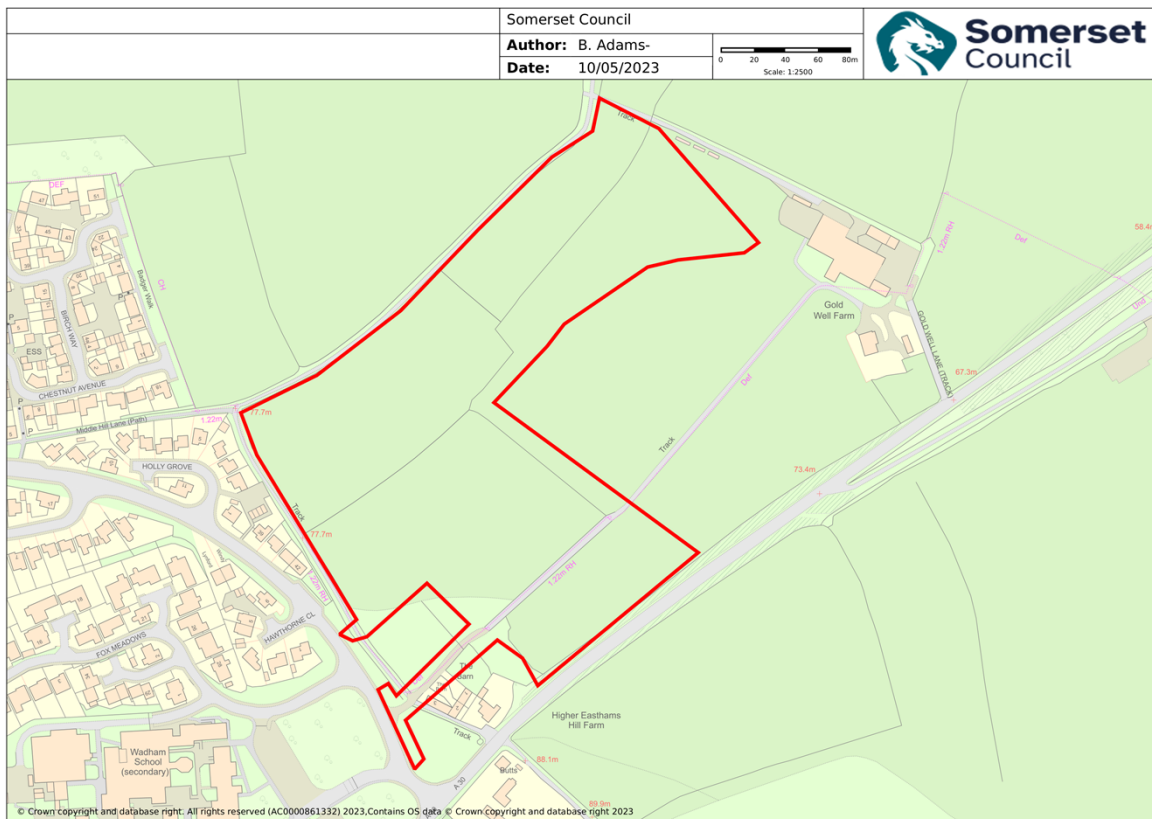
<b>Proposal :</b>	Outline application for the development of up to 67 dwellings with associated access and highway works, drainage and attenuation, open space, play area and landscaping (access to be determined, all other matters reserved).
<b>Site Address:</b>	Land At Gold Well Farm, Yeovil Road, Crewkerne, Somerset,
<b>Parish:</b>	Merriott
<b>SOUTH PETHERTON AND ISLEMOOR Ward</b>	Cllr Adam Dance Cllr Jo Roundell Greene
<b>Recommending Case Officer:</b>	Catherine Tyrer (Principal Specialist) Tel: 01935 462533 Email: catherine.tyrer@somerset.gov.uk
<b>Target date :</b>	12th May 2021
<b>Applicant :</b>	Gleeson Strategic Land
<b>Agent: (no agent if blank)</b>	Georgina Nelson, Origin3, 23 Westfield Park, Redland, Bristol BS6 6LT
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

This application was originally referred to the Planning Committee as there are objections from Merriott Parish and Crewkerne Town Council. As a major planning application, where the Officer's recommendation is not in agreement with the Parish or Town Council, under the Council's Scheme of Delegation, it is automatically referred to the Planning Committee for determination.

Following the discussions, Members resolved to defer the application to enable an Officer from the Highways Authority to attend the Committee and answer questions regarding the highways and access concerns.

## SITE DESCRIPTION AND PROPOSAL



### Site Description

The application site comprises 5.20ha of what is currently agricultural land (the majority classified as being Grade 2) comprising five fields of arable and pasture land, which are predominantly enclosed by hedgerows and interspersed trees. The site is located on the North Eastern edge of Crewkerne, to the north of the A30/Yeovil Road, with existing dwellings on Ashlands Road to the west and existing buildings at Goldwell Farm to the east with agricultural land beyond and open fields to the north. The land slopes down eastwards towards the River Parrett valley.

The site is located just outside the defined development area of Crewkerne, the boundary of which runs along Ashlands Road to the west. On the opposite side of the A30 is the allocated housing site (ref: KS/CREW/1), known as the CLR site, which is being built out by Taylor Wimpey.

The site is not located within a conservation area. There is a Grade II listed WW2 Pillbox to the south of the site, but no other listed buildings within the site or close to the site. The site is not subject to any statutory or non-statutory wildlife designations. The site is located within the Somerset Levels and Moors Ramsar site and within a Mineral Safeguarding Area.

Public right of way (PROW CH 33/17) runs along the site's western boundary. There is also a footpath to the east of the site (CH 33/67).

### **Description of Proposed Development**

The proposal as originally submitted, sought outline planning permission for residential development of up to 85 dwellings with associated access and highway works, drainage and attenuation, open space, play area and landscaping.

During the course of the application, it has been amended, reducing the number of dwellings proposed from "up to 85" to "up to 67" new dwellings, with housing development removed from fields on the eastern edge of the site (known as fields 4 and 5).

Details of a phosphates solution to achieve no increase in phosphates has also been provided as part of the amended submission. The phosphates solution proposes an on-site foul sewerage Package Treatment Plant (PTP) serving the proposed new dwellings. Existing septic tanks at Higher Easthams Hill Farm will also be connected to the on-site PTP.

All details in relation to appearance, landscaping, layout and scale are reserved for consideration at the detailed application (i.e. reserved matters) stage and are not to be considered as part of this outline planning application. However, a Parameter Plan is submitted, which establishes certain parameters of the proposed development including the following:

- Development area (including all Use Class C3 uses, and including roads and parking with buildings up to 2-storeys in height, with occasional 2.5-storey key buildings).
- Amenity public open space (including amenity managed public open space, children's play area, youth fitness area, landscape planting and footpaths)
- Natural landscape (new and existing hedgerows, landscape planting, sustainable urban drainage systems and footpaths).
- New or enhanced planted corridors (publicly inaccessible landscape areas)
- Swale corridor
- Proposed roads (where proposed)

Details are sought to be agreed for access to the public highway as part of this application, and this is proposed to be achieved by the retention and improvement of the existing vehicular access from Ashlands Road.

The proposed scheme seeks outline planning permission for up to 67 dwellings, 35% of which would be affordable housing. A revised concept masterplan was submitted, for illustrative purposes, showing how the site could be delivered to provide the number of new homes proposed and accommodate the quantum of development proposed. The illustrative masterplan shows a mix of 1, 2, 3 and 4-bed units, with an indicative mix as follows:

- 12 x 1-bed units
- 27 x 2-bed units
- 23 x 3-bed units
- 5 x 4-bed units.

The illustrative masterplan shows between 1 and 4 car parking spaces for each dwelling depending on its size.

The Parameter Plan shows a development area of 1.74ha and 2.35ha of green infrastructure (including 0.4ha of public open space, including a play area; 1.21ha of natural public open space; and 0.74ha of new/enhanced planted corridor). It includes new or enhanced planting corridors, the swale drainage corridor and identifies the location for sustainable drainage.

To meet the phosphates mitigation requires, the Package Treatment Plant and sustainable drainage basins occupy field 4, in the east of the site. Field 5, will remain as agricultural land and although it falls within the application site red line, no development is proposed within that area.

## **RELEVANT HISTORY AND BACKGROUND**

### **Background**

Outline planning permission has been granted for a residential development of 525 homes on the opposite side of the A30, which forms part of a wider site that includes a further 110 homes, Care home and employment land (which are allocated for development within the SSDC Local Plan), which is known as the CLR site.

A previous planning application on land which included the application site but covered a wider area and included land to the east, for up to 100 dwellings with access onto the A30, was submitted in 2013 (ref: 13/02941/OUT). That application was refused, and the subsequent appeal dismissed (this is discussed further below).

The site was considered within the 2018 Housing and Economic Land Availability

Assessment (HELAA) Site W/CREW/0009 Land at Gold Well Farm. As the time, it was assessed as unsuitable for housing development due to the impact on the character of the approach to the town along the A30 and wider area, and poor accessibility. This site was not taken forward as an option through the Regulation 18 consultations on Local Plan Review (Issues & Options 2017 and Preferred Options 2019). [NB The Local Plan Review has been delayed indefinitely pending transition from District Council to Unitary Authority in April 2023]

As described in the appeal decision for the 2013 scheme, the application site formed part of a more extensive site known as Longstrings site, which was put forward alongside the CLR site to accommodate future growth in the deposit draft Local Plan (prior to adoption of the current Local Plan). It was subsequently considered that the town did not need two strategic sites and while the LPA proposed the deletion of the Longstrings site, the Local Plan Inspector in 2003 recommended that the CLR site should be deleted from the Plan and the Longstrings site reinstated mostly on environmental and landscape grounds, which the Inspector considered preferable as the site *"would not have an unacceptable damaging impact on the setting of the town, provided the higher most prominent parts of the area were kept free of development and the existing hedgerows, green lanes and field patterns were retained"*. The Council did not accept the Inspector's recommendation and the Longstrings allocation was not included in the adopted Local Plan. The Council considered the benefits that would arise from the development of the CLR site, which included the link road, would give better access to employment areas and remove some through-traffic from the town centre, would be greater than those generated by the Longstrings site, and those benefits would outweigh any visual impact on the landscape. The Longstrings site was therefore not included, with the CLR site being allocated for housing development instead.

### **Relevant History**

13/02941/OUT - application for residential development of up to 110 (which covered a wider site, and included land to the South West of the current site boundary). Appeal against non-determination. Appeal dismissed on grounds of (i) unacceptable impact on landscape character, (ii) the proposed access arrangements would create significant harm to the distinctive qualities of the a30 corridor and (iii) the failure to demonstrate that future occupants could have a choice of modes of travel.

13/01675/EIASS - EIA screening for development of up to 150 dwellings. Concluded that an EIA was not necessary to accompany the planning application

Also of relevance, is the following:

*Land at Easthams Hill Farm:*

12/02198/F - erection of 2 detached houses and 3 terraced cottages - permitted.

*CLR site (relevant permissions:)*

21/03005/S73 - S73 Application to vary conditions 01 (appearance, landscaping, layout and scale herein after called the 'reserved matters') of planning approval 19/03482/S73; (relating to 05/00661/OUT, Comprehensive mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements) Approved.

19/03483/S73 - Section 73 application to amend the approved plans condition (no. 26) of planning consent 14/02141/OUT to amend the highway plans and the provision of supplemental environmental statements to reflect such changes. Approved

19/03482/S73 - Section 73 application to amend Condition 3 (phasing) and 9 (highway plans) of planning approval 05/00661/OUT. Approved

14/02141/OUT - Outline development of up to 110 houses, 60 bed nursing home, up to 2 hectares of employment land, vehicular access from Station Road and Blacknell Lane. Approved

13/02201/REM - Reserved matters application for development comprising 203 dwellings the first section of the Crewkerne Link Road, drainage and service infrastructure, landscape and ecological mitigation measures (Phase 1 of 05/00661/OUT). Approved

05/00661/OUT - Outline planning permission granted for mixed use development for 525 dwellings, employment (B1, B2, B8), primary school, community facilities, playing fields, parkland, POS, structural landscaping and associated infrastructure including link road and highway improvements.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

## **Development Plan**

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015) and the Somerset Minerals Plan (February 2015).

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

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

Somerset Minerals Plan (2015)

Policy SMP9 - Safeguarding

## **Material Considerations**

National Planning Policy Framework - 2021

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

National Planning Practice Guidance

National Design Guide - September 2019

## **CONSULTATIONS**

Responses have been summarised, but a full copy of all responses received is available on the Council's online Planning Register.

### **Highway Authority**

*Comments received 9 May 2023:*

The HA identified a number of matters which needed to be addressed. Following receipt of swept paths, these are not considered to be acceptable. The applicant has set out reasons why the over-running should be accepted, but that is not considered to justify what is shown. The applicant has also argued that the matter can be left to the technical approach stage. While the Highways Authority does not consider it unreasonable to expect suitable swept paths at this stage, noting the redline there appears to be sufficient space to improve the radii of the access which should allow large refuse vehicles to enter and leave safely. As such, the Highways authority confirms this matter could be left to the technical approval stage. Further, it is understood the largest refuse vehicle operated by Somerset Waste Partnership is 10.4m long (as opposed to 11.4m).

It is noted that the applicant has agreed to a mechanism, such as keep clear marking around the site access within Ashlands Road, to prevent vehicles turning into the site from being obstructed by queuing traffic. Again, given that access is a detailed matter, it would be usual to have detailed plans of the access including such details at this time and so it is disappointing that these have not been provided to date. However, should the LPA be minded to progress this application then this matter could be addressed by condition and later at technical approval stage.

The applicant has agreed to make a contribution towards securing the necessary TRO in relation to extending parking restrictions in the vicinity of the site access. They should be aware that they will be wholly responsible for the cost of the TRO application and for making such an application and that this requirement will need to be secured through a S106 agreement prior to the grant of planning permission.

The latest Travel Plan submission has now been found to be acceptable by our Travel Plan team and as part of any grant of planning permission will need to be secured through a S106 agreement. The applicant is reminded that the Travel Plan will need



to be updated at reserved matters stage to include the provision and location of any proposed physical measures.

On the basis of the above comments, the Highway Authority does not object to this amended application subject to the following matters being secured by S106 agreement prior to the grant of planning permission:

- To secure a Traffic Regulation Order, prior to the development commencing, to secure extended parking restrictions along Ashlands Road (both sides) from the Yeovil Road junction to beyond Fox Meadows to the north; and
- To secure the Framework Travel Plan.

And conditions relating to visibility splays, access details, disposal of surface water, details of estate roads/footways, footpaths, tactile paving etc, construction of roads/footpaths/turning spaces, parking spaces, CEMP and a road condition survey.

*Response to amended submission (which supersedes the original response):*

- Development will not give rise to severe traffic impacts, so no objection on these grounds.
- Access junction is approx. 60m north of junction with A30, which is currently a priority T junction, but due to become a 4-way signalised junction as part of CLR development (which has now commenced).
- Clarified that proposed access for current development is to form priority T junction with visibility splays of 2.4m x 43m in either direction. Given 20mph speed limit, visibility splays considered to be achievable and appropriate.
- Access is directly opposite Wadham School, which can be congested at school drop off/pick up. It is important that vehicles wishing to turn right into the new development are not obstructed from doing so, as this could lead to traffic queuing back towards Yeovil Road junction and potentially impact on safe and efficient operation of that junction. The addition of a boxed junction would ensure this does not occur.
- At present there are no parking restrictions on the east side of Ashlands Road to either side of the proposed site access. Given the sensitivities of this location in relation to the school and to minimise the potential for increased conflict between vehicle and NMU movements, and to ensure visibility splays are not obstructed by parked vehicles, it would be appropriate for parking restrictions on both sides of Ashlands Road from the Yeovil Road junction to beyond Fox Meadows to be extended. This would require a Traffic Regulation Order (TRO), the outcome of which is not guaranteed, and as such would need to be secured prior to the development commencing. As TRO's are a legal matter that are separate to planning legislation they cannot be secured by condition, instead this requirement would need to be secured through a S106 agreement before the

grant of any planning consent.

- Swept path drawings have been provided, but further information is required to show the largest refuse vehicle (11.4m long).
- Footways proposed on either side of the site access to connect in with the existing pedestrian infrastructure along Ashlands Road. Indicative plans show a single 3m footway along one side of the access road, but requirement for 2m wide footways on both sides of the estate road.

Non-motorised user provision: previous appeal for 110 dwellings dismissed, in part due to sustainability concerns relating to pedestrian and cycling connections from the site to the town centre, primary and middle schools. It is acknowledged that existing pedestrian infrastructure linking the site is generally substandard and dedicated cycling provision is negligible, largely attributed to topography and narrow, historic nature of existing road infrastructure which allows limited scope to provide betterment. While less than ideal, it does not in Highway Authority's opinion, mean that the site suffers from severance issues to local facilities.

Seven uncontrolled pedestrian facilities proposed in vicinity of development access, including crossings within the site and to north side of access over Ashlands Road. Expected that a similar crossing point should be provided over Ashlands Road to the south. Other minor off-site improvements are also proposed (i.e dropped kerbs/tactile paving), which are welcomed.

Issue of sustainability is an overarching matter for LPA, however in terms of the accessibility of the site, when considered in isolation, the Highway Authority is of the opinion that the NMU links between the site and local services are not so poor as to represent a reason to object to this application.

Refuse collection: will need to be designed in accordance with latest guidance.

Drainage: no objection raised in principle, but certain matters will need to be taken into consideration at technical design stage.

Travel Plan: not acceptable in current form and further information required. An acceptable travel Plan would need to be secured through a s106 agreement prior to any planning permission being granted.

Conclusion: Highway Authority does not object, but there are a few matters that needs to be addressed.

## **Somerset Council Housing:**

*Response to amended submission:*

35% housing which would be a split 75:25% social rent:first homes (equating to 23 units). 16 dwellings for social rent and 7 first homes (slightly higher number of intermediate as NPPF requires 10% of site to be provided for affordable home ownership).

Based on local housing needs assessment (LHNA) and taking into account the expressed demand on Homefinder Somerset for South Somerset and Crewkerne, the following mix is sought:

- 4 x 1 bedroom flat/house/bungalow (2 person)
- 9 x 2 bedroom house/bungalow (4 person)
- 7 x 3 bedroom house (6 person)
- 2 x 4 bedroom house (8 person) (to be provided for social rent)
- 1 x 5 bedroom house (10 person) (to be provided for social rent)

Minimum internal spaces should be adhered to for all affordable dwellings on site:

- 1 bed flat (2 person) = 47sq.m
- 2 bed flat (4 person) = 67sq.m
- 2 bed house (4 person) = 76sq.m (86sq.m if 3-storey)
- 3 bed house (6 person) = 86sq.m (94sq.m if 3-storey)
- 4 bed house (8 person) = 106sq.m (114sq.m if 3-storey)
- 4 bed house (8 person) = 126sq.m (134sq.m if 3-storey)

Affordable units should 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. It is recommended that the affordable units are in at least 3 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.

## **Somerset Council Education Authority**

*Response to amended submission:*

A development of 67 dwellings will generate the following number of pupils for each education type:

- Early years = 7 pupils
- Primary = 22 pupils
- Secondary = 10 pupils

There is no requirement for SEN contributions for a development of this size. Latest date indicates that early years and primary school settings are expected to have sufficient capacity, but contributions required for the secondary school (Wadham School).

The approximate costs for additional pupil places will be:

10 x £32,094.40 = £320,944 for secondary - to be secured through a s106 agreement on bases of £4,790.21 per dwelling.

*Response to original application submission:* Requests financial contributions towards two or three tier school infrastructure.

## **Somerset Council Minerals and Waste Team**

No comments received.

## **Lead Local Flood Authority**

*Response to further information submitted:*

In summary, the LLFA requirements for an Outline Planning Application have been satisfied and point 5 of our previous response (dated 16/11/22) should be covered by a planning condition as mentioned.

*Response to amended submission:*

In summary, the LLFA requirements for an Outline Planning Application have not yet been satisfied and various matters need to be addressed/clarified before an appropriate planning condition can be set (some could be covered by a planning condition, but a number need to be addressed appropriately at the outline planning stage with full details as part of a planning condition).

Further information required; potential to incorporate further SUDS (raingardens, green roofs, rainwater harvesting) with appropriate justification if not provided; needs to demonstrate a viable connection into watercourse can be made; applicant should confirm whether the outfall will require land drainage consent and who with, and the principle of the connection confirmed; details of proposed strategy for managing exceedance events and overland flowpaths and maintenance strategy will need to be provided at RM stage.

*Response to original application submission:*

Applicant has not submitted sufficient evidence to determine whether safe access and egress is achievable over the whole lifetime of the development. All other matters concerning flood risk and drainage should be considered reserved.

Full details of the swale proposed should be provided as part of the application and the pluvial model submitted to the LLFA for review as part of the reserved matters application.

Alternative mapping is required illustrating change in water flood levels, including banding illustration negligible change.

Indicative drainage strategy provided. Matters concerning drainage of the access should be considered reserved until application regarding the whole site is considered.

**Environment Agency:**

Does not wish to offer any comments.

**Wessex Water:**

No objections

**National Health Service**

*Response (supersedes earlier responses, received 17<sup>th</sup> Jan 2023):*

It is envisaged that the majority of residents of the proposed development will register as patients at Crewkerne Health Centre and West One Surgery. The ICB has calculated the space needed to mitigate the impact using the "Health Contributions

Technical Note prepared jointly with NHS England.

1. Residential development of 44 dwellings (excluding 23 affordable units) [NB The NHS has advised that contribution sought relates only to market dwellings as assumed that affordable housing will be occupied by existing local residents within the vicinity due to the imposed criteria requirements.]
2. This development is in the catchment of Crewkerne Health Centre and West One Surgery which has a total capacity for 12,286 patients.
3. The current patient list size is 12,678 which is already over capacity by 392 patients (at 103% of capacity).
4. The increased population from this development = 99 (No. of dwellings x Av. occupancy rate = population increase)
5. The new GP List size will be 12,777 which is over capacity by 491 (Current GP patient list + Population increase = Expected patient list size). NB: 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 = 7.92sq.m (Population increase x space requirement per patient = total space (m<sup>2</sup>) required)
7. Total contribution required = £25,344 (£576 per dwelling).

### **Somerset Wildlife Trust**

Objection. We have noted the above mentioned Planning Application as well as the supporting Environmental Impact Assessment provided by EAD Ecology. The proposed development area would seem to provide habitat for a variety of species of animals, reptiles, birds and plants, many of which are both characteristic of Somerset countryside and also very vulnerable. Although a range of measures are proposed for Mitigation and Enhancement, there will still be, in our opinion, a significant cumulative and negative impact on some species which cannot be mitigated. For example, the breaks in hedgerows and the increased predation of domestic cats will have an extremely detrimental impact on Dormice. We therefore object very strongly to this development.

### **Somerset Council Tree Officer**

No comments received.

### **Somerset Council Strategy and Commissioning Team (outdoor playing space, sport and recreation)**

*Response updated to reflect amended scheme:*

Total contribution of £201,695 (£3,010 per dwelling), which includes the cost of provision and also the ongoing maintenance towards:

- on site locally equipped play provision (LEP) - of at least 299sq.m with buffer
- off site youth facilities to address needs generated by the development in Crewkerne and Merriott
- off site playing pitches for enhancement of playing pitch facilities in Crewkerne and Merriott area
- off-site changing room - for enhancement of facilities in Crewkerne and Merriott area

Methodology outlined within comments.

### **Somerset Ecology Services:**

*Response to amended submission:*

Somerset Levels and Moors Ramsar and Special Protection Area:

Calculated that the proposed development would give rise to a phosphate surplus of 3.31kg/year, so further phosphate mitigation is required in order to achieve nutrient neutrality.

EAD provide the following summary which comprises of the proposed mitigation strategy to achieve nutrient neutrality against a phosphorous budget of 3.31kg/year:

*'It is proposed that the development will mitigate the phosphate surplus detailed above through disconnecting properties at Higher Easthams Hill Farm and Goldwell Farm from four existing septic tanks located within the site boundary and connecting them to the proposed on-site PTP. In accordance with Natural England's advice, the phosphate concentration discharging from a septic tank is to be taken as 11.6 mg/l, which would reduce to 0.3mg/l following treatment in the on-site PTP. Removing the septic tank connections would provide a phosphate benefit of 4.36kg/year, which would offset the phosphate budget of 3.31kg/year generated by the proposed 52 dwellings and 15 flats. The strategy would be implemented before first occupation of the proposed development.'* (EAD Ecology, October 2022).

Natural England has provided confirmation that they consider that the proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation based on the Shadow Habitats Regulations Assessment. SES consider that the submitted information is satisfactory to achieve nutrient neutrality (confirmed by Somerset Ecology Services adoption letter as attached)

subject to the requested s106 and conditions being secured.

**Ecology:**

No objection subject to various conditions requiring: Construction Environmental Management Plan (biodiversity), a Landscape and Ecological Management Plan, a Biodiversity Enhancement Management Plan, lighting design for bats, delivery of ecological mitigation measures, confirmation of badger and dormice licence or confirmation one is not required

*Response to original application submission:*

Comments provide a summary of the survey area and constraints, and note that constraints have been noted and are not considered to reduce the validity of the report. Confirms no further surveys required as a result of the constraints. Noted that Nutrient neutrality assessment and mitigation statement awaited. Agreed that post construction impacts on Bechstein bats in Bracket Copse SAC considered unlikely.

Noted that site clearance would result in loss of habitats, predominantly poor semi-improved grassland but also amenity grassland, spoil and tall ruderal vegetation all of which of low ecological value. Approx. 90m of native hedgerow, which are Priority Habitat would be removed to create access [point. New habitats of higher ecological value would be created, including wildflower meadow, hedgerows, SUDS/swales, native trees and mixed native scrub. BNG undertaken which confirms development has potential to deliver "net gain" of more than 10%.

Construction could result in spread of Himalyan balsam. Site clearance would reduce available habitats on site for protected and notable species and there is a risk of direct impacts to amphibians, reptiles, badger, nesting birds, dormouse and hedgehog. Also potential disturbance of commuting and foraging bats from construction lighting. Loss/fragmentation of hedgerows would reduce value of the site for bats, dormice and nesting birds.

Post-construction habitats would be suitable for protected/notable species once established and should be managed in accordance with Landscape and Ecological Management Plan (LEMP). Predation by domestic cats of birds and mice could increase and garden fencing could prevent hedgehogs moving about the site. Lighting could result in disturbance to light-sensitive bats.

A number of conditions would be required sought.

Until the NNAMS and appropriate assessment has been undertaken, there is a



holding objection on the application.

### **Natural England**

#### *Response to amended submission:*

Nutrient Neutrality - Applicant has provided a shadow Appropriate Assessment, SSDC has not yet indicated that it is adopting that assessment. However, on the basis that the sHRA is adopted Natural England has no objection subject to the mitigation identified being secured. We support the calculations presented in the NNAMS document submitted which show that land use changes combined with the upgrade of a number of septic tanks or PTPs by connecting them to the new PTP that will serve the development and be run and managed by Albion Water, will deliver an overall phosphorus budget that is neutral.

Other matters - We have not reviewed potential impacts on protected species in depth but would refer you to Natural England's Standing Advice. We note that Annex II bat species are present and would expect to see key commuting features protected and enhanced.

#### *Response to original application submission:*

The Somerset Levels & Moors Ramsar Site is in unfavourable condition due to excessive phosphate loading within its catchment. Natural England advises that this proposal has the potential to add to nutrient loads (phosphorous) within the catchment of the Somerset Levels and Moors Ramsar Site, and therefore it may require mitigation and be subject to a Habitats Regulations Assessment (HRA).

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues should this application progress.

### **South West Heritage Trust (Archaeology)**

An archaeological survey was undertaken on this site that revealed archaeological remains of local significance. In order to ensure archaeological remains are recorded I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by condition.

## **Somerset Council Public Rights of Way Officer**

There are PROWs recorded running through the site (CH33/17) and running adjacent to the site (public footpaths CH 19/3, CH 19/30, CH 33/16, CH 33/36 and CH 33/67).

No objections subject to the following comments:

- applicant needs to demonstrate to us and highways that the crossing point of CH 33/17 over the proposed access road is safe and constructed appropriately. The connecting link may require consent of third parties. While the link is welcomed, another link would be beneficial at the western tip of the site to meet with Middle Hill Lane. A s106 agreement is likely to be required to secure these connections if estate roads form part of s38 adoption agreement.
- There are applications to modify the Definitive Map and Statement in vicinity of the site.
- Informative required to advise that proposed works must not encroach on width of PROW.

## **Somerset Council Planning Policy**

*Response to amended submission:*

Housing figures updated with total completions exceeding the housing requirement by 261 (with 1222 completions and commitments between 2006 and 31/10/2022 (net) against a Local Plan requirement of 961.

*Response to original application submission:*

Crewkerne is identified as a Primary Market Town with a strong employment, retail and community role. There is an overall target of at least 961 dwellings at Crewkerne, current completions and commitments exceed the housing requirement by 170 dwellings. Site does not form part of any allocated site and lies outside development boundary and therefore does not confirm with LP policies.

Similarly, the 2008 Peripheral Landscape Study (PLS) for Crewkerne does not identify the site as potential development option - site falls within "moderate-low" capacity to accommodate development, but landscape sensitivity is identified as high in an area where the PLS cites the prominent hillsides and their hedgerows cover providing a buffering function, and their undeveloped profile countering the presence of the hilltop's urban form.

Site is part of HELAA Site W/CREW/0009 Land at Gold Well Farm. The 2018 HELAA report assessed this site as unsuitable for housing development due to the impact on

the character of the approach to the town along the A30 and wider area, and poor accessibility. This site was not taken forward as an option through the Regulation 18 consultations on Local Plan Review (Issues & Options 2017 and Preferred Options 2019). Local Plan Review is still at an early stage in its preparation and objections have yet to be considered, it is judged that limited weight can be attached to it (paragraph 48 of the NPPF).

Planning Balance: 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.

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.

### **Somerset Council Landscape Consultant**

#### *Response to amended submission:*

Original comments concluded that while the scheme had some development potential, the scheme would result in unacceptable degree of harm due to development in F4 and F5. Pleased that amended scheme has removed development from those fields.

Agrees with revised DWLC 'Updated Report on Landscape and Visual Matters' and concur that whilst the scheme will inevitably cause some harms to landscape character and harms to the visual amenity of those receptors who can see the site, with appropriate mitigation in this case, these can be brought to be within acceptable levels.

While content to change my overall conclusion, appropriate worded conditions required to ensure that at RM stage that certain information is submitted and a

landscaping condition is required.

In conclusion, the exclusion of development in F4 and F5 is most welcomed, and I have no objections subject to the further detail to be submitted with any future Reserved Matters Application.

*Response to original application submission:*

Not acceptable in its current format.

Conclusion: Overall, I find the report is not clear and systematic in its structure and is therefore very difficult to follow. Nonetheless, the report itself concludes adverse effects in almost every category of term visual impact and impact on landscape character. Having said that, I maintain my view that it should be possible to have 'some' development on the less sensitive parts of the site where the balance of harms v benefits might be seen as acceptable. However, primarily due to the continued inclusion of development in F4 and F5, I conclude that the scheme is still unacceptable in its current format.

### **Somerset Council Environmental Health**

The proximity of the A30 requires that consideration of road noise should inform the detail of the development, including the layout and configuration of dwellings, to ensure the protection of its occupiers from that source.

The amenity of nearby residential property needs protection during the demolition and construction of the development.

Conditions recommended regarding an acoustic investigation and mitigation, and the requirement for a site specific Construction Environmental Management Plan.

### **Avon & Somerset Constabulary - Designing Out Crime Officer**

*Response to amended submission:*

No objection subject to comments - thought should be given, at reserved matters stage, to robust side/rear boundary treatments at a suitable height and consider how access is restricted. Landscaping, pathway design and natural surveillance opportunities considered and how children's play and youth fitness has high levels of natural surveillance and avoids conflict with each other and nearby properties.

*Response to original application submission:*

At this stage where only outline planning is sought, it is difficult from a crime reduction/prevention point of view to give detailed comments as the areas to be addressed as detailed design would normally be decided upon at Reserved Matters stage and any layout plans submitted at this stage are only indicative.

Should this application gain approval, the design and layout of any future reserved matters submission should clearly incorporate measures to design out crime as outlined in the Design and Access Statement Part 2 (page 62) under the heading Community Safety and Security.

## **REPRESENTATIONS**

### **Merriott Parish Council**

*Response to amended submission:*

Initial comments reiterated. Further comment and concerns raised regarding approach to nutrient neutrality.

*Response to original application submission:*

Objection. Merriott Parish Council recognises that although the largest part of the proposed development is within Merriott parish, it is placed at the edge, and will have far greater impact to residents of Crewkerne than Merriott. Therefore anticipate that comments received from Crewkerne Town Council will properly reflect the impact of the development on the adjacent community and will be given due attention.

- 1) Site occupies a green open space, the loss of which we regret especially when there are other "brown field" sites currently undeveloped. With the recent confirmation that the local 5-year land supply obligation has been met with developments already identified by the planning process we would question the need for the development. [Officer comment: comments received before current 5YHLS, which stands at 3.7 years]
- 2) Concerned that this substantial development will place significant added pressure on traffic congestion in the town centre (already a significant concern).
- 3) Available medical services are recognised as barely adequate to serve the current area population and we would ask that specific consideration be given to the adverse effect of the added burden that the proposed development would place on these services.
- 4) In respect of items 2) and 3) it is vital that the impact of the proposed

development at Goldwell Farm be considered alongside other major housing developments proposed or approved in the Crewkerne area. This application should not be viewed in isolation.

- 5) With regard to the proposed junction with Ashlands Road we would be concerned that this represents an accident risk, particularly at school opening and closing times, as well as a source of congestion given that the A30 is close by, and that no traffic control measures are proposed for this junction. If the development goes ahead, it is recommended that consideration be given to re-defining vehicular access to align with the proposed CLR/A30 junction, possibly with some appropriate form of traffic control.

Should consent for this development be granted, we presume that S106 funding will be made available for a fully equipped exercise and play area.

Merriott Parish Council notes that an area has been put aside for outdoor play and exercise, but that no equipment has been identified. Additionally, we have considerable experience of creating an open-air play space and the area specifically set aside appears small given the size of the development. It is recommended that the proposed location and size of the outdoor play and exercise area be reviewed, possibly to link it to the adjacent area allocated as informal open space to the east of the site access road. We would work closely with the local residents in respect of the specification, selection, installation, and completion of an appropriate facility.

With regard to the documentation that supports the application it should be noted that the site plans identified in document CGE 16509, SGGIR, are inconsistent. It is assumed that said inconsistency is not material to the validity of the application, but we would ask that this be verified.

### **Crewkerne Town Council**

*Response to amended submission:*

Previous comments remain valid. Multiple inconsistencies and errors in the documentation.

Junction opposite Wadham Secondary School is extremely dangerous - proposed junction is unsafe and inappropriate. Detrimental cumulative impact upon the town due to multiple large development sites underway, putting excessive pressure on town's infrastructure.

*Response to original application submission:*

The Town Council recommends refusal on the following grounds:

- Housing land supply: SSDC can demonstrate a 6 year land supply therefore there is no
- requirement for this additional housing. [Officer comment: comments received before current 5YHLS, which stands at 3.7 years]
- Impact on Crewkerne infrastructure: given that Kithill and CLR are going ahead, this
- development will add further strain on Crewkerne's infrastructure. To make things worse, the vast majority of CIL funding will be allocated to the parish of Merriott, even though that parish will not be impacted by the housing development.
- Access: even more dangerous than the previous proposal.
- Impact on landscape character: this was picked up in previous versions of this application, and nothing has changed.
- Issues raised at the appeal of the previous planning application have not been addressed.

**Public consultation**

The application was advertised by way of a site notice and a press notice. Neighbour notification letters were also issued. Following the receipt of amended plans, neighbours, including those who had made previous comments, were notified.

In total 109 comments have been received, 106 of which object to the proposals. No comments of support have been received.

Comments received from 1 property following the May Committee (in summary):

- Surveyors unauthorised access to back garden (concern regarding how developer will conduct themselves)
- Original plans showed development on top of septic tank.
- Closest neighbour but haven't received any communication from applicant.
- Most documents incorrectly label "Easthams Hill Farm" as "Higher Easthams Farm" which is a km away.
- One of septic tanks to be replaced for phosphates issue, but no agreement/permission with owner – so not sure how phosphates issue has been resolved.
- Issue of highways, with signalised junction and increase school, intake has not been addressed.

A summary of the objections received to the amended plans are as follows (many of

which reiterate comments made to the initial scheme and are not repeated):

- Development has reached saturation point
- Lack of facilities/services (i.e. dentist, doctors, schools etc) - already over loaded.
- Not enough employment for additional people.
- Lack of cycle paths/footpaths into town Centre. Pedestrian routes polluted, noisy and unlit.
- Hedgerows all important and should be retained. Mitigation planting will not compensate for the loss. Damage to habitats of protected species, such as dormice.
- Parking around the schools problematic - parents dropping children off ignore the restrictions. It is only a matter of time before there is an accident (one respondent advises that a child was hit recently). Current situation is a hazard to pupils.
- Traffic surveys were carried out in school holidays, so not reflective.
- Bus routes are laughable
- Transport Assessment contains inaccurate information. Query whether site visit undertaken.
- Conflicting access shown in appendix of Transport Assessment
- Vehicles do not obey existing speed limits - access is dangerous with high risk of accidents.
- Very busy junction and heavily congested roads. Development will worsen existing situation.
- Green spaces should be retained
- Not clear how PTP outfall will be handled. Existing ditch for surface water removal seems inappropriate for outflow for the PTP as it will often be dry. Not clear if phosphate load to River Parrett is likely.

A summary of the objections received to the original submission are as follows (which have been grouped into key issues):

#### *Extent of Housing/Land Supply/policy*

- Outside designated development area
- Run down ex industrial buildings that should be converted before using green spaces.
- Too much housing will have detrimental impact on already stretched infrastructure and services (health, dentists, education, transport, car parks, banks, amenities etc, which are already unable to cope). If not enough services/amenities, Crewkerne will become a "commuter town"
- Crewkerne already has a number of significant developments, including CLR and Kit Hill that are disproportionately altering the size and character of the town.



700+ houses already permitted. Need to consider cumulative effect of developments - together the developments will have a deleterious effect on the local highway network.

- Zebra crossing is not safe as some drivers exceed the 20mph speed limit
- SSDC has a 5YHLS (of 6 years) and an up-to-date Local Plan. [Officer Note: the current 5YHLS is 3.7 years]
- Proposals contrary to NPPF as not sustainable form of development and should be refused.
- Inspector addressed comparison to CLR site. No material change in site's ability to promote sustainable transport since appeal decision. With exception of Wadham Primary School, all local facilities/services more than 1km from centre of site.
- Any delays to CLR site not material considerations.
- Three Dragons Report "Accelerative Delivery of Housing in South Somerset" promote delivery of sites with extant planning permission and do not suggest unallocated land outside the Town's development area should be brought forward.
- Applicants suggest 10% buffer should be applied to housing land supply, but should only be 5%.
- An oversupply of housing is unlikely to meet objectives of self-containment without corresponding uplift in employment and service provision.

#### *Highways Safety/Traffic*

- Increase traffic and exacerbate difficulties already experienced by residents/businesses. Already far too much traffic and congestion e.g. more of a burden on East and North Streets
- Ashlands Roads being used for heavy goods vehicles, when only B-Class roads and dangerous for school pupils.
- Ashland's becoming a rat run. It will become part of the bypass route when the CLR is completed; it was never built as a main road.
- Site entrance opposite Wadham School, so increase in traffic around site entrance and close to major road junction. Another site entrance should be considered.
- Walking routes too busy, steep and narrow, and alternative routes considerably longer which would discourage use.
- A3256 and A30 has narrow pavements and dangerous for cyclists or mobility scooters.
- Limited bus provision means public transport is not an alternative to the car. Public transport access is overstated. Buses can be standing room only at peak times. Only 2 x no. 9 buses daily that stop in the town with possibility of a return journey. The no. 96 does not serve the estate, except for the 96C which is early morning and evening for college students.

- Elderly, vulnerable people already rely on family, taxis or neighbours to access town's facilities as no regular bus service.
- Lack of coordination with other developments e.g. traffic through Misterton.
- Has impact of traffic on A356 been considered?
- Traffic survey conducted during Covid, so question how numbers represent a "normal" year or school traffic (between 2.30 and 3.30).
- Public right of way which leads to two play areas crosses the proposed access junction, will result in risk to children crossing it.
- School drop-off/pick up traffic is already an issue, and will reduce visibility for cars existing the development onto Ashlands Road.
- Crewkerne has no safe cycle paths/routes, cyclists have to take a change amongst traffic.
- Concern regarding location of tactile paving, on a blind bend.

#### *Design/character/landscape*

- Crewkerne's market town character will be lost.
- Previous appeal decision noted significant and adverse impact on character and quality of landscape, particularly from public vantage points and contrary to local plan.
- LVIA acknowledges major substantial adverse effect for users of public footpath even after 5-years post completion. Views of roof tops will remain from distance higher ground. Inspector was supportive of use of F4 as open parkland given its prominence in short and long range views, however this proposals introduces housing into this field, having further harmful effect on landscape character and appearance.
- Ashlands will change, as will be a major route with CLR site too.

#### *Ecology/Environmental*

- Pleased badger sett will be retained and protected, but concerned that sett 2 is not protected. This sett complex is still active and important for badgers. Badger movements between the setts will be impacted. If badgers forced to forage further afield to the South East they will be at risk from the main A30 road. A wildlife/badger corridor should be created and a badger underpass installed. Request a condition is attached.
- Loss of green land, animal habitats and impact on wildlife.
- Tawney Owls would become displaced
- Removal of trees and replacing with new will have dramatic reduction in CO2 absorption
- Significant wildlife on site which will be drastically affected.
- Phosphates plans state our septic tank will feed into mains drainage - this has not been discussed with us and we do not want to pay yearly fee for waste

drainage.

#### *Other*

- Put Crewkerne before profit
- Just houses, no open space and play areas.
- Disruption/noise during construction
- Too much of detail is sketchy
- Will exacerbate risk of flooding
- Site might be archaeologically important
- Potential for contamination of private water supply
- Light pollution from development, loss of dark skies.
- Documentation refers to property being on mains drainage, but that is not the case (Septic tank)
- Inaccurate information and statements - if no. of bedrooms not known analysis is incorrect.
- Impact on water supply (which comes from the spring known as "Gold Well" and serves 7 houses and a farm).
- Traffic congestion means residents would go to Yeovil, so no economic benefit to the town
- As information online, democratic right to review and comment on application removed.

## **CONSIDERATIONS**

### **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.

The overall spatial strategy in relation to housing growth is contained within Local Plan Policy SS1, which 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), followed by Primary Market Towns, Local Market Towns and Rural Centres. In effect the policy places each settlement in a tier within the 'settlement hierarchy', based on their role and function within the district. The scale of development for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy.

Crewkerne is identified as a Primary Market town, with a strong employment, retail

and community role. Provision is made for housing (along with employment, shopping etc) that increases its self-containment and enhances the role of the town as a service centre.

Policy SS4 sets out the district-wide housing requirement of at least 15,950 dwellings over the plan period. Policy SS5 sets delivery targets for each of the 14 named settlements in the hierarchy. It sets out a housing requirement for Crewkerne over the Local Plan period of 961 (which as of 2012, the Local Plan notes that existing commitments stood at 916, with the additional provision required being 45). For rural settlements that number is 2,242, of which 1,331 was committed at the time of the Plan. Policy SS5 advises that a "permissive approach" will be taking when considering housing proposals in Yeovil and directions of growth at the Market Towns and states that the overall scale of growth (as set out within the policy) and the wider policy framework will be key considerations in taking this approach with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. It goes onto state that *the same key considerations should also apply when considering housing proposals adjacent to the development area at Crewkerne, Wincanton and the Rural Centres*".

It is recognised that the Council cannot currently demonstrate a 5-year housing land supply (5YHLS), which currently, partly because of the issue relating to phosphates and the taking of a precautionary approach, stands at 3.7 years (Nov. 2022). As a result, paragraph 11(d)(ii) of the NPPF is engaged and the so called "tilted balance" applies. For decision making, this means that planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

However, the provisions of NPPF paragraph 11(d)(ii) do not preclude the emphasis within the NPPF to promote a plan-led approach. When decision taking, where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites), the amount of weight to be attributed to relevant policies (i.e those that affect the supply of housing) should be assessed depending on their consistency with the framework. In this case the most relevant policies are considered to be policies SS1, SS4 and SS5. Policy SD1 echoes the advice contained within the NPPF, and advises that the Council will take a *proactive approach to reflect the presumption in favour of sustainable development*". The NPPF is clear that sustainable development has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways.

The site is located outside the defined Development Area of Crewkerne and in policy

terms therefore is within an area of "open countryside" where there is a presumption against development. There is a conflict therefore with housing delivery policies SS1 and SS5.

However, Crewkerne is one of the District's Primary Market Town's and is a sustainable location with good access to employment, retail and community facilities. The policy (SS1) makes provision for housing (along with employment, shopping etc) in the Primary Market Towns that increases its self-containment and enhances the role of the town as a service centre. In this regard, the site is located immediately adjacent to the built-up area of Crewkerne and the town's defined Development Area and is therefore well related to the settlement. It is also relevant that the site is located opposite (but does not project as far east) as the allocated Crewkerne Keysite/CLR site, which has planning permission for more than 500 houses, and when complete will have the effect of extending the built-up area of Crewkerne.

Crewkerne's current completions and commitments currently stand at 1,222, which exceeds the housing requirement by 261. However, this needs to be balanced against Crewkerne's position in the settlement hierarchy and its role as one of the Primary Market Towns (and therefore a sustainable location for development), the fact that housing targets are not an upper limit, but a minimum delivery requirement, and the context of the Council not being able to demonstrate a five-year housing land supply.

Policy HG3 requires the provision of 35% affordable where it is viable to do so. The Strategic Housing Market Assessment (2016) indicates that there is currently a net annual requirement for 206 affordable dwellings. The NPPF also requires that at least 10% of new homes are available for affordable home ownership (First Homes). Local Plan policy HG5 requires that the housing mix should contribute to the provision of sustainable and balanced communities.

There has been a consistent under provision of affordable housing over the Plan period, against the requirement, leading to a substantial shortfall in affordable housing provision. The Council's Annual Monitoring Review (2022), for example notes that in 2020/21 the total provision of 103 new affordable dwellings completed, equated to just 9% of all new dwellings across the former SSDC District.

In this regard, the application proposes 35% affordable housing (the equivalent of 23 units), a proportion of which would be First Homes. This will make a substantial contribution towards meeting affordable housing need across the District and would be secured through a s106 agreement. The indicative masterplan demonstrates that a range of market housing types will be provided, including 1, 2, 3 and 4-bed properties, and while the exact housing mix will be determined at the reserved

matters stage, it has been demonstrated that the development is capable of according with policy HG5 and the creation of mixed/balance communities.

Given the Council's shortfall in housing land supply, the delivery of 67 market houses, of which 35% (a policy compliant level) would be affordable. The granting of planning permission would contribute positively to the Council's supply of market and affordable housing, and this is recognised as a substantial benefit which weighs in favour of the proposed development.

In terms of the principle of development, it is noted that the application site previously formed part of a larger application site, for 110 dwellings in 2013 (which included Gold Well Farm and land to the East/South East over a wider area) which was refused and subsequently dismissed at appeal. Although the application site is smaller and proposes considerably fewer dwellings, the previous is relevant as a material consideration. It was dismissed for three main reasons: (i) it would have an unacceptable impact on landscape character, (ii) the proposed access arrangements would create significant harm to the distinctive qualities of the A30 corridor and (iii) a failure to demonstrate that future occupants could have a choice of modes of travel. Points (i) and (ii) are addressed within the Design, Landscape and Visual Impact section below. Point (iii) forms part of the consideration of whether the site is in a sustainable location and this is addressed within the Access and Highways Safety section below.

In addition, it is recognised that there would be temporary economic benefits during the construction phase in that construction jobs would be generated together with associated expenditure in the local economy. Although these economic benefits that would arise during the construction period would be temporary, nevertheless it is considered that such material considerations should be given some (albeit limited) weight.

While there is some conflict with housing delivery policies contained within the Local Plan, as the tilted balance is engaged, in line with the NPPF, the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against policies contained within the NPPF taken as a whole. In this regard, the site is relatively unconstrained and with the consented CLR development opposite and the fact the proposal is adjacent to the built-up and defined development area of Crewkerne, it effectively constitutes an extension of the existing settlement boundary. Crewkerne is a Primary Market Town with access to various facilities and services, and the site's proximity to the centre means that the site is not considered to be in an unsustainable location (as discussed below).

## **SITE LAYOUT, DESIGN AND VISUAL IMPACT**

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

Policy EQ4 requires new development protects biodiversity, maximises opportunities for enhancement and incorporates beneficial biodiversity conservation features where appropriate. Policy EQ5 confirms that the Council will promote the provision of Green Infrastructure and requires that development proposals provide or maintain a network of connected and multifunctional open spaces that meet certain requirements relating to (in summary) habitat/wildlife, recreational opportunities, access to play/leisure opportunities, provide attractive walking/cycling routes, enhance/maintain character and local distinctiveness of the landscape and contribute to local identity and sense of place, among others. Policy HW1 requires that where new housing development generates a need for additional open space, outdoor playing space, local and strategic sports, cultural and community facilities, provision/contributions will be made as appropriate.

Chapter 12 of the NPPF seeks to achieve well-designed and high-quality places and Chapter 8 seeks to promote health and safe communities, which includes the requirement for safe and accessible green infrastructure.

The application is in outline, with access the only matter not reserved for future consideration. The detailed layout, appearance, scale and landscaping is reserved for future consideration, and would be dealt with under a reserved matters application. However, Parameter Plans are submitted with the application that seek to "set" certain elements, including the extent of the development area, natural amenity public open space, natural landscape, planting and swale corridors, proposed internal roads and agricultural land, and these would form the "approved plans" as part of any planning permission.

An indicative masterplan is submitted with the application to demonstrate how the site *could* be developed to provide 67 new dwellings. Through the application process, the application has been amended and the extent of development area has been reduced, removing development from the eastern part of the site, primarily in response to Landscape Impact concerns. The associated number of dwellings for which outline permission is sought has reduced from an upper limit of 85 to 67.

Based on the development area (of 1.74ha), which excludes areas of open space, the development proposes an average density of approximately 38dph. This is considered to make efficient use of land and achieve an acceptable layout, suited to this edge of settlement location.

Landscaping is reserved for future consideration, but an indicative Landscape Strategy has been submitted, which includes provision for public open space, a play area and general landscaping. The proposals include the provision of 2.35ha of green infrastructure on the site (with 0.40ha comprising amenity public open space and a play area, 1.21ha of natural landscape, as well as SuDS basins and swale corridor). In policy terms, the informal open space requirement is at least 0.396ha, with the development masterplan identifying significantly more than this, thus exceeding the minimum requirement. While the masterplan is illustrative, the central location of main area of public open space is welcomed (and is established through the Parameter Plan) and while divided by the road, each side provides an adequate amount of space. Green corridors would also provide further public open space and would help to break up the built form (NB: to be included within public open space calculations, they would need to be at least 7m wide in any future reserved matters application, as shown). It is also advised that the future reserved matters application would need to show how SuDS areas will be incorporated as useable features.

While there is a requirement for 0.17ha of formal sports pitches and changing space, which due to the constraints of the site cannot be provided on site, a contribution will be secured via a s106 agreement. A s106 agreement will secure the minimum on-site provision required, including locally equipped play area (LEP), and a financial contribution towards off-site youth facilities, playing pitches and changing rooms in Crewkerne/Merriott as well as a contribution towards ongoing management and maintenance of those facilities.

As outlined above, it is noted that the previous appeal was dismissed on matters relating to landscape impact, so it is relevant to consider whether this application overcomes those previous concerns. Firstly, it is relevant that the application site boundary covers a much smaller area than the previous appeal site. Following the amendments submitted, the proposed developable area has been reduced and is now focussed on the north/western edge of the site, which are the lower lying areas. Unlike the previous appeal scheme, no development is proposed on higher ground in the eastern and south-eastern parts of the site, which are more sensitive to change and would be visible in view points.

Likewise, the site access is no longer proposed from the A30/Yeovil Road, but from Ashlands Road. This addresses the concerns the Inspector raised regarding the



impact on the character and appearance of the A30 corridor and surrounding countryside, as no change is now proposed to that corridor as a result of this development.

The "Update Report on Landscape and Visual Matters" submitted with the application concludes that initially there would be some adverse landscape impacts as the proposed development would result in the loss of open sloping fields to accommodate the development. However, it states that that the layout and design (scale, height and massing) [which would be dealt with (and assessed) at the reserved matters stage] of the development would reflect and be in keeping with the pattern of housing development within the locality and that *"...the proposals includes mitigation of the adverse effects, some of which would enhance the character (and visual appearance) of the area as well as assimilating the development into the edge of Crewkerne. Enhancements include the introduction of new soft landscape features on the Site including a substantial area of open space occupying the central eastern and North Eastern parts of the Site, that would soften, screen and limit views towards the development as well as forming an appropriate landscape setting to the new dwellings.* The Report concludes that the proposed development:

*"would not result in significant landscape or visual impacts or effects, apart from the initial effects during construction and on completion (Day 1) when looking towards the Site from Public Footpath No's.33/17, 33/14, 19/3 and a short section of Ashlands Road, close to the Site, but the proposed mitigation measures would significantly reduce the landscape and visual effects, in approximately 15 years' time, and therefore the impacts on views are temporary and are considered acceptable;*

*That the proposals would and significantly increase the tree cover / soft landscaping within the Site and in the locality including the landscape biodiversity and habitats on the Site, which would be beneficial to local wildlife. The proposals would also be in keeping with the 'scenic quality' and 'sense of place' of the local landscape within which the Site is situated, whilst also mitigating against any landscape and visual impacts; and*

*Lastly, that the proposed development will have some temporary, local landscape and visual impacts / harm but the effects of the development on character and visual appearance of the wider countryside, including the River Parrett valley, will not be significant as the proposed development would not erode or harm the special qualities or key landscape characteristics of the area. The proposal is therefore considered acceptable in terms of its wider impact on the landscape."*

The Council's Landscape Consultant has been consulted on the application. His initial

view, based on the originally submitted plans was that while he considered the site had some development potential, the scheme as proposed would cause an unacceptable degree of harm, primarily because of the inclusion of built development on fields 4 and 5 which are the most visually sensitive areas of the site. He agrees that the site is not a "valued landscape" under NPPF paragraph 174(a), but it does have importance and value under paragraph 170(b) of the NPPF. It is also noted that the site forms part of the setting of Crewkerne when approached from the east/northeast and that matters of character and setting are important, irrespective of visibility.

Following the submission of amended plans, which removes development from those locations, the Council's Landscape Consultant in his further comments, which are summarised above, has confirmed that he agrees with the Landscape Report that *"...whilst the scheme will inevitably cause some harms to landscape character and harms to the visual amenity of those receptors who can see the site, with appropriate mitigation in this case, these can be brought to be within acceptable levels"*. A number of conditions are required to ensure that, at the reserved matters stage, a fully detailed landscape scheme and associated implementation timetable and fully detailed Landscape Ecology and Arboricultural Management Plan (LEAMP) are submitted. He notes that such a landscape scheme will be implemented within an approved timescale, to include phasing if required, which could allow perimeter planting to be implemented as far ahead of the building works as possible.

As such, it is not considered that a reason for refusal could be upheld on landscape or visual impact terms and it is not considered that there is a conflict with policies EQ2, EQ4 or EQ5 of the Local Plan or the advice contained within the NPPF.

## **RESIDENTIAL AMENITY**

The closest properties are those located at Easthams Hill Farm [nb: it is understood that this property was incorrectly referred to as Higher Easthams Farm within application documents and the previous committee Report], with the access linking in with the existing access to road serving those properties and development to the north and east. The development will clearly result in increased usage of the access road, but it is considered that, subject to detailed design, it should be possible to achieve a sustainable layout that does not adversely impact on the amenity of neighbouring properties.

As the scheme is in outline at this stage, all detailed matters relating to scale, layout and appearance are reserved for later consideration. As such, the submitted layout plans are indicative only. However, it is demonstrated that the size of the site is

adequate for a scheme for up to 67 dwellings and there is no reason why an appropriate scheme, which incorporates the required public open space, retention of existing landscape features and new green infrastructure and sustainable drainage etc could not be designed that would avoid any substantive harm to existing or future neighbour amenity. Likewise, it considered that appropriate relationships between dwellings, access to adequately sized gardens and public open space can be achieved.

Conditions will be included which will require the submission and approval of Construction Environmental Management Plan, which will include details of days and timings of working on the site, as well as other measures, during the construction period.

For the reasons set out above, the proposal is not considered to give rise to any demonstrable harm to residential amenity that would justify a refusal based on Policy EQ2 of the Local Plan.

## **ACCESS AND HIGHWAY SAFETY**

Local Plan policy TA1 requires certain measures to encourage low carbon travel, such as electric vehicle charging points, travel Plans and associated measures etc. Policy TA5 requires all new development to securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all, and to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

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

In considering applications for development, NPPF Paragraph 110 requires that:

- a) *appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 provides that:

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

The applicant sets out within the accompanying Design & Access and Transport Statements that the application site is no further from such facilities and amenities than the allocated CLR site (on the opposite side of the A30, which is currently being built out), sites that were being promoted by the authority within the Local Plan Review (which is no longer being progressed), or the site at Kit Hill which was approved at appeal (LPA ref: 18/01737/OUT). The applicant also highlights that a new school is proposed as part of the CLR site and once built, the application site would be "walkable" to all the town's educational facilities.

Crewkerne itself is a sustainable settlement and well served with facilities to meet everyday needs, having schools (with Wadham School located opposite the proposed site access), shops, a post office, health centre, faith centres, pubs, restaurants and employment opportunities. It also has good access to public transport, including numerous bus services and a train station providing services to Exeter and London Waterloo.

Paragraph 4.4.1 of Manual for Streets (MfS) advises that up to 2,000m (or 2km) is a reasonable walking distance and offers the greatest potential to replace short car trips, stating as follows:

*"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPG13 states that walking offers the greatest potential to replace short car trips, particularly those under 2km. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents."*

The Transport Assessment provides a breakdown of various local facilities and services from the site, which notes that there are various facilities and services within 2,000m of the site (including Wadham School - 340m, Crewkerne Town Centre - 1,350m, Lidl - 1,450m, Waitrose - 1,550m, West One Surgery - 1,550m, Crewkerne Dental Centre - 1,050m), which the Case Officer has checked using Google maps "walking" distances. As such there are a number of "everyday" facilities within what is considered to be a reasonable walking distance of the site. It is also noted that the site is no further than other recently approved sites, included the CLR site opposite (which is allocated within the Local Plan).

The Highways Authority specifically addresses this issue in its response, acknowledging that existing pedestrian infrastructure linking the site to local amenities is generally substandard and that dedicated cycling provision is negligible within the town, but notes that while this is less than ideal, it does not, in the Highways Authority's opinion mean that the site suffers from severance issues to the local facilities. It notes that various improvements are proposed (including a 3m wide footway/cycle way to the south side of the access road extending into Ashlands Road, and several uncontrolled pedestrian facilities in the vicinity of the development), which are welcomed. The Highway Authority's view is that non-motorised provision is *"...not so poor as to represent a reason to object to this application"*.

For these reasons, including the view of the Highway Authority, it is not considered, on balance, that a refusal could be sustained on grounds of the site's location being unsustainable.

The Highways Authority has commented that based on the original scheme, for 85 dwellings, it was accepted that the development would not have a severe impact on the local highway network. As such, it has confirmed that the reduction to 67 units would also be acceptable. No objection is raised therefore on traffic impact related to the proposed development.

The illustrative masterplan does not currently show a 2m wide footpath on either side of the site access, which would be required, and this would need to be addressed at the reserved matters stage.

The Highways Authority notes the location of the access, directly opposite Wadham School and that this can become congested at drop off and pick up times, but considers that the addition of a boxed junction would ensure that vehicles wanting to turn right into the development would not be obstructed (which could lead to traffic queuing back to the Yeovil Road). As there are currently no parking restrictions on the eastern side of Ashlands Road on either side of the site access, in order to minimise the potential conflict between vehicles and pedestrians/cyclists and to ensure the visibility splays are not obstructed, it would be appropriate for parking restrictions on both side of Ashlands Road from the Yeovil Road junction be extended. This would require a Traffic Regulation der (TRO). The outcome of a TRO is not guaranteed and therefore this would need to be secured prior to the commencement of the development and it would need to be secured through a s106 agreement.

While the swept path analysis submitted is not accepted to demonstrate an 11.4 vehicle can safely enter and leave the site, it is noted that there appears to be

sufficient space within the redline to improve the radii of the access and this matter could be left to technical approval stage. The Travel Plan is considered to be acceptable.

The Highways Authority has confirmed it raises no objection subject to the following matters being secured by S106 agreement prior to the grant of planning permission:

- To secure a Traffic Regulation Order, prior to the development commencing, to secure extended parking restrictions along Ashlands Road (both sides) from the Yeovil Road junction to beyond Fox Meadows to the north; and
- To secure the Framework Travel Plan.

and the imposition of various conditions.

As such, overall, the application is considered to be in a sustainable location. The increase in vehicle movements as a result of the proposed development does not give rise to an objection on traffic generation or highway safety grounds and the proposed access is considered to be acceptable (with further detail to be dealt with through technical approval). The proposed development is therefore deemed to be acceptable in accordance with Local Plan Policies TA5 and TA6 and relevant guidance within the NPPF.

## **FLOODING AND DRAINAGE**

The application site is at a low risk of flooding, located within Flood Zone 1. A flood risk and drainage strategy is submitted within the application, which proposes that surface water would be attenuated in two basins on the site's northern boundary. Flows from the basin would be restricted to greenfield run off rates before being discharged to the adjacent water course. There is a water flow route present on the site which poses a low to medium risk of flooding. The existing surface water overland flow route would be incorporated into the site layout at reserved matters stage, and would be routed across the site via an open swale.

The Lead Local Flood Authority (LLFA) initially raised a number of queries and required the submission of additional information. In response to the amended plans and the subsequent submission of additional information submitted, the LLFA has confirmed they are satisfied with the information submitted and require a condition regarding maintenance details to be attached to any planning permission. The Environment Agency was consulted, but has not provided a comment.

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

## **HERITAGE ASSETS**

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

SSDC Local Plan policy EQ3 requires that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place.

Paragraph 194 of the NPPF advises that, where a site includes heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 205 requires developers to record and advance understanding of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

An Archaeology and Heritage Addendum has been submitted, which builds upon the Historic Environment Desk-Based Assessment and Archaeological Evaluation submitted within the 2013 scheme (which included the application site as part of the wider site proposals). It concludes that further investigations are required.

South West Heritage has confirmed that in order to ensure archaeological remains are recorded, a condition should be attached to any planning approval requiring the submission and approval of a written scheme of investigation.

There is a WW2 Pillbox, which is Grade II listed to the south of the site, but there is no inter-visibility between the application site and the listed structure due to existing built form, topography and vegetation.

As such, there will be no adverse impact on heritage assets, and there is no conflict with policy EQ3 of the SSDC Local Plan or advice contained within the NPPF.

## **ECOLOGY**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural

Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

Somerset Ecology Services (SES) has had due regard to the submitted Ecological Impact Assessment submitted with the application. Based on this, it is understood as follows:

The site does not lie within or immediately adjacent to any statutory or non-statutory designated sites of nature conservation importance. The only European designated site within 10km of the site is Bracket's Coppice approx. 6.9km to the South East of the site. Two further statutory designated sites are present within 5km of the site. Bincombe Beeches Local Nature Reserve (LNR) lies approximately 500m south-west of the site and supports a range of flora, fauna and fungi including veteran beech trees and a variety of bird species. Millwater Site of Special Scientific Interest (SSSI) lies approximately 900m west of the site and is notified primarily for its invertebrate assemblage, but the site does not lie within a SSSI 'Impact Risk Zone' for residential development. Ten Local Wildlife Sites (LWS) occur within 2km of the site boundary; the closest of these is Bincombe Hill LWS, located approximately 420m west of the site.

A range of habitats were identified on, or adjacent to the site, with hedgerows forming the majority of field boundaries (with all assessed as "important"). There are no ancient or veteran trees identified within the site.

Within the study area, 11 protected/notable plant species recorded, along with common toad. There are no previous records of great crested newts within 2km of the site and considered unlikely that great crested newts would be present within the site. Slow worm and grass snake have been recorded from survey area. 27 protected/notable bird species recorded from the study area and during 2020 breeding bird survey 30 species were recorded, of which 21 were confirmed, probably or possibly breeding within the survey area. One main badger sett present within survey area with signs of activity along with annex and subsidiary setts.

Various bats recorded with study area. Site survey revealed a number of trees having "moderate" bat roost potential, some of which would be affected by the proposed development and were subject to dusk emergence and dawn re-entry surveys, with no bats recorded from or re-entering between various survey periods and no roosts identified. At least eight bats identified during 2020 transect survey with Common Pipistrelle the more frequent, followed by serotine, soprano pipistrelle, unidentified



Nyctalus/Eptesicus, Myotis, Plecotus and noctule species. Three lesser horseshoe bats registrations (0.8% of total) and one barbastelle registration (0.3%) were recorded.

Activity levels for Myotis bats, lesser horseshoe bat and barbastelle were all highest during September/October. Therefore, it is unlikely that the survey area comprises part of a core foraging area for a maternity roost for any of these species. The main maternity period for bats is considered to be May to August (Collins (ed.) 2016).

Hazel dormice have been previously recorded on site, and the presence was confirmed during 2020 nest tube survey. Dormice are assumed to be present in all hedgerows and dense scrub.

There are numerous records of otter and water vole from study area. Habitats within survey area were unsuitable for otter and water vole and no evidence identified. Presence of hedgehog is assumed, as habitats suitable were identified on site.

It is noted that a number of representations make reference to concerns regarding impact on biodiversity. Following the advice from SES, various conditions are proposed which require the submission of further information to ensure that ecological mitigation measures are delivered and that protected/priority species and their habitats are safeguarded. These are also added in the interests of ensuring that the favourable conservation status of populations of European and UK protected species, priority species and habitats are maintained, as well as the enhancement of biodiversity of the site.

The NPPF requires biodiversity improvement, but currently there is no policy requirement over and above the NPPF. However, it is noted that the proposal would result in an increase in hedgerow, and overall result in a 14.13% net gain, which weighs in favour of the proposed scheme.

Mindful of the above, in accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net gain, SES recommends various conditions which are reflected in the formal officer recommendation. As such, the proposal is considered not to conflict with Local Plan Policy EQ4 or relevant guidance within the NPPF.

## **SOMERSET LEVELS AND MOORS RAMSAR**

On 17 August 2020 Natural England (NE) advised that the Somerset Levels and Moors Ramsar protected site was in an unfavourable condition. This meant that there was a greater need for scrutiny of the effects of plans or project likely to, either directly or

indirectly, increase nutrient loads to this site. Residential development, such as that proposed, is one of the development types that could give rise to such likely significant effects in terms of increased phosphate levels.

It has been calculated that the proposed development would give rise to a phosphate surplus of 3.31kg/year. Therefore, further phosphate mitigation is required in order to achieve nutrient neutrality. EAD provide the following summary which comprises of the proposed mitigation strategy to achieve nutrient neutrality against a phosphorous budget of 3.31kg/year:

*"It is proposed that the development will mitigate the phosphate surplus detailed above through disconnecting properties at Higher Easthams Hill Farm and Goldwell Farm from four existing septic tanks located within the site boundary and connecting them to the proposed on-site PTP. In accordance with Natural England's advice, the phosphate concentration discharging from a septic tank is to be taken as 11.6 mg/l, which would reduce to 0.3mg/l following treatment in the onsite PTP. Removing the septic tank connections would provide a phosphate benefit of 4.36kg/year, which would offset the phosphate budget of 3.31kg/year generated by the proposed 52 dwellings and 15 flats. The strategy would be implemented before first occupation of the proposed development."*

Natural England was consulted on the application and confirmed it supported the calculations presented within the Nutrient Neutrality and Mitigation Strategy (NNMAS), which demonstrates it will deliver an overall phosphorus budget which is neutral. Natural England confirmed it considered the proposals will result in no likely significant effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation based on the Shadow Habitats Regulation Assessment. Somerset Ecology Services (SES) has reviewed the information and confirms that it considers the information is satisfactory to achieve nutrient neutrality, and the sHRA has been duly endorsed by SES, subject to a number of conditions and an appropriately worded s106 agreement to secure the nutrient neutrality strategy proposed.

Taking the above points together in conjunction with the completed s106 agreement (to secure the measures outlined), it is concluded that the development would not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. The development would therefore comply with Policy EQ4 of the LP which seeks to protect biodiversity.

## **SECTION 106 CONTRIBUTIONS AND CIL**

New development often creates a need for additional or improved infrastructure, or

community services and facilities, without which there could be a detrimental effect on local amenity and/or the quality of the environment. Planning obligations are the mechanism by which measures are secured to enhance the quality of both the development and the wider environment, to help ensure that the development makes a positive contribution to sustainable development providing social, economic and environmental benefits to the community as a whole.

The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the 1991 Planning and Compensation Act. The NPPF reiterates the tests that are required to be met when planning obligations are sought, namely that they should be necessary to make the development acceptable in planning terms; directly related to the development and, fairly and reasonably related in scale and kind to the development.

Policy SS6 states that the Council will secure the provision of, or financial contributions towards, affordable housing, social, physical and environmental infrastructure and community benefits which are considered necessary to enable the development to proceed. The level of developer contribution will be proportionate to the nature, scale and viability of the project having regard to the scale and form of development; capacity of existing infrastructure; and potential impact of the development upon the surrounding area and its facilities. The figures outlined below are based on the proposed development of up to 67 dwellings.

It is noted that a number of objections raise concerns regarding existing infrastructure, such as doctors' surgeries and schools etc and the fact they are already oversubscribed.

The NHS was consulted and has advised that the local surgery is already oversubscribed, running at 105% of capacity. The NHS has identified that the additional GP space required to support this development is 12.06sq.m (0.08sq.m per patient) with an anticipated population increase of 151. The contribution sought is £576 per open-market dwelling, giving a total of £25,344. [NB affordable housing is not included within this calculation as it is assumed that affordable housing will be occupied by existing residents within the vicinity, and already therefore using health services etc. ]

The Council's Education Team was consulted on the application and has advised that the development would generate 7 early years pupils, 22 primary pupils and 10 secondary school pupils. The latest data indicates that early years and primary school settings are expected to have sufficient capacity to accommodate children from the development. However, a contribution for secondary school provision (Wadham

School) would be required. The Education Team has advised that there is no requirement for SEN contributions for a development of the size proposed. The contribution required, based on 10 secondary school pupils is £4,790.21 per dwelling, giving a total of £320,944.

To ensure the development proceeds as phosphate neutral to ensure no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), the proposed nutrient neutrality strategy will be secured through the s106 agreement.

The development will also give rise to demand for formal play/youth and playing field provision. As such, based on the population generated from the proposed development, contributions towards the following are as follows:

- Equipped play space (on-site) - £56,870, with £32,849 toward future maintenance etc.
- Youth facilities (in Crewkerne/Merriott Area) - £11,167, with £4,128 toward future maintenance etc.
- Playing pitches (in Crewkerne/Merriott Area) - £26,433, with £16,045 toward future maintenance etc.
- Changing rooms (in Crewkerne/Merriott Area) - £48,319, with £3,887 toward future maintenance etc.
- Total: 201,695 (or £3,010 per dwelling)

In summary, the applicant has confirmed their agreement to following contributions to meet policy requirements and an identified deficiency /shortfall in provision and/or to meet increased capacity as a result of the development, which would be secured by way of a s106 agreement. This is based on the development as proposed, of up to 67 dwellings:

- Affordable housing provision, in line with the policy requirement of 35% (i.e. 23 units). The s106 would require minimum unit sizes and a split of 75% social rented and 25% First Homes (16 dwellings for social rent and 7 for First Homes).
- NHS contribution: £25,344 (£576 per market dwelling)
- Play facilities, sports pitches and changing rooms (which includes provision and ongoing maintenance): £201,695 (£3,010 per dwelling)
- Management of public open space
- Education: £320,944 (£4,790.21 per dwelling)
- Nutrient Neutrality Strategy, including monitoring and maintenance etc.
- Traffic Regulation Order
- Travel plan

- Public Right of Way connections

The application is also liable to CIL.

## **OTHER MATTERS**

### **Public Right of Way**

There are public rights of way that run through the site (CH33/17) and adjacent to the site (CH19/3, 19/30, CH33/16 and CH 33/67). The applicant will need to demonstrate to the Public Rights of Way Team and the Highways Authority that the crossing point of CH33/17 over the access road is safe for the public to use and constructed appropriate through the technical approval process.

The connecting link proposed to path CH33/17 is welcomed and it may require the consent of third parties, and if so a s106 may be required to secure these connections.

It was noted that another link would be beneficial at the western tip of the site to meet with Middle Hill Lane. While the potential for this was explored with the applicant it was not considered feasible due to a number of factors including uncertainty regarding landownership (which would have meant reliance on third parties), it was not considered to provide the most direct route from the site into Crewkerne town Centre, and it would have required the removal of existing and proposed hedgerow/ vegetation.

While improved permeability with the surrounding area would be advantageous, it is considered that the proposed development incorporates sufficient links to existing footpaths.

### **Compliance with policy SMP9 of the Somerset Minerals Plan**

Policy SMP9 of the Somerset Minerals Plan states that the District Council should consult the Mineral Planning Authority and planning permission should not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a safeguarded area or prejudice the use of safeguarded operational and/or permitted mineral sites (including quarries, mines, associated plant and infrastructure and facilities).

Parts of the site are covered by two different Mineral Safeguarding Areas; a section of the Southern part of the site area and within the Northeastern part of the site, both

for the mineral Inferior Oolite.

SCC Minerals and Waste Team was consulted on the application, but no response was received. As no objection has been raised from the Minerals Team, it is assumed there is no conflict with policy SMP9 of the Somerset Minerals Plan.

### **Loss of Agricultural Land**

An Agricultural Land Classification is a system used in England and Wales to grade the quality of land for agricultural use. Land in Grade 1, 2 and 3a comprises the "best and most versatile agricultural land".

The application site comprises agricultural land classified mainly as being Grade 2, with the remainder being urban. Therefore, a large part is of very good quality agricultural land.

Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other considerations, recognising the economic and other benefits of the best and most versatile agricultural land.

While the loss of this land, which as Grade 2 does comprise "*the best and most versatile agricultural land*", does weigh against the proposed development, it is noted that there is no relevant planning policy within the Local Plan specifically applicable to agricultural land protection and the NPPF requires consideration of other issues. In addition, the development areas are confined to the western parts of the site, with public open space and retained agricultural land across other parts of the site. As such, it is not considered that a reason for refusal could be justified on these grounds alone.

### **CONCLUSIONS AND THE PLANNING BALANCE**

The Council accepts it does not have a five year supply of housing land, which currently stands at 3.7 years. Footnote 8 to paragraph 11(d)(ii) advises that for applications involving the provision of housing, relevant policies are considered out-of-date where "*...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*". As such the so-called tilted balance is engaged which means that for decision-taking, where the policies which are most important for determining the

application are out-of-date, planning permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

While it is recognised that the proposals are contrary to Policies SS1 and SS5 of the South Somerset Local Plan, as highlighted above, this particular harm can only be afforded limited weight as these policies must be considered out of date in the absence of a five year supply of housing land. Nevertheless, the site is located outside, but immediately adjacent to the defined development area of Crewkerne which is identified as a Primary Market Town and a focus for growth. While it is noted that the previous appeal decision did include lack of access to non-motorised transport as a reason for dismissing the appeal, given the proximity of the site to the Town Centre and access to existing services and facilities, it is not considered that a reason for refusal could be substantiated on this basis, particularly given the enhancements proposed. As such, the site is considered to be in a sustainable location.

The development would provide 67 houses, 35% of which would be affordable which is policy compliant. Given the Council currently has a housing land supply of only 3.7 years, partly as a result of issues related to phosphates which is holding up the delivery of housing, and it is noted that this site has a phosphate solution, substantial weight is given to the delivery of market and affordable housing.

The scheme was amended during the course of the application resulting in a reduction in site area and maximum number of dwellings proposed, which has overcome the initial concerns raised regarding landscape. The proposals therefore are considered to be acceptable in terms of landscape and visual impact.

Likewise, there is not considered to be adverse impacts relating to the principle or arrangement of the proposed access, and no objection is raised by the Highways Authority in terms of traffic impact or highways safety, subject to appropriate conditions and/or planning obligations.

The proposed development would also provide economic benefits, through the construction phase and in the longer term with resident's accessing and supporting local shops, services and facilities etc. Moderate weight is given to these benefits.

The benefits of the proposed development include the proposal bringing forward contributions towards education provision, NHS and play/youth and sports provision, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the

settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Much of the existing hedgerow will be retained along with an increase in hedgerow, and overall the development will result in a 14.13% biodiversity net gain, which weighs in favour of the proposed scheme.

The loss of best and most versatile Grade 2 agricultural land does weigh against the development, but only limited harm is attributed to this.

There inevitably may be some disruption to the amenity of local residents during the construction phase, but this will be managed through a CEMP (which is conditioned) and will be temporary, for a limited period of time.

Notwithstanding the relatively high level of local objections, no other areas of harm have been identified by statutory consultees. It is, as explained above, considered that matters relating to drainage, ecology, landscape and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions/obligations. Likewise, a phosphate mitigate strategy is proposed to ensure that the proposed development does not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site

Having due regard to the 'tilted balance', it is not considered that any adverse impacts would significantly and demonstrably outweigh the benefits of granting planning permission.

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

## **RECOMMENDATION**

For the following reason, the application is recommended for approval:

The proposal, by reason of its location, scale and access is considered to be acceptable to the character of the site and the surrounding area and would not have a detrimental impact on ecology, flood risk, residential amenity, highway safety and is in a location considered to be sustainable. Subject to conditions and a s106 agreement the proposed development is considered to accord with the South Somerset Local Plan and advice contained within the NPPF.



Subject to the following -

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

- i. Affordable housing provision
- ii. Education contribution
- iii. NHS contribution
- iv. Equipped play area, youth facilities, sports pitches and changing rooms provision/financial contribution
- v. Travel Plan
- vi. Traffic Regulation Order
- vii. Nutrient Neutrality Strategy
- viii. Public right of way connections (if agreement with third parties is required).
- ix. Provision and management of public open space.

B) the following **CONDITIONS:**

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

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

02. An application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

03. The development hereby permitted shall take place not later than three years from the date of this permission or two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

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

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

- Site Location Plan (19-029-203-C)
- Parameter Plan (19-029-600-B)
- Proposed Easthams Farm Site Access (ITB7206-GA-017-D)

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

05. No more than 67 dwellings shall be constructed on the site.

Reason: to inform the scope of the permission

06. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include, but is not limited to, 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 and safeguarding construction measures; precautionary safeguarding construction measures e.g. habitat clearance for amphibians and reptiles; a detailed reptile mitigation and if necessary translocation strategy; precautionary safeguarding construction measures for dormice; strategy outlining Root Protection Areas in accordance with BS 5837:2012; Pollution Prevention Reasonable Avoidance Measures implemented during construction concerning nearby or onsite ditches;; precautionary safeguarding construction measures for bats such as (but not limited to) updated tree inspections with confirmed bat suitably moderate-high; precautionary measures for other highlighted species such as hedgehog; an invasive non- native species protocol Method Statement (MS) for Himalayan balsam detailing steps to remove it from site and/or prevent it from spreading further; etc.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.

- f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP:Biodiversity 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 Policy EQ4 Biodiversity

07. 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 the Local Planning Authority's 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 completion 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 Biodiversity

08. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include, but is not limited to, the following:
- Construction vehicle movements
  - Construction operation hours (including procedures for emergency deviation of the agreed working hours)
  - 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
  - Construction delivery hours

- All construction deliveries being made off highway
- On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
- Expected number of construction vehicles per day
- All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
- 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
- On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Environmental Protection Team
- Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- The Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.
- Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared.
- Control measures shall be in place for control of dust and other air-borne pollutants.
- Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers, environmental health and highway safety

09. Prior to the commencement of any works on site, a Landscape, Ecology and Arboricultural Management Plan (LEAMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEAMP shall include the following:
- a. Description and evaluation of features to be managed, including retention of any species receptor sites and any new habitat created.
  - 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, which expands on the proposed enhancements as outlined in EAD's report titled 'Ecological Impact Assessment Goldwell Farm, Crewkerne Gleeson Strategic Land October 2022' within Section '4 Avoidance, mitigation, compensation and enhancement' and 'Appendix 15: Biodiversity Net Gain Assessment'
- e. Prescriptions for management and compliance actions with (d) above.
- 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 LEAMP 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 LEAMP 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, with approved management and maintenance schemes adhered to at all times.

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 the interests of landscape and visual amenity.

10. Prior to commencement of the development hereby permitted, including groundworks, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures must be prepared and submitted to the local planning authority (LPA) for their approval in writing. Upon receipt of the LPA's approval in writing, the satisfactory installation of the approved protection scheme (in particular, any required fencing, signage and ground-protection installations), must be confirmed in writing by the LPA, prior to development works taking place. Those approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled with the prior consent of the LPA in writing.

NOTE: to comply with the terms of this condition, you will need to e-mail Somerset Council at: [planningsouth@somerset.gov.uk](mailto:planningsouth@somerset.gov.uk) - quoting the planning reference - making sure to provide supporting photographs clearly demonstrating compliance with the approved scheme).

Reason: to ensure the protection of trees and hedgerows in the interests of visual amenity and biodiversity

11. Prior to the commencement of development, details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The scheme should identify maintenance tasks, responsibilities and frequencies for the entire drainage network, including private, adopted and SuDS drainage in accordance with the recommendations outlined in the CIRIA SuDS manual and include details of the parties responsible for maintenance. Such works shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring that the principles of sustainable drainage and the provision of a satisfactory means of surface water disposal is incorporated within the development and adequately maintained for its lifetime.

12. 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.

NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

Reason: In the interests of highway safety

13. The details of the proposed access shall be agreed in writing with the local planning authority prior to commencement and constructed in accordance with details shown on the submitted plan, and shall be available for use prior to the development hereby permitted commencing. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety

14. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
- A plan to a scale of 1:1000 showing the location of all defects identified;
  - A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety

15. Plans and sections showing details of any proposed roads, footways, footpaths, tactile paving, cycleways, verges, junctions, 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 submitted to and approved in writing by the Local Planning Authority and constructed and laid out in accordance with approved details prior to occupation of the development.

Reason. In the interests of highways safety

16. 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

17. Prior to the commencement of development a Programme of Archaeological Work in accordance with a Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure that any archaeological remains are identified and adequately recorded.

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



Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with Policy EQ4 Biodiversity

19. Prior to the commencement of development, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy EQ4 Biodiversity

20. 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.

Reason: A pre-commencement condition in the interests of a UK protected species and in accordance with Policy EQ4 Biodiversity

21. No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; an appropriately scaled planting plan to include the location, numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

The drawing(s) shall include or be accompanied by a detailed specification setting out an appropriate methodology for implementing the scheme in accordance with the relevant British Standards to include BS 8545:2015, BS 4428:1989 and BS 5837:2012.

22. No development shall commence until drainage plans for the disposal of foul water have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be first occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

Reason: To ensure there is adequate drainage for the disposal of foul water.

23. The Development hereby permitted shall not be occupied until parking spaces for the dwellings and properly consolidated and surfaced turning space for vehicles in accordance with current policy standards 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 interests of highways safety

24. 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 brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highways safety.

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

Reason: In the interests of highway safety

26. No development shall commence until a suitably qualified acoustic consultant has identified what measures, if any, may be necessary to ensure that harm to amenity (including habitable rooms and gardens) is unlikely to result. A written report shall be submitted to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report is to be agreed, in writing, by the Planning Authority and the approved measures shall be implemented in their entirety prior to occupation of any part of the premises. All sound level measurements to be expressed as 'A' weighted "Fast" response levels unless otherwise stated. The rating level shall be assessed according to the approach given in British Standard BS4142:2014 (as amended) with the proviso that the background noise level shall be taken to be the background noise level (L90) prior to development in order to prevent the occurrence of creeping ambient noise

Reason: To protect the amenity of existing nearby residents and future occupants of the proposed development

**Informatives:**

01. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
02. 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.

NB: 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: <https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporaryclosure-of-a-right-of-way/>

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