

Officer Report On Planning Application: 16/05500/OUT

Proposal:	Outline application for residential development for up to 400 dwellings with associated access.
Site Address:	Land South West Of, Canal Way, Ilminster, Somerset,
Parish:	Ilminster
ILMINSTER Division	Cllr Val Keitch, Cllr Sue Osborne
Recommending Case Officer:	Rachel Tadman (Specialist)
Target date:	10th April 2017
Applicant:	Persimmon Homes SW & Somerset County Council
Agent: (no agent if blank)	Persimmon Homes SW
Application Type:	Major Dwlg 10 or more or site 0.5ha+

Background Information, Application Update and Revisions

This application was originally considered by the former South Somerset Area West Committee on 16 August 2017 where it was resolved to recommend refusal of the application contrary to the Officer's recommendation for the following reason:

The applicant has failed to demonstrate that the proposed scale of growth which significantly exceeds the Local Plan targets will not have an adverse impact upon local infrastructure and amenity.

The agenda and minutes for SSDC Area West Committee of 16 August 2017 can be viewed online at:

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=131&MId=2089&Ver=4>

The application was then referred to the former South Somerset Council Regulation Committee on 21 November 2017 where it was resolved to permit the proposal subject to a S106 legal agreement and conditions.

The Regulation Committee report and minutes are provided at Appendix A1 and Appendix A2 for information. (The Regulation Committee report updated the Area West Committee report to include the outcome of the Area West Committee but was in all other respects the same body report).

Unfortunately, following the decision of the Regulation Committee and before the decision was formally issued, South Somerset Council received the 'phosphates letter'

from Natural England in August 2020 stating that planning permission could not be granted until a Habitats Regulations Assessment (HRA) had been carried out confirming that the proposal was nutrient neutral.

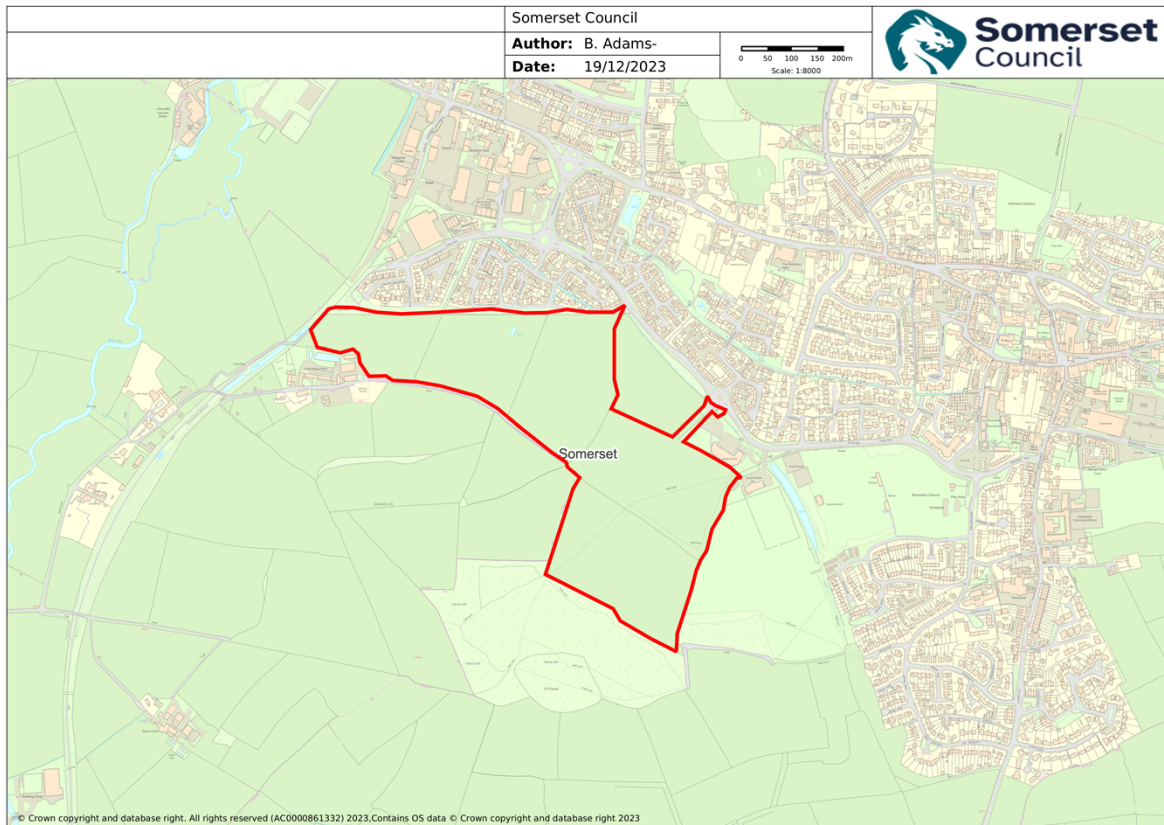
The application has therefore been on hold until a phosphate solution could be found, however in the meantime the Applicant has taken the opportunity to revisit the proposals and has revised them accordingly. The report below comprises an assessment of the proposal based on the revised submission whilst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

REASON FOR REFERRAL TO COMMITTEE:

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

SITE DESCRIPTION AND PROPOSAL





The application site is located towards the south west side of Ilminster, on the southern side of Canal Way, and sits to the west of the medical centre with residential properties to the north. Ilminster Town Football Club with the Ilminster recreation Ground form the eastern boundary of the site. The A303 is approximately 2km to the West. Coldharbour Farm is located to the west with further agricultural land/fields to the south. The fields are bound by hedgerows with a number of mature trees located sporadically throughout the site.

The site is 21.17 ha in size, comprising five field parcels of agricultural land with mature hedgerows and mature trees located throughout. The site is gently sloping, rising from the north towards Herne Hill to the south and includes a small pond on the northern boundary.

The site includes a number of individual trees subject to Tree Preservation Orders in hedgerows within the northern boundary and centrally located within the site. The site is in Flood Zone 1 and is not subject to any environmental designations.

There are no designated heritage assets within the site however there are numerous, mostly Grade II listed buildings, within the wider setting of the site along with Ilminster Conservation Area and Donyatt Conservation Area.

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

A public footpath runs from Coldharbour Farm to the west heading eastwards along a track. Part of the parish boundary between Ilminster and Donyatt runs along this boundary. The right of way then dissects the field to the south of the proposed school field leading to the pedestrian and vehicular access from Canal Way. A section of the right of way also heads northwards towards Adams Meadow.

Originally the application was for 450 dwellings however, taking on board concerns raised during the initial consultation process, a new site location plan was submitted removing two fields in the south west and adding a new field in the south east. The description was also amended to 'up to 400 dwellings'.

It should be noted that the original scheme, and the submitted development framework plans, indicatively showed the provision of a primary school on a 2.1 ha parcel of land located on the north eastern boundary of the site, owned by Somerset Council. Reference to the school has now been removed as it is understood it is no longer proposed, this is explained in more detail within the assessment of the application below. The previous revised scheme also included a football pitch just below Herne Hill however this was removed from the scheme due to impact it would have on the landscape.

The application, as revised, now seeks outline permission for the erection of up to 400 dwellings with associated vehicular and pedestrian access on land at Canal Way, Ilminster. Access only is sought for approval at this stage with detailed matters in respect of layout, scale, appearance and landscaping forming reserved matters.

Due to the length of time that has passed since the application was considered by South Somerset Council's Regulation Committee in November 2017, planning circumstances have changed. The Applicant has stated the following regarding changes to the application.

- Persimmon Homes South West has developed fresh core values which underpin a strong commitment to great placemaking and social and community value and this has driven a project team approach to planning and delivery, including the evolution of a completely new masterplan.
- Some of the submitted surveys and assessments, for example ecology, are now out of date.
- Technical standards, policies, procedures and good practice have changed.

The scheme proposes 1 point of vehicular access from Canal Way utilising the existing spur off the roundabout serving the medical centre. The existing access to the medical centre will be realigned and relocated further south along the access road. A vehicular access for emergency vehicles only, will be provided further to the west along the northern boundary into Adams Meadow.

Numerous cycle and pedestrian routes are shown within the site, establishing new routes around the site and also linking up with existing cycle routes, bridleways and footpaths.

The highway scheme includes the provision of two zebra crossings; one to be located on the access road adjacent to the medical centre and a second to be provided to the north west of the roundabout on Canal Way. Technical changes will be made to the access road to accommodate the proposed development.

The scheme also proposes on site play and youth facilities. Existing hedgerows will largely be retained with small sections removed within the site to accommodate the internal access road.

The latest submission of revision, in August and October 2023, includes the following updated, or newly submitted, supporting documents:

- Planning Statement
- Design and Access Statement
- Affordable Housing Statement
- Transport Assessment
- Travel Plan
- Ecological Impact Assessment
- Biodiversity Net Gain Metric
- Landscape Appraisal Addendum
- Arboricultural Impact Assessment
- Nutrient Neutrality and Mitigation Statement
- Landscape Appraisal
- Noise Assessment (labelled ProGP Stage 1 - Risk Assessment)
- Flood Risk Assessment and Drainage Strategy

The following reports from the original submission are still relevant:

- Archaeological Report
- Geotechnical and Contamination Assessment Report

- Landscape Appraisal
- Heritage Statement

The revisions also include a suite of plans including:

- Illustrative Masterplan
- Opportunities and Constraints
- Parameter Plans including density, land use, access and movement, scale and height
- Proposed Access from Canal Way
- Proposed Emergency Access from Adams Meadow

RELEVANT PLANNING HISTORY

18/00082/FUL - Erection of 144 No. dwellinghouses with open space, landscaping and other associated works. Formation of access. Pending consideration.

16/01095/EIASS - Residential Development of up to 465 dwellings, new school, public open space, formal sports area, landscaping and access. EIA not required.

There is no other relevant planning history for this site.

PLANNING POLICY AND GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2 and 47 of the NPPF, state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was revised on 19th December 2023.

Key issues that would inform the determination of this application include:

Paragraph 11 which applies the presumption in favour of sustainable development remains although footnote 8 introduces the opportunity to apply a 4 year housing supply position where the authority has an emerging local plan that has been submitted for examination or has reached Regulation 18/19 stage which is not applicable to Somerset Council.

For decision making the test remains:

“approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

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

Chapter 5 deals with delivering a sufficient supply of homes and confirms that the standard methodology is an advisory starting point for establishing a housing requirement and notes:

There may be exceptional circumstances , including relating to the particular demographic characteristics of an area²⁵ which justify an alternative approach which to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.

The 5% buffer that Area South previously applied to its housing supply reflecting recent higher levels of housing delivery is no longer applicable.

Chapter 12 is now titled “Achieving well-designed and beautiful places” and develops the use of design codes. The applicability of this chapter is reflected in the consideration of this application by the South West Design Review Panel discussed later in the report.

The Council's Development Plan comprises:

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

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

- PMT3 - Direction of Growth for Ilminster

- 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
- EQ7 - Pollution Control

Ilminster Neighbourhood Plan

The Ilminster Neighbourhood Plan (NP) has completed its Examination in Public and it is understood that the document is currently being amended to address the Examiners comments. The NP will then need to be subject to a referendum before it can be 'made'. The weight that can be afforded to the NP at this present time has been assessed against paragraph 48 of the National Planning Policy Framework (NPPF) and it is considered that the NP cannot be given significant or full weight until it has completed the referendum and/or been made. Therefore the NP can be given 'some' ie more than limited but less than substantial weight. Notwithstanding this, the following policies are most relevant in determining this planning application:

- Policy ILM1: Conserve and enhance Ilminster's historic landscape setting
- Policy ILM2: Conserve and enhance Ilminster's ecology, species and habitats.
- Policy ILM3: Enhance and connect our local green open spaces with a "Green Corridor".
- Policy ILM4: Enhance recreational facilities for our growing community.
- Policy ILM7: Promote high quality design.
- Policy ILM9: Safe, interesting walking and cycling routes.
- Policy ILM10: Types of new homes.

- Policy ILM12: Design and layout of strategic sites.
- Appendix A - The Character of Ilminster
- Appendix C - The Design Guide

Other possible Relevant Considerations (without limitation)

- National Planning Policy Framework (NPPF)
- Somerset County Council Highways Development Control Standing Advice
- Somerset County Council Parking Strategy

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

Ilminster Town Council: Object for the following reasons:

- There is a high density of homes with one entrance/exit road
- Loss of prime agricultural land
- There are trees within the development that are subject to a TPO
- One of the roads leading onto the access roundabout hasn't been adopted and therefore there are no give way/stop signs
- Query whether the roundabout can support the increased volume of traffic
- Point of access is a key issue, no other development of this size within the town only has one point of entry.
- The impact on existing services and amenities within the town eg Doctors
- Query whether the current drainage system in Ilminster support the new housing
- The balance ponds are not adequate
- Potential for increased flooding risk within the town
- Ilminster has flooded 5 times in the last 20 years
- Further clarification is needed on phosphates credit scheme and offset mitigation rights
- No provision to build a new school and no consideration for children with disabilities
- Lack of upkeep on existing developments within the town have led to areas not being adopted.

Original comments October 2017: Recommend refusal

It was RESOLVED to recommend refusal on the grounds of

- The impact of additional vehicular movements that would be generated by the development without enhancement of the existing transport infrastructure
- Lack of robust travel information especially walking distances
- Lack of information about the Appearance and Character of the proposed dwellings
- Lack of infrastructure to support the development
- Impact on the environment
- Impact on existing rights of way
- Impractical emergency vehicle access
- Over development of the site

A full transcript of the minutes is available to view on the Town Council's website.

Comments August 2017: Do not support

- This is an outline application but until there is a full plan - need to keep an eye on everything
- School plans are not definite
- Land used by Greenfylde - but owned by the IEF and committed to having it for educational purposes
- Local plan says it is the direction of growth
- Concern about the number of proposed dwellings and lack of infrastructure
- Still only 1 access to and from the estate - medical centre and possibly the school
- Revised application still not addressed issues e.g. walk to town centre and car dependency, impact on highway network especially Canal Way
- Proposed crossing will impede the traffic flow and will not allay safety fears at a very busy junction
- Proposed green squares are unlikely to be traffic calming
- How high will the 2.5 storey dwellings be - visual impact
- Need to attract companies to set up business and provide employment
- Canal Way is a flood plain - what impact will there be on surface water drainage
- Possible conflict of interest between landowner and highways responsibilities / advice
- Concerns from Somerset Drainage Board about flooding - doesn't seem to be addressed in the revised plans
- Amended traffic flow figures seem optimistic
- Scheme to encourage use of public transport by the contractors and their employees but what about residents
- Emergency access - still inadequate for emergency services

Recommended that these amended plans are not accepted on grounds that they do not alleviate the previously raised concerns and are inadequate on e.g. Numbers of dwellings, emergency access, flooding especially location and provision of balancing pond, increased traffic, safety concerns and traffic flow if pedestrian crossings implemented as on the revised plans.

Donyatt Parish Council: Recommends refusal of the application for the following reasons:

- The current population of Ilminster is around 5,800, at an average of 2.5 people per household, the development will add a minimum of around 1,000 extra people to Ilminster's population, an increase of over 17%. This does not take into account further developments planned for Ilminster, for example off Shudrick Lane.
- If all of these developments go ahead this could increase the population of Ilminster by 20-25%!
- This will completely change the character of Ilminster, which is currently a relatively unspoilt local market town.
- Infrastructure:
- The average number of vehicle visits per household per day in the UK is somewhere between 3 and 4, an extra 1,000 houses will mean an increase in traffic along Canal Way in the order of 3,000 to 4,000 vehicles per day (residents and delivery vehicles).
- This will undoubtedly increase over time as more 'on-line' purchasing takes place and public transport availability worsens.
- The current road infrastructure was never designed for this, towards Ilminster town centre there is already congestion caused by parked cars on the road opposite the park, hampering access for emergency vehicles attending fire/medical events along Canal Way.
- The already congested, dangerous and overcrowded Southfields roundabout will not be able to cope with the extra traffic volumes as new residents head out of town to their places of work, as Ilminster will never be able to employ all these extra people.
- From a Donyatt Parish perspective, the local (rural) road network will have more vehicles using it, outlying parts of the Parish, such as Sea and Peasmarsh, which currently have no speed limits below the national 60mph limit, will become rat-runs as Ilminster roads become more congested.
- There is already a significant 'speeding' issue through Donyatt, despite the current 30 mph limit. This, combined with current vehicle volumes through the village approaching 14,000 per day, will only get worse if you add more vehicles into the mix.

- Doctors' and Dentists' surgeries are already working to capacity with many not able to take on any more patients, those that remain are virtually impossible to book an appointment with, a population increase of over 17% will only exacerbate this already unacceptable situation.
- It's not just IIminster residents that use these and other facilities in the town, many outlying villages depend on them too and will also be adversely affected as the residents of the new development swamp local services in large numbers. Local schools will be faced with up to several hundred extra pupils to accommodate, in reality this potential increase in pupil numbers should warrant a new school being built in IIminster.
- There is only one supermarket of any size in IIminster (Tesco), the car park is invariably full or nearly full.
- Street parking in the town is already severely limited, 400 new houses could mean up to any extra 400 vehicles travelling into the town centre to do their shopping.
- The current water supply, wastewater and sewage systems will not cope without substantial improvements to the current infrastructure. There is already local talk of sewage, from other recent developments along Canal Way, seeping onto the very site where Persimmons plan to build yet more houses.
- The site is currently agricultural land, this absorbs surface water which is dissipated over many acres, the development will replace this with several acres of tarmac and concrete with the potential for localised flooding with the increasing heavy rainfall we are experiencing. Have any provisions been made for this within Persimmon's plans for the site?
- Overspill into neighbouring communities:
- The South-Western boundary of the proposed development borders the northern boundary of the Parish of Donyatt at the communities of Coldharbour and Park Lane. There is no space in the proposal, in the form of open land, between the development and the parish of Donyatt.
- The local section of the National Cycleway, which runs from Chard to Canal Way at IIminster is already very popular with walkers, cyclists, families with prams and horse-riders as it is a Bridleway as well. On a fine day, the Cycleway can have several hundred people using it, I know this as I am also the local Ranger for Sustrans.
- The current mix of numbers and user types can be accommodated, but if 400 new houses produce several hundred extra people wanting to use the Cycleway then it will be stretched beyond capacity, increasing the likelihood of accidents involving cyclists, horses, walkers and Mums with small children and prams.
- Add into this mix several hundred new dogs from the development and horse-riders trying to negotiate even more people, dogs and cyclists, what is currently a peaceful place to be would become very busy.

- The National Cycleway is used (illegally) by motorcyclists as a rat-run from Ilminster to Chard, to avoid the very busy Southfields roundabout or simply because they are often neither insured or taxed, this will only worsen if this development takes place, more motorcyclists will mean more accidents involving walkers, cyclists and horse-riders.
- Apart from the Cycleway, the increase in population and the movement of people in larger numbers will particularly affect the residents of Park Lane and Church Street in Donyatt and the small community of Coldharbour which will be right up against the new development.
- In our view, there should be a substantial buffer-zone between any new development off Canal Way and these neighbouring communities, in order to retain the separate identities of those communities.
- This won't however stop people getting onto the Cycleway in increasing numbers, increasing the potential for anti- social behaviour affecting parts of Donyatt, which currently is relatively free of this menace.
- Finally, there will be a negative impact on the nature reserve at Herne Hill which is relatively unspoilt and enjoyed by local walkers in relatively small numbers.
- As Herne Hill is very close to the proposed development, the potential for a huge increase in footfall through the woods at Herne Hill will be great, with the resulting negative impact on the site and the wildlife within.
- loss of Agricultural land - we need to be more self-sufficient in the production of food and energy.
- What possible justification is there in selling off twenty one hectares of perfectly good productive agricultural land for housing development, once the land has been built on it can never be re-claimed for agriculture, if future generations find it necessary to do so.
- Notwithstanding all of the other points I have outlined above, this issue alone should be the subject of serious debate as to whether this development, on this site, should go ahead at all.

In summary, it is our view, as a local parish, for whom this development could have some potentially serious impacts, with absolutely no perceived benefits, that this development should not take place at all and should never be granted permission to go ahead.

Original comments February 2017: Do not support

The Council did not support this application on the following grounds:

- The Council is extremely concerned that the sprawl of the urban development of Ilminster town is encroaching into Donyatt which is a small village

- It is essential that a clear demarcation is maintained between the boundaries of Ilminster and Donyatt to retain separate identities with a separation zone between the two communities.
- The two amenity fields should be excluded from the plan as they are within Donyatt plus there are no plans to maintain them
- Adverse impact on Herne Hill
- There are four Public Rights of Way that go across the site but only two are mentioned on the plans.
- Trees with TPO's have not been shown
- The Council consider that 450 more dwellings is over development for Ilminster with its present amenities. This could seriously affect Donyatt residents as Ilminster is the nearest town for essential facilities. (Schools, Health Care, Supermarkets etc)
- The Council know that it is difficult to get a timely doctor's appointment now.
- The Council understand that the proposed new school, which will replace the current school, will not have the capacity to cope with the children living in 450 additional dwellings
- Attenuation pond is sited next to the proposed school with the obvious risk of health and safety problems

Highways England (HE): 30 August 2023 - No objection

HE operates and maintains motorways and major A roads. Accordingly, in this case, they have advised on the impact of development upon the A303.

Revised comments March 2017: No objection

Further highway modelling work and assessments have been undertaken by the applicant. HE have assessed this and are now content with the analysis. Their holding objection has now been withdrawn and no objection raised.

Original Comments February 2017:

HE originally recommended that planning permission was not granted for a period of 3 months in order to provide the Applicant sufficient time to address outstanding HE concerns and to protect the operation and safety of the A303. HE agreed with most of the analysis outlined in the Transport Assessment undertaken by the applicant's consultant, however, further work was required in regard to the impact of the development on both the Southfields and Hayes End Roundabouts.

Highway Authority (HA): Revised comments 18.10.23 - No objections

The following points are relevant:

- Appropriate crossing points are still to be provided
- No access direct to Adams Meadow other than in emergency
- A Travel Plan is provided and will be secured via a s106 Agreement
- The previously requested conditions are still appropriate
- The s106 Agreement should also cite s278 to secure the details of all works either on or directly adjacent to land covered by highway rights

The full details of the internal arrangement can be clarified during the Reserved Matters application.

Revised comments June 2017: Objection withdrawn

Details had been provided in respect of 2 zebra crossings on Canal Way and along the access road between the entrance to the medical centre and proposed entrance to the school site. The Highway Authority requested that these zebra crossings are in place before the first occupation of 25 dwellings or the school is first brought into use. A crossing point is also provided across the right of way. The secondary access is only proposed for emergency vehicles, rather than as a secondary access for all users. The Highway Authority have accepted this position, given that the internal layout avoids a single spine road running the whole length of the development. Advice is given on the specification of the internal roads. This would be dealt with at any reserved matters stage.

Revised comments April 2017: Objection

The HA formally objected to the scheme for 2 reasons, namely

- 1) safety concerns in regard to the formation of the second access together with conflicting traffic movements onto and from Adams Meadow, and in regard to the cycleway/bridleway and the public right of way; and
- 2) The restricted width, alignment and current layout of Adams Meadow is not considered suitable to serve as a means of access to the proposed development.

The HA also sought changes to the alignment, width and visibility into the doctor's surgery and controlled crossings across Canal Way as well as the access road into the site. A crossing point is also required along the spine road where the public rights of ways cuts through the estate. Comments were also made in regard to the design of the internal estate road, in particular to the relationship with the secondary access road into Adams Meadow.

Original comments February 2017:

The HA raised concerns about the scheme in regard to trip generation and the

absence of any junction modelling outputs. It was concluded that the trip generation modelling would give an under estimate of traffic on the road network; this would affect the volume of traffic on the network and cause a detriment to the operation of junctions. The HA also advised that the proposed Shudrick Valley proposal should be included in the assessment. The HA also raised safety concerns in regard to the proposed access and interaction with the doctors surgery. If the above concerns are not satisfactorily addressed, the HA would recommend refusal of the application.

Landscape officer:

The site has already been appraised as being an area suitable for residential growth by the local plan, and the approved 'direction of growth' was in part informed by the findings of the peripheral landscape study (PLS) of Ilminster, undertaken during November 2007. For the detailed evaluation I would refer to;
<http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>

The outcome of the PLS is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the fields that are the subject of this application, are evaluated as having both a high and moderate-high capacity to accommodate built development. Consequently the principle of development in this location is considered to be acceptable from a landscape standpoint, and there is no issue with the main point of access. Whether or not the land has the capacity to accommodate 450 houses however, is a moot point.

A landscape appraisal (LA) and masterplan, the LA proposes that development be limited to the lower area of the site, to be contiguous with other modern development to the north of the site, whilst the rising land to the southwest is allocated as open space, to limit visual effects. It concludes that the development-impact upon both the character and visual amenity of the site and its immediate surrounds, is then capable of reduction through such landscape mitigation, over time.

Clearly, placement of the housing on land of lower elevation and alongside the existing residential edge is logical, as is the proposed approach to landscape mitigation. I am not persuaded however, that this is borne out by the landscape masterplan, not only because the level of landscape provision appears limited, but also because the schematic residential layout does not appear to have been informed by the landscape appraisal. Neither do I see a landscape plan that relates to the ecology report's mitigation proposals, to suggest that there is further work to be done.

In summary, the prime expression of this current layout is akin to a singular large

housing estate, which does not encourage the perception that this could be a development that is rich and varied in its offer of housing and public space, and there is more fundamental work that needs to be done if this proposal is to match the projected quality of the appeal proposal to the east of the town (for 220 houses).

Education Services:

A proposal of 400 dwellings in this location will generate the following number of pupils for each education type:

Early years - 36 pupils

Primary - 128 pupils

Secondary - $400 \times 0.14 = 56$ pupils

SEND - $400 \times 0.0092 = 3.68$ pupils (based on new evidence in Somerset)

The current cost to build for the education contributions, based on an expansion cost to build (which is a lower cost) rather than a new build cost is required at this time due to the likely projects required to ensure there will be the capacity in the local schools for the children from this development are as follows:

Early years - £21,188.00 per pupil

Secondary - £29,419.50 per pupil

SEND - £101,215.72 per pupil

Education contributions will be required for Early years expansion, Secondary expansion and improvement and SEND expansion projects which have been carried out in advance of the need. For this application the education cost to build will be as follows:

$36 \times £21,188.00 = £762,768.00$ for early years

$56 \times £29,419.00 = £1,647,464.00$ for secondary

$3.68 \times £101,215.72 = £372,473.85$ for SEND

This is an overall reduction in the education contribution which was drafted in the S106 in 2019 for this application. The previous ask was in the region of £2,282,200.00 for all required school types. So due to the changes in the school system and the reduction in the need for school places at this time the education contribution is reduced by £1,146,959.00.

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

$\pounds 762,768.00/400 = \pounds 1,906.92$ per dwelling for early years expansion in Ilminster
 $\pounds 1,647,464.00/400 = \pounds 4,118.66$ per dwelling for Secondary expansions and improvement in Ilminster
 $\pounds 372,473.85/400 = \pounds 931.18$ per dwellings for SEND capacity increases

Original comments January 2017: No objections

The Greenfylde First school is located on a constrained site and cannot sustain any further expansion. The accumulative effect of developments coming forward in the area will necessitate the need to expand Greenfylde and this is not achievable in its current location so relocation of Greenfylde is very likely. This development will also bring forward the need for an additional 52 middle school places.

The proposed development is within the catchment Swanmead Middle School. This school will need to be expanded to accommodate these additional numbers. Therefore the Authority will be seeking education contributions towards provision of the additional school places that will be required should this development be approved.

- 16 pre-school places at @ $\pounds 14,175^*$ per place = $\pounds 226,800$
- 65 first school places @ $\pounds 14,175^*$ per place = $\pounds 921,375$
- 52 middle school @ $\pounds 17,766^*$ per place = $\pounds 923,832$

*These figures have been reviewed using June 2016 confirmed BCIS General Building Cost Index figure.

Lead Local Flood Authority: No objections subject to amendments and S106 obligations/conditions

We have reviewed the information provided, subject to the calculations being updated to showing the outfall on Tank 4 and shown as suitable, we would recommend that the following condition is applied and that the SuDS maintenance and management is secured under the S106 agreement include a named maintenance/management company or adopting authority, and details on replacement and remediation of underground attenuation beneath LEAPS/landscaped areas. Please note that at the next stage we would expect a hydraulic model to address our comments on basins 3A and 3B and details on the receiving culverts.

Original comments January 2017: No objections subject to surface water drainage scheme condition.

County Archaeologist: No objections

The results of the archaeological trial trench evaluation have proved negative with no evidence for any settlement type archaeological activity in the trenches and no finds recovered. The findings are satisfactory and no further archaeological work is required.

Environmental Health Officer: No objection subject to conditions relating to unexpected finding of contaminated land.

Natural England: Final comments awaited

9 September 2023: Further information needed

We note that the applicant for 16/05500/OUT proposes to achieve nutrient neutrality to avoid harm to the Somerset Levels and Moors Ramsar Site through the purchase of credits. Please reconsult Natural England when those credits have been confirmed and an Appropriate Assessment has been completed.

The planning statement suggests that the mitigation strategy will cover 361 homes. Mitigation should correspond to the quantum of housing that may be permitted.

Original comments February 2017 and on revisions October 2017: No objections. Natural England are satisfied with the proposed great crested newt mitigation which follows pre-application advice. This does not however guarantee a license will be issued as this is subject to a separate process and considered in its own right. Provide advice on protected species and green infrastructure/biodiversity enhancements.

Ecologist: No objections subject to conditions and S106 obligations

The Nutrient Neutrality Assessment and Mitigation Strategy provided by Stantec in November 2023 shows that the development will lead to an increase of 227.67kgTP/yr. Once the WwTW is upgraded (AMP7) this will drop to 38.04kgTP/yr.

The proposed mitigation strategy for development is to fallow 110.32ha of agricultural land within the Donyatt County Farm Estate currently under the control of Somerset County Council. A Following Assessment of the Donyatt County Farm Estate land has been undertaken and is provided in Appendix E of the Stantec report. The assessment indicated the land is currently comprised on Cereals and Improved grass. Through application of the Somerset Phosphate Budget Calculator (V3.1), the nutrient removal benefit of converting the land to greenspace has been calculated as

38.72kgTP/yr. Therefore, following of this land will allow the development to achieve nutrient neutrality in the post-AMP7 scenario (Ilminster WwTW). If no alternative strategy comes forward by 2030 then it is proposed the land within the Donyatt County Farm Estate will undergo a permanent land use change to woodland, which would provide a nutrient removal benefit of 51.96kgTP/yr.

The sHRA provided by GE Consulting in November 2023 is acceptable and demonstrates that no likely impacts to the Somerset Levels and Moors will occur provided the mitigation is secured.

Natural England should be consulted to ensure that they consider that these 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.

Based on the above, SES conclude that these proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation (confirmed by Somerset Ecology Services adoption letter as attached) subject to the following Section 106's & Conditions being secured:

Comments dated 30 August 2023 - Objection pending further phosphate information (see above)

The Ecological Impact Assessment (GE consulting) has identified populations of Hazel Dormouse, GCN, birds, reptiles, bats, and badgers on site. Several protected species licences will be required for the works including: a NE licence for dormice, a District Level Licence (DLL) for GCN, and a licence for badgers (unless the pre-works surveys confirm otherwise). All matters raised can be resolved by condition.

Updated comments May 2017:

The potential presence of polecats on the site has been raised however the loss of farmland and polecat habitat is very unlikely to be sufficient to have. Significant impact on the conservation and continued recovery of the local polecat population. With the majority of the hedges are being retained, the risk of direct harm to a polecat den is very small.

Original comments February 2017:

The Ecological Appraisal (Green Ecology, Nov 16) has been noted and the following concerns have been raised:

1. Site layout and insufficient dormouse mitigation along the southern boundary

Evidence of dormouse was recorded in the East boundary hedge, therefore, any planning proposal/approval must:

- a) be able to demonstrate maintenance of favourable conservation status to satisfy obligations under the Habitats Regulations 2010, and
- b) satisfy NPPF and Local Plan Policy EQ4.

One of the potential impacts upon dormice could be cat predation, with a greater risk closer to houses. Fragmentation of habitat (by estate roads passing through hedges) is likely to be another significant impact that will likely leave many of the retained hedges, particularly in the northern half of the site, no longer suitable for use by dormice. I therefore consider the habitat loss for dormice could effectively be significantly greater than the 100m stated in the Ecological Appraisal (Table 9), and advise compensation habitat for such loss should be provided.

The current layout, particularly the proximity of housing to the south boundary hedge in the second field from the east, is considered detrimental to establishing a strong east-west dormouse habitat corridor, and could represent grounds for refusal.

The Eastern boundary hedge is not shown as retained which is a cause of concern as this is the hedge where evidence of dormouse was recorded. Removal of this hedge would increase the amount of dormouse habitat loss and hence increase the amount of dormouse compensation habitat that will need to be provided.

2. Wildlife mitigation and compensation areas aren't shown on the Landscape Masterplan. Confirmation of compensation areas for European Protected Species (dormouse and great crested newt), and identification of such on development plans (e.g. landscape masterplan), should be provided to help demonstrate that sufficient compensation is feasible and not in conflict with other open space uses. This will be necessary to help demonstrate meeting of the Habitats Regulations test of maintaining favourable conservation status (necessary before planning permission can be granted).

Somerset Wildlife Trust: No objections

In general, support the findings of the submitted ecology report, in particular the recommended mitigation and compensation measures. Also, seek that the design of internal boundaries between properties are designed to allow passage of small animals.

Tree Officer: Objection

Objects to the application due to the proximity of proposed dwellings to the root protection areas of retained trees. Also, outlines practical concerns about the proximity of trees to houses.

Climate Change Officer: Comments only

The majority of dwellings in this proposal have reasonably well orientated uncluttered roof space that would enable installation of photovoltaic arrays, either at the time of construction or at a later date. However, the layout could be improved within the constraints of the site to provide a greater number of dwellings with south facing roof space. It is very likely that future residents will want to install photovoltaic arrays roof space in the near future (if the developer does not install them during construction). Prices as of January 2017, when leveled over 20 years, provide electricity at less than 2p/kWh without subsidy. Prices are expected to fall still further, making PV a very attractive proposition, especially when combined with battery storage to time shift PV generated electricity to the evening.

I note that the building fabric will be particularly energy efficient and this is welcomed. However, prevention of sterilisation of roof areas from PV installation is an equally important aspect of sustainability and conversations with the developer at this outline stage to consider this issue during the reserved matters stage would be worthwhile.

Affordable Housing Officer: September 2023 - No objections

Policy requires 35% affordable housing as this site would be a major application which would be split 75:25 Social Rent : First Homes. This would equate to 140 units based on a development of 400 dwellings. The split should be as follows: 100 dwellings for social rent, 35 dwellings for First Homes and 5 dwellings for other affordable home ownership such as shared ownership (this is a higher number of intermediate as the NPPF requires 10% of the site overall to be provided for affordable home ownership).

The mix, based on the new South Somerset Local Housing Needs Assessment 2021 (LHNA) which also considers the expressed demand on Homefinder Somerset would be as follows: 16 x 1 bedroom house, 56 x 2 bedroom house, 53 x 3 bedroom house, 12 x 4 bedroom house, 3 x 5 bedroom house (social rent).

Original comments February 2017: (based on 400 dwellings.)

Seek 35% affordable houses which equates to 140 dwellings. The tenure split will be 112 for social rent and 28 other intermediate solutions. A mix of dwelling sizes has been sought - 32 x 1 bed flats/houses, 58 x 2 bed flats/houses, 46 x 3 bed, 2x 4 bed and 2 x 4 bed parlour house. Appropriate trigger points for the delivery of the affordable homes will need to be agreed along with minimum space standards. It is also requested that the units are pepper potted throughout the site. The numbers of 1, 2 and 3 beds can be varied once the final house numbers are confirmed, but I will insist the number of 4 beds are preserved.

Horticulture Officer: No Objections

Overall, the developer seeks to provide a significant amount of Informal Open space throughout the scope of the development. Using our standard calculation system, we anticipate the amount of usable Open Space that is to be provided is approximately 12.2 hectares, which is in excess of the 2.4 hectares that is actually required for the 400 dwellings.

Original comments: Based on a scheme of 450 homes, the amount of informal open space sought is 1.75 hectares. The indicative layout shows provision of open space in excess of that required. Whilst no objection is raised to the amount of open space, improvements are sought to the design and siting of the open space to establish better links throughout the whole development and to provide smaller pockets of open space with a central green area in each of the different areas of the development. The LEAP and NEAP on opposite sides of the road should be avoided.

NHS: No objections

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, please be advised that this response from NHS Somerset is a snapshot of capacity assessment at the date of this letter and should there be any change to this position as a result of any current planning applications that may or may not affect the capacity at Milborne Summervale Surgery, The Meadows Surgery and/or Church View Medical Centre being approved prior to a final decision on this particular development, then the NHS position could change.

Leisure Policy Officer: No objections subject to S106 legal obligations covering:

- Provision on site of a NEAP and a MUGA

- Contributions of £288,473 for off site provision of changing rooms plus maintenance charge of £23,207
- Contributions of £255,769 for off site provision of sports facilities in Ilminster plus maintenance charge of £95,789
- Plus 1% locality service administration fee

Original comments August 2017: No objections subject to contributions secured by S106 legal agreement. Based on a scheme of up to 450 dwellings, total contributions have been sought totalling £1,424,672. This is split as follows:

- Equipped play space - £229,176 + £132,376 (commuted sum) - on site NEAP.
- Equipped play space - £152,784 + £88,250 (commuted sum) - off site contribution towards enhancing the equipped play area at the recreation ground.
- Youth facilities - £74,999 + £27,729 (commuted sum) - on site provision of floodlit multi-use games area.
- Playing pitches - £207,128 + £125,723 (commuted sum) - 1 on site pitch.
- Changing rooms - £357,729 + £28,778 (commuted sum) - towards new/refurbished cricket changing rooms at the recreation ground.

Community halls, theatres/art centres, swimming pools, indoor tennis centres and sports hall all to be funded through the Community Infrastructure Levy. No contribution sought towards artificial grass pitches.

Sport England: No objections

Following confirmation that contributions towards sports facilities in Ilminster were to be secured in lieu of the on site football pitch the objection was withdrawn.

Comments dated 27 August 2023: Object

The planning statement and the S106 Heads of Terms only provides for a single football pitch and a MUGA. They do not address the wider needs of sport. Also In recent years we have found a single pitch is not really sustainable or cost effective.

The population of the proposed development is estimated to be between 1,125 to 1,575 based on between 2.5 - 3.5 residents per dwelling. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport

England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

The proposed sports package of a single MUGA and single football pitch is insufficient to create a sustainable development. We would urge Somerset Council's planning committee to seek an appropriate level of contributions towards built sports facilities and playing pitches.

In light of the above, and therefore Sport England wishes to object to this application as submitted.

Original comments February 2017: No objection.

Advise that the development will create a demand for sporting provision and that the developer should make a contribution towards meeting this demand through the provision of on site and/or where required off site facilities. The level and nature of such facilities should be informed by up to date sports facilities and playing pitch strategies and other relevant needs assessments. They provide advice on playing pitches and associated infrastructure along with making people more active.

Wessex Water: Original comments February 2017:

As identified within the FRA submitted with the application (WYG, August 2015) hydraulic modelling will be required to confirm the capacity of the existing foul network to accept foul flows and to identify any required improvement works. As such, a planning condition should be attached to ensure that a drainage strategy for the site is agreed. This is necessary to ensure that the proposals do not increase the risk of downstream flooding and pollution.

Somerset Drainage Boards Consortium: No objection subject to a condition in respect of surface water drainage works.

Crime Prevention Design Advisor: No objection subject to comments

The following concerns are raised in relation to the layout:

- Rear courtyard parking -
- They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated.
- In private developments such areas are often left unlit and therefore increase the fear of crime. Certainly having accommodation over access to these areas, creating a tunnel effect, will not be beneficial.

- Ungated courtyards provide areas of concealment which can encourage anti-social behaviour.
- There is also a risk that cars will park to the front of the dwellings rather than use the rear courtyards, blighting the development
- Side and rear boundaries - in areas they are easily accessible from public highway or parking areas, recommend that mitigation is used through defensible space and boundary types used.
- Landscaping - care needs to be taken to maintain sight lines and maximise natural surveillance opportunities, ensuring landscaping does not block these.

Original comments:

Consideration should be given to gating the many alleyways that are shown on the masterplan. The gating should be as close to the entrance of the alleyway and where it accesses more than one property then access control will be required

The issue of garden gates has been discussed previously with Persimmon and they should be included on all properties as a basic protection to the property boundary to prevent unauthorised access to the garden and house.

Public Rights of Way Officer: No objections subject to informative Original comments February 2017:

There are public rights of way (PROW) recorded on the Definitive Map which run through or adjacent to this proposed development.

- Public footpath CH 11/3 will be obstructed by the development and thus will require a diversion, or a revision of the current proposed layout. An informative note should be added to any permission that may be granted in relation to the need for a diversion.
- Public footpath CH 11/4 runs through the site adjacent to two hammerheads, and may be affected by the proposal. However, any diversion proposal for CH 11/3 may present an opportunity to regularise the definitive line of CH 11/4 to that which is walked on the ground, as the two appear to vary, (subject to a site visit).
- Public footpath CH 11/2 would appear to have been catered for within the layout, albeit this will need closer checking at the REM stage in terms of ensuring that the width is not being encroached upon. The spine road will cut across footpath CH 11/2 and will, one assumes, be subject to later technical approval and potential adoption, which should address any concerns regarding visibility and dropped kerbs etc, for those using the footpath.

- Public bridleway CH 32/25 also appears to be affected by a road linking to Adams Meadow. It is not clear what the intention is for this link, but whatever the intention there will need to be consideration for the use of public bridleway in terms of the detailed design.

Throughout the site there are several links/ open space running North - South which are beneficial to local residents. If there is any intention for the ownership of these areas to be transferred to a private company, then there may be some value in terms of seeking linking paths, albeit, as Highway Authority, we would want to be involved in any such discussions. To facilitate connectivity it is requested that some breaks in the hedgeline between the residential areas and public footpath CH 11/3 are provided. I have discussed school access with colleagues and the intention is to have only one site entrance to the school, which is the one as indicated on the site plans.

CPRE: Original Comments February 2017: Object

Object due to the harmful cumulative impact of development in Ilminster, particularly when taking into account the Shudrick Valley scheme. This should also be taken into account in an EIA assessment. Raised concern that cumulative impact not taken into account. Also suggest waiting for the outcome of the Shudrick case before determining this application.

Sustrans: Comments as follows:

In our role as the custodians of the National Cycle Network, Sustrans would like Somerset Council to consider a request for Section 106 developer contributions linked to this planning application, for improvements to nearby sections of National Cycle Network (NCN) 33.

The following points are pertinent to this request: The National Cycle Network (NCN) will be directly impacted by this proposed development. The current alignment of NCN33 south of Ilminster runs along the northern and north-western boundaries of the proposed site. The development proposes multiple new cycle and pedestrian accesses to/across NCN33.

The costs vary for the improvement works depending on the scope. Costs for different levels of path improvement along this 2.5km section of NCN33 are set out below. We can confirm that the selection of cost estimates for different elements of work is based on our most up to date DfT T7 cost estimation spreadsheet which we use for our DfT Tranche funded programme, a programme of path upgrade works which we

have been delivering on behalf of the DfT, and more recently Active Travel England, over several years.

A full upgrade of surfacing to meet current LTN1/20 guidance, including path widening to 3m where required and access improvements - £1.3million.

Resurfacing within existing path widths and access improvements - £1.15million

A new crossing at Watery Lane - £400,000

Any alternative sum may enable work on shorter section improvements and/or a feasibility study for an improved crossing at Watery Lane. We are happy to have further discussions on these costs if it would help your planning team identify an appropriate contribution to enable these works.

Active England: No comments

Active Travel England (ATE) has no comment to make as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority (LPA) on or after 1st June 2023. However, we have produced a standing advice note that may assist the LPA in assessing the application.

Representations

A total of 23 Objections were received based on the revised scheme submitted between August 2023 and December 2023.

A total of 147 Objections were received based on the scheme presented to Regulation Committee in November 2017 which were reported either verbally at the meeting or were recorded in the previous Committee report.

The objections received raise the following concerns:

- Accept town needs to grow but this is not the most suitable site.
- Should use existing redundant sites first - Pwrmatic and Horlicks.
- Persimmon have a monopoly on new development in the town. Why have they been chosen?
- Too many houses proposed - too large for the town
- If allowed, the number of houses would far exceed local plan requirement of 496, development is too high density
- One access and emergency access will create safety issues - should create a new access onto Swanmead Drive
- Where are people going to work - not enough jobs in the area

- Increase in traffic on local roads - improvements to A303/A358 have not taken place
- Local service and facilities would not be able to cope
- Local GP services struggling
- Local schools will not be able to cope with the additional children- would Persimmon build a new school?
- Wrong to build on agricultural land, loss of green fields and green belt
- Officer note - the site is not in the Green Belt
- Lack of parking spaces in the town
- Character of Herne Hill would be harmed
- Loss of views of the countryside
- The setting of the well used cycle path will be harmed
- Don't agree that 30% of people would walk into town
- Lack of parking/visitor spaces
- Impact on wildlife
- New homes would be out of character with traditional homes in Ilminster
- Drainage and flooding issues on the site plus problems experienced on persimmon housing site opposite.
- Will drainage proposal be adequate for this development?
- Too many 2/3 bed homes- need larger 4 bed homes
- Congestion along Canal Way
- Impact of construction traffic on local residents and how long the Council keep plans.
- Poor bus services and that if these were better, less car use would occur. Figures for the 30 service is not correct and may change again.
- Development would mean a huge amount of traffic travelling through the Adams Meadow housing area.
- Road would cut through the cyclepath, thus raising safety issues for users - agree with connecting paths but not the road. Other options for the road should be considered.
- Lack of separation between Ilminster and Donyatt
- Harm to viability of Coldharbour Farm
- Support the proposed development in general, welcome retention of trees, wildlife corridors, amenity space and space for a new school.
- Raised the issue of providing additional off road parking spaces due to numbers of cars parked on roads in the local area.
- Suggested relocating second access further along Canal Way.

CONSIDERATIONS

Principle of development

Ilminster is classified as a Primary Market Town in the adopted South Somerset Local Plan, one of 4 such towns in the district. These 4 towns sit below Yeovil in the settlement hierarchy. Therefore, as one of the largest settlements in the district and, in accordance with its important housing, employment, retail and community role, and close proximity to major road links, the Local Plan has allocated 496 dwellings in Ilminster over the plan period (2006-2028). To accommodate this level of housing growth, a Direction of Growth has been identified to the south west of the town, on the southern side of Canal Way.

The application site is located within this Direction of Growth and, therefore, is in principle an area of land that the Council has identified as being acceptable to meet identified housing needs over the plan period. On this basis, there is no objection to the principle of housing on this site. This site along with another option at Shudrick Valley was subject to a Local Plan Examination; the outcome of which was that the Local Plan Inspector clearly found the Canal Way site to be the preferred option.

Notwithstanding the above, an assessment also has to be made as to whether the proposed number of units are acceptable taking into account the local plan strategy and the wider impact of the development on the town's infrastructure, service and facilities. It is also important to have regard to appeal decisions elsewhere in the district where the numbers of houses and scale of growth have been one of the key issues.

It is important to note that the local plan figure of 496 is not a maximum housing figure for Ilminster. However, proposed housing developments that would take the town's housing numbers significantly over that number have to be carefully assessed. In this case, the application has been assessed by a range of different consultees and service/infrastructure providers. Importantly, none of the service/infrastructure providers have either raised an objection to the development or have maintained an objection following submission of further information.

In light of this the proposal is considered acceptable in principle and in accordance with Policies SS1 and PMT3 of the South Somerset Local Plan.

However, notwithstanding the above, the Council's recently published Five Year Housing Land Supply Paper for Area South (October 2023) confirms that the Council cannot currently demonstrate a five-year supply of housing sites and can only

demonstrate a housing land supply equivalent to 3.29 years (rounded). Since then, as part of an appeal, it has been agreed that the 5 year housing supply has reduced further and now sits at 2.85-2.96 years. This is a significant shortfall in housing supply.

The NPPF therefore advises that where Council's cannot demonstrate a five-year supply, the presumption in favour of 'Sustainable Development' as set out in paragraph 11(d) applies.

Paragraph 11(d) of the NPPF, sets out a decision-taking framework that states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, read together with its footnote 6; or
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

As confirmed within the 'The Gladman case' (CD7.03) (Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518 (Admin),) Mr Justice Holgate stated that "LPAs and Planning Inspectors may continue to weigh development plan policies in the tilted balance in paragraph 11(d)(ii)."

Mr Justice Holgate also said that where paragraph 11(d)(ii) is triggered because of a housing land supply shortage, it is for the decision-maker to decide how much weight should be given to the policies of the development plan, including the "most important policies" referred to in paragraph 11(d).

A decision-maker may take into account for example the nature and extent of any housing shortfall, the reasons for the shortfall, the steps being taken to remedy the shortfall, and the prospects of the shortfall being reduced in the future.

In conclusion, whilst this proposal complies with Policies SS1 and PMT3 of the Local Plan, the lack of a five- year housing land supply means that paragraph 11 d) is nevertheless triggered and the tilted balance applies. Whether the adverse impact of the proposal would significantly or demonstrably outweigh the benefits are therefore assessed within the conclusion and planning balance at the end of this report.

Design, layout and appearance and impact on the surrounding area

When the application was originally submitted in 2016 it was accompanied by an illustrative masterplan and Design and Access Statement.

However, due to the passage of time since the submission of the original details and now, the Applicant took the opportunity to carry out a comprehensive review of the design concept of the development prior to its re-submission to the Council.

As part of this refresh, the scheme was presented to Design Review Panel South West on 16th May 2023 which Officers also attended. The panel's response was very positive and the suggestions made have been considered carefully and where appropriate, reflected in the final masterplan.

Therefore, whilst the application is in outline, a comprehensive but indicative masterplan has been submitted to demonstrate how it is proposed to develop the site. More details are provided in the Design and Access Statement submitted including how the plan for the whole site has been formulated along with an analysis of the site and surrounding area. The masterplan has since been revised again to take into account the need for slightly larger drainage attenuation ponds.

Concerns were raised by the Landscape Officer in regard to the original masterplan layout with the impact of the development upon the setting of Herne Hill being raised in particular however this was assessed as part of the local plan process and, in addition, the indicative masterplan has limited the extent of housing development to the first row of fields that run parallel with existing housing. Development is therefore not currently proposed to extend further south beyond the hedgerow that is adjacent to the track/right of way that runs from Coldharbour Farm. For these reasons, it is considered that the development would adversely harm the setting of Herne Hill.

Nevertheless, it also has to be accepted that the site has been included in the local plan as a Direction of Growth and the Peripheral Landscape Study found that the site has the capacity to take development when it was allocated. While the masterplan layout is indicative at this point, it is anticipated that any following reserved matters applications will reflect this layout.

Overall it is considered that the masterplan and Design and Access Statement demonstrates that a high quality development with a good level of green infrastructure, open space and play facilities is intended to be brought forward on this site. Good connectivity both within and around the site, as well as to the wider town of Ilminster itself have been shown on the masterplan. The houses are laid out well

with a hierarchy of streets and all dwellings have good access within a short walking distance to areas of open space. The layout has also respected existing green infrastructure, particularly existing hedgerows which are mostly retained with minimal openings formed where roads to pass through.

Finally, in order to ensure that the high quality development is achieved on this site, a condition has been attached requiring that a design code is submitted with each submission of reserved matters. The Design Code is required to set out the design principles of the development to reflect the conclusions set out in the Design and Access Statement.

While the masterplan is indicative, with the final layout, scale and appearance of the development being decided at reserved matters stage, it has been demonstrated that an acceptable development can come forward on this site that is of an acceptable layout, character and appearance and which would not have a harmful impact on the surrounding area.

Impact on Residential Amenity

As this application is in outline with matters of layout and appearance reserved for consideration later there is insufficient detail to conclude that the development will not, at this stage, have a detrimental impact on the residential amenity of any existing or future occupiers.

However, given the location and relationship of the site in regard to existing dwellings, it is considered that a layout can be achieved that would not cause adverse harm to the amenity of both existing and future residential occupiers.

Notwithstanding this, a construction management plan is recommended to be secured via a condition to ensure that the impact of construction work and deliveries etc is satisfactorily mitigated.

Impact on Trees

The site contains a number of trees within the site which are protected by Tree Preservation Orders, comprising both individual and groups of trees. These are primarily located within the hedges on the boundaries of the site and some within hedges that run across the site.

The Council's Arborist has raised an objection due to the close proximity of dwellings to trees within the site and the associated issues that this raises. However, these

comments are based on the indicative layout plan submitted with the application. The applicant is aware of those concerns and is also aware that they will need to be satisfactorily addressed as part of the layout details when any subsequent reserved matters application is submitted.

Impact on Nutrient Neutrality (Phosphates)

The site lies within the Somerset Levels and Moors Ramsar site water catchment area, which is subject to the advice issued by Natural England in August 2020 that all development should be nutrient neutral. This means that development should not increase the loadings of phosphorous (otherwise referred to as 'nutrients') entering the hydrological catchment.

The foul waste produced by the development is assumed to convey to the Ilminster waste water treatment works (WwTW) where there is a current permit level of 5mg/litre output for phosphorous. Under the Asset Management Plan period for 2020-2025 (AMP7) there are planned upgrades to Ilminster WwTW which will set a new TP permit level of 0.9mg/litre.

The application has been accompanied by a Nutrient Neutrality Statement (NNAMS) which explains that the nutrient budget for the proposed development has been calculated using the Somerset Phosphate Budget Calculator and shows that the development will lead to an increase of 227.67kgTP/yr. However once the WwTW is upgraded (AMP7) this will drop to 38.04kgTP/yr.

As explained in the Ecologist's comments, the strategy to mitigate for phosphates is to fallow 110.32ha of agricultural land within the Donyatt County Farm Estate currently under the control of Somerset County Council. A Fallowing Assessment has been undertaken and the nutrient removal benefit of converting the land to greenspace (fallowing) has been calculated as 38.72kgTP/yr. Therefore, fallowing of this land will allow the development to achieve nutrient neutrality in the post-AMP7 scenario (Ilminster WwTW).

However, fallowing of land is considered to only be a short term solution for phosphate mitigation and therefore, if no alternative strategy comes forward by 2030 then it is proposed the land within the Donyatt County Farm Estate will undergo a permanent land use change to woodland, which would provide a nutrient removal benefit of 51.96kgTP/yr.

An shadow Habitats Regulations Assessment (sHRA) has been submitted and assessed by the Ecologist as being acceptable and therefore it can be concluded that

the proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar site and Special Area of Conservation provided the mitigation is secured by legal agreement and that occupation does not commence until January 2025 at the earliest.

Natural England have been consulted to ensure that they consider that these 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. However at the time of writing the report comments had not been received.

In light of this the recommendation is to delegate approval of the proposal subject to the following:

- No adverse comments from Natural England

Officers will provide an update at the Committee meeting in this regard.

In all other respects the proposal is considered to comply with Policy EQ4 of the South Somerset Local Plan.

Impact on Ecology and Biodiversity

The applicant submitted a series of Ecological reports during the life of the application and each document has been reviewed by the Council's Ecologist. The applicant has undertaken a number of ecological site surveys to establish the position in regard to habitats and species present on the site, the implications of development and appropriate mitigation. The site contains species rich hedgerows, mature trees, scrub, and a pond. Species on site include breeding birds, badgers, great crested newts, butterflies, reptiles, dormice and bats.

Previously the mitigation included a 5 hectare mitigation area/open space with new planting throughout the site, new ponds and grassland, protection of habitats/trees during construction, wildlife corridors, translocation of great crested newts to a new pond, buffer zones around badger sets and a landscape and ecology mitigation plan. This mitigation area was to be secured within the S106 specifically as mitigation.

Whilst the provision of mitigation is still required, the development will require that a Natural England EPS licence for dormouse, badgers and great crested newts which is obtained in order for the works to the relevant habitats to commence.

In particular the EPS licence for dormouse will require that the ecologist submits a detailed mitigation and compensation strategy, including appropriate buffers and compensatory habitat, etc. which will be assessed and approved by Natural England. In addition, the 2023 surveys include some additional details about planting and compensatory habitat that will be put in place for dormice. While it has to be acknowledged that the site will come forward in phases, meaning an site wide masterplan is unlikely to be submitted at reserved matters stage for approval, thereby securing the mitigation areas at the earliest stage of development via the planning process, the EPS licence is very strict in its requirements and can be relied on instead to secure the necessary compensatory habitat, buffer zones, etc, for dormice and other protected species. Any subsequent approval of reserved matters would then need to be in accordance with the licence.

In addition, the impact of the development on polecats on site has been raised, however the Ecologist has advised that the loss of farmland and polecat habitat is very unlikely to be sufficient to have a significant impact on the conservation and continued recovery of the local polecat population. With the majority of hedges being retained, the risk of direct harm to a polecat den is very small.

Overall the proposal is considered to be in accordance with Policy EQ4 of the South Somerset Local Plan and, subject to conditions and obligations within the S106 agreement the proposal would not result in harm to protected species.

Impact on Heritage Assets Including Archaeology

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is also one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 195 sets out that the Local Planning Authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 194 -208 set out the framework for decision making relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

In this instance the Archaeologist is satisfied with the findings of trial trenching on site which proved negative with no evidence for any settlement type archaeological activity in the trenches and no finds recovered. No further archaeological work is required. On this basis, the proposed development would cause no harm to any archaeological non designated heritage assets.

There are no listed buildings either on the site or in the immediate vicinity, and the site is also not within or adjacent to Ilminster Conservation Area. In this regard the submitted Heritage assessment has established that the proposed development would not constitute a change of character to the landscape surroundings of the Ilminster Conservation Area or Listed Buildings located within it. Thus the proposal would not adversely affect the significance of the designated heritage assets within the environs of the Site through the alteration to their setting and would therefore have no harm to any designated heritage assets, as specified in the Framework.

Having regard to the above, no material harm to the designated heritage assets has been identified and therefore the proposal complies with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the NPPF and Policy EQ3 of the Local Plan.

Impact on Highway Safety

This outline application seeks consent for the vehicular and pedestrian access arrangements. As outlined above in this report, the Highway Authority had raised an objection to the proposals particularly in regard to safety issues arising from the use of the existing access from Canal Way, which currently serves the medical centre. However, following the submission of further details from the applicant, in particular the introduction of a zebra crossing and other technical changes to the access road, the Highway Authority are now satisfied that these measures will provide a safe means of access for all users.

In regard to the secondary access that will run into Adams Meadow, this access is only proposed for emergency vehicles as a secondary access for all users has been found unacceptable by Highways.

In regard to wider vehicle impacts of the development on the local road network outside of the site, the Highway Authority had originally raised concerns about trip generation and the absence of any junction modelling outputs. Following discussion and advice from the Highway Authority, further work was undertaken by the applicant and following the submission of updated Transport Statements provided further

information in regard to the impact on the Riec-sur-Belon Way /Canal Way roundabout and the Station Road / Riec-Sur-Belon Way roundabout. The Highway Authority are satisfied that the scheme would not result in capacity issues on the local highway network. Moreover, the Travel Plan would seek to reduce the traffic impact.

Following concern from the Town Council in regard to the validity of the traffic data informing the traffic analysis within the Transport Assessment, the applicant commissioned a new set of site surveys to provide a comparison exercise to be undertaken. New surveys were undertaken at a number of key local junctions in the town. A Technical Note was submitted which sets out the results of this comparison exercise. It concludes that the original traffic surveys, and consequently the findings of the Transport Assessment, remain valid.

Highways England originally placed a holding direction on the application as they sought information from the applicant about the impact of the development on the Southfields and Hayes End Roundabouts. However following the submission of additional information, they are satisfied that the development would not create any capacity issues on the main A roads and trunk roads and have withdrawn their objection.

Concern has been raised by many local residents and Donyatt Parish Council that the local highway infrastructure would not be able to cope with the additional traffic created by this development. Those concerns have been carefully assessed as part of the overall assessment of the impact of this proposal. The highways impact has been carefully assessed by the Highway Authority and Highways England. Following the submission of the various highway documents and highway safety proposals as outlined above, both are satisfied that the development would not be detrimental to highway safety and that the highway network would be able to satisfactorily accommodate the additional traffic. On this basis, it is not considered that there are any adverse highway related issues that warrant refusal of the application.

In regard to parking provision, this would be determined as part of any reserved matters application.

Impact on Flooding and Drainage

The site is located entirely within Flood Zone 1. This is defined as an area where there is less than 0.1% (1 in 1000 year) probability of flooding from rivers or sea. Due to the size of the application site exceeding 1 hectare, the applicant has submitted a Flood Risk Assessment which has confirmed the relevant flood zone and that there

are no recorded river flooding incidents within the site.

With regard to the risk of flooding from surface water, the vast majority of the site sits outside of the Environment Agency's map showing areas at risk of flooding from surface water. A small section along the edge of the northern boundary of the site is included and it is recommended to keep houses away from this area. Indeed, the indicative masterplan has been amended following comments from the LLLFA to provide a number of swales and attenuation ponds along the northern boundary of the site to address the concerns. In respect of groundwater flooding, there are no recorded such events on site; the report does advise that before any detailed design work that boreholes are installed to monitor groundwater levels.

While the information submitted as part of this application has confirmed the high level strategy for drainage on the site, a condition is attached requiring the submission of a detailed sustainable urban drainage scheme is submitted prior to the commencement of development. Furthermore the long term management and maintenance of the drainage system will be secured within the S106 legal agreement.

Following revisions to the scheme, neither the Lead Flood Authority nor Wessex Water have any objections it is therefore considered that the development can be served by a satisfactory system of surface and foul water drainage that would not increase the risk of flooding elsewhere.

Accordingly, it is not considered that there are any grounds to refuse the application in respect of flooding or drainage issues.

Open Space Assessment

The proposal has been accompanied by a Play Provision and Open Space Assessment that confirms that the following will be provided on site and will be secured by a S106 legal agreement:

Informal sport provision for youths comprising a Multi Use Games area (MUGA)
Neighbourhood Area for Play (NEAP)
Locally Equipped Area for Play (LEAP)
2 x Local Area of Play (LAP)

The submitted plans also indicatively show that a total of 12.22 ha of open space, including SuDS attenuation ponds and swales, is to be provided which is in excess of the 2.4ha that is required for the proposed 400 dwellings.

In addition the running routes, with a trim trail, are being proposed of 3km, 5km and 10km in length which are partially provided on site but then link up with public footpaths off site, the provision of these routes are expected to form part of the reserved matters submission.

Overall the on site provision of open space, play and recreational facilities, albeit some being shown indicatively, are considered to be acceptable and are in accordance with Policy HW1 of the Local Plan.

Public Rights of Way

A number of public footpaths run both within and on the boundary of the site. A public bridleway also runs through the site. Based on the indicative layout, sections of these public rights of way will be directly affected by the scheme and some sections will need to be diverted. The Rights of Way Service Manager has not raised an objection to the scheme but has requested that appropriate informatives are attached to the permission advising of the need to apply for the necessary diversion order(s). In relation to the Sustrans bid for funding to upgrade cycle route 33, it is noted that the development adjoins some 800m of this route and that Sustrans had not previously sought contributions from this development. Whilst the NPPF has been updated since 2017, the Local Plan has not and therefore a bid seeking funding now when the policy framework was in place in 2017 is considered unreasonable and excessive for the likely impacts of this particular development upon the network.

Affordable Housing

In terms of affordable housing, the scheme proposes 35% affordable homes which would be split 75:25 Social Rent : First Homes. The NPPF requires 10% of the site overall to be provided for affordable home ownership. The affordable housing will be secured in the S106 agreement with the final mix of dwellings and their location to be dealt with at reserved matters.

Loss of Agricultural Land

The development would result in the loss of agricultural land. The site is currently used for the growing of a variety of arable crops. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. The best and most versatile agricultural land is defined within the NPPF as land in grades 1, 2, and 3a.

Whilst the land is clearly productive as evidenced by the recent growing of crops the

Agent has confirmed that the part of the site where built development is proposed has no official classification with the undeveloped lozenge of land in the south as it rises up to meet the woodland is Grade 3A.

Therefore, while the proposal will result in a relatively small amount of Grade 3a land being lost to agricultural use, it is located on a hillside that makes it more difficult to farm in any case and would not justify the refusal of the application on these grounds.

Employment

The proposed scheme provides short term employment during the course of its construction which is welcomed. Although the direct employment that would be generated by the construction of the development would only be for a limited period, additional employment will be generated by ongoing maintenance of the proposed residential properties and through use of services within Ilminster. This will go some way in creating a sustainable form of development, as promoted by the National Planning Policy Framework.

Other Matters

Subsequent to the last resolution to approve this development, the former district council declared a climate emergency which has been carried forward into the new Council. It is likely that the future Somerset Local Plan will go further in terms of the Council's response to Climate Change, and reflect national policy and guidance as it progresses.

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

Planning Obligations and Community Infrastructure Levy

Planning obligations have been sought from the Housing, Education, Sport and Play, Open Spaces and Highway officers. The specific requests have been outlined above in this report. In addition, the Community Infrastructure Levy will be liable on this development at a rate of £40 per sqm for every dwelling. An exemption can be applied to the affordable housing. The applicant is fully aware of the obligations and has not raised any viability issues to date. Accordingly, it is expected that the development will provide a fully policy compliant scheme in respect of planning obligations.

Education

In particular regard to education provision, the County originally advised that the approval of this development would necessitate the need for a new First School. This resulted in the original scheme indicatively showing the provision of a primary school on a 2.1 ha parcel of land located on the north eastern boundary of the site, owned by Somerset Council.

However the Council's Education Consultee has now confirmed that a new school is no longer required because in the meantime the school system has changed from a 3 tier system to a 2 tier, where there are primary schools and a secondary school. This change in the school system has created capacity for the Primary school age groups in years Reception to year 6. Therefore there is no longer a need for education contributions for these age groups and the site which was reserved for a primary school will no longer be used for that purpose. Reference to the school has therefore been removed from the plans.

The applicant has confirmed that they agree to the above contributions being secured by a S106 legal agreement attached to the permission. It is considered that this will satisfactorily mitigate the impacts of the development in terms of educational need.

Infrastructure and GP Provision

Concern has been raised about the inability of the town's infrastructure to cope with the proposed development. All of the key infrastructure providers have been consulted about these proposals and all have commented.

With particular regard to contributions towards NHS facilities, particularly the provision of additional GP surgery infrastructure, the NHS have confirmed that there is sufficient capacity to absorb the population increase that this development would generate.

Sport, Leisure and Play

The scheme has previously included a football pitch on site however, due to concerns regarding an overprovision of football pitches within Ilminster from Sport England the pitch has been removed from the scheme. In place of the pitch it has been agreed, in consultation with Ilminster Town Council, that contributions totalling £565,281 for the provision of new, or refurbishment/upgrading of existing facilities within Ilminster. This is considered to be an acceptable approach in this instance.

Overall assessment and conclusion

At the heart of the NPPF is the key aim to achieve sustainable forms of development. The applicant has made the case that this development would provide a sustainable residential development of 400 houses, new play facilities, open space, highway improvements and the creation of attractive and strong linkages within the development and to the existing town.

Ilminster is an appropriate place for development and the site falls within the Direction of Growth in the adopted local plan. It was considered a sustainable location by the Local Plan Inspector with good access to a range of services and facilities. The scheme will make an important contribution towards meeting the district's housing needs, including 35% affordable housing, plus contributions towards education, play and sport facilities.

Given the passage of time and the introduction of phosphates into the considerations, the impact of the development on the environment has been revisited. The ecologist has considered the proposals in full and has raised no objections subject to conditions and S106 obligations. The site is within the water catchment area of the Somerset Levels and Moors Ramsar Site and therefore a scheme of mitigation via the fallowing of land as a short term measure, with the planting of woodland on that land if an alternative solution does not come forward within 5 years, has resulted in an HRA being carried out. This has concluded that the proposal is acceptable and would not have a harmful impact on the Ramsar Site.

The land does contain habitat for numerous protected species including dormouse and great crested newts however suitable mitigation is being proposed which has been found acceptable by the Council's Ecologist and which will be secured either by condition or an obligation within the S106 agreement.

Overall and in light of the above, it is considered that the development satisfactorily protects or enhances the natural environment.

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

The applicant has proposed improvements to existing footpaths and crossings to encourage walking and running and financial contributions are sought to ensure that

spaces in local schools etc are available at the point that the spaces are required.

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

Finally, the principle of the development has been found to comply with Local Plan Policies SS1 and PMT32. However, notwithstanding this, as the South Somerset Local Plan is over 5 years old it is considered to be out of date and the housing policies within have reduced weight. Furthermore, the Council cannot currently demonstrate a 5 year housing supply which both means that paragraph 11 d) is triggered and the tilted balance applies. There should therefore be a presumption of sustainable development and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Overall the proposals have been considered to cause very few harms which are not considered to outweigh the significant benefits and therefore the principle of the development and the proposal on the whole is considered to be acceptable and should be granted planning permission.

RECOMMENDATION

Delegate to Officers to grant permission.

SUBJECT TO THE FOLLOWING:

- No adverse comments from Natural England.

together with

- The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to cover the following items/issues:
 - a) Highways works including the roundabout on Canal Way, changes to the access to the doctors surgeries, first part of the spine road and two Zebra Crossings
 - b) Education contributions
 - 36 x £21,188.00=£762,768.00 for early years
 - 56 x £29,419.00=£1,647,464.00 for secondary

- 3.68 x £101,215.72= £372,473.85 for SEND
 - Total: £2,782,705.80
- c) The provision of 35% affordable housing with a split of 75:25 social rent :
First Homes;
- d) Sport, leisure and play:
- Minimum of 12.22 ha of open space (including SuDS attenuation)
 - Provision of on site LEAP, NEAP and a MUGA
 - 2 x LAPS
 - Contributions of £288,473 for off site provision of changing rooms plus maintenance charge of £23,207
 - Contributions of £255,769 for off site provision of sports facilities in Ilminster plus maintenance charge of £95,789
 - Plus 1% locality service administration fee
- e) Travel Plan;
- f) Provision and long term management and maintenance of SuDS drainage features
- g) Open space management plan incorporating Landscape and Ecological Management Plan (LEMP)
- h) Management company
- i) Phosphates
- 1) No occupation shall commence until post December 2024.
 - 2) A Fallow Land Management Plan (FLMP)

And the following conditions which may be amended as necessary prior to the issuing of the decision:

01. Notwithstanding the local concerns, the scheme would provide a sustainable development with a good access to a range of services and facilities. It will make an important contribution towards meeting the district's housing needs, including 35% affordable housing, it would provide a safe means of vehicular and pedestrian access, would not adversely harm residential amenity, ecology or the local landscape and would satisfactorily mitigate for surface and foul water drainage. The proposal is in accord with PMT3, SD1, SS1, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4 and EQ5 of the adopted South Somerset Local Plan, the Core Planning Principles and Chapters 6, 7, 8, 10 and 11 of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of layout, scale, appearance and landscaping (the 'reserved matters') shall be submitted to, and approved in writing by the Local Planning Authority

before any development hereby permitted takes place, and the development shall be carried out as approved. Application for approval of the reserved matters for the first phase of development shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission. Application for approval of the reserved matters for the final phase of development shall be made to the local planning authority not later than the expiration of five years from the date of this permission. The development hereby permitted shall begin not later than the expiration of 2 years from the approval of the reserved matters for the first phase of development (or, in the case of approval on different dates, the date of approval of the last of the reserved matters for the first phase to be approved).

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

edp8080_d001b - Site Boundary

23178 001 Rev P3 - Proposed Access from Canal Way

23178 002 Rev P1 - Proposed Emergency Access from Adams Meadow

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

03. No development shall commence until a programme showing the phasing of the development has been submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety and the protection of protected species to accord with Policies TA5 and EQ4 of the South Somerset Local Plan. This is a condition precedent to understand the phasing of the scheme and the submission of information relating to conditions below before construction commences.

04. For each phase or sub-phase of development, the reserved matters applications for layout, scale, landscape and/or appearance shall be accompanied by a design code setting out the design principles of the development to reflect the conclusions set out in the Design and Access Statement dated 20 October 2023.

Reason: In order to ensure that the development is of a high quality design as set out and agreed at outline stage in accordance with Policy EQ2 of the South Somerset Local Plan.

05. For each phase or sub-phase of development, the reserved matters application for layout shall be accompanied by a scheme for a network of cycleway and footpath routes within the site and connections to other routes adjoining the site, development shall thereafter be constructed in accordance with the approved details within 6 months of the final occupation of the dwellings within that phase or sub-phase and shall thereafter retained and remain open to the public in perpetuity.

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

06. For each phase or sub-phase of development, no development on the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority:

- a) estate roads
- b) footways
- c) tactile paving
- d) cycleways
- e) retaining walls
- f) vehicle overhang margins
- g) carriageway gradients
- h) drive gradients
- i) car, motorcycle and cycle parking
- j) pedestrian and cycle routes and associated vehicular accesses and crossings
- k) all new junctions
- l) proposed levels
- m) highway drainage, including footways and cycle ways
- n) an estate street phasing and completion plan setting out the development phases and completion sequence by which the estate streets serving each phase of the development will be completed.

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

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

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

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

08. Prior to any occupation of the relevant phase, a detailed scheme for the emergency access (as shown on drawing number: 23178 002 Rev P1) shall be submitted to and approved in writing by the Local Planning Authority. The emergency access shall thereafter be constructed in accordance with the approved details prior to the occupation of the 230th dwelling and thereafter retained only as an emergency access for the lifetime of the development.

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

09. No development shall commence on any phase or sub-phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Delivery and construction operation hours and expected number of construction vehicles per day including, size of construction vehicles, the use of a consolidation operation or scheme for the delivery of materials and goods
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;

- Car sharing;
- Travel planning;
- Parking facilities for staff and visitors;
- A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included confirming that no burning of site generated waste is permitted,
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice,
- Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities,
- Prevention of nuisance caused by radios, alarms, PA systems or raised voices

And shall confirm:

That noise generating activities shall not occur outside of the following hours:

- Mon - Fri 08:00-18:00
- Sat 08:00 -13:00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved CEMP details.

Reason: To ensure the safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers

of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and Chapter 15 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity.

10. No development shall commence on any phase or sub-phase, including site clearance works, until scheme of tree and hedgerow protection measures in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. No development shall thereafter commence until the approved tree and hedgerow protection measures (specifically the fencing and signage) has been erected in accordance with the approved details and shall remain in place for the duration of the construction of the development.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006 - 2028). This is a pre-commencement condition to prevent harm to trees and hedgerows by initial construction works.

11. In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other off-site receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

12. No development shall commence on any phase or sub-phase of the development until a foul water drainage strategy has been submitted and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The strategy shall include appropriate

arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing and shall be in accordance with the Nutrient Neutrality Assessment and Mitigation Strategy by Stantec dated November 2023 and the Shadow Habitats Regulation Assessment by GE Consulting dated November 2023, No occupation of any dwellings within the relevant phase shall commence until the drainage scheme has been constructed in accordance with the approved details.

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

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

These details shall include, but not limited to: -

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- Further details on the flood risk within the site, including a hydraulic model, if required. Should any development/landscaping/change of topography occur within a surface water or fluvial flood risk area the flooding will be required to be modelled pre and post works, including identification of flooding mechanism and include any mitigation measures to ensure that flood risk is

not increased to the site or elsewhere. This includes basins within flood risk areas.

- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
- Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
- Where relevant, calculations should consider the use of surcharged outfall conditions.
- Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
- Results should be provided as a summary for each return period (as opposed to each individual storm event).
- Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- Details on the discharge locations and receiving systems including CCTV surveys of culverts. The applicant will be required to undertake any remediation works to the receiving culverts to outfall (which includes any third-party permissions) to discharge surface water in these locations to ensure that these systems are suitable to take water from the site. This should demonstrate that the receiving system has the capacity to take flow from the site and include further restriction to discharge rates if required. This should also include erosion control to manage a point discharge from the site without deteriorating the watercourse.

Reason: To ensure the development is properly drained in accordance with the National Planning Policy Framework and in accordance with [SD1, EQ1, EQ2, EQ5 of the South Somerset Local Plan 2006-2028]. This is a pre-

commencement condition to ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development.

14. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) to be submitted to and agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy EQ5 of the South Somerset Local Plan.

15. No development shall commence (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers pre-works checks and buffer zones, precautionary clearance for dormice, birds, and reptiles, tree protection zones (all retained habitats will be buffered and protected), etc.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);

- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution during construction, in accordance with Policy EQ4 of the South Somerset Local Plan. This is a pre-commencement condition to ensure that the construction methods are understood at the earliest stage of development to ensure that there is no harmful impact on protected species.

16. No occupation shall commence of each phase or sub-phase until a report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan, have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

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

17. For each phase or sub-phase, the reserved matters application for layout, landscaping and/or appearance shall include a Biodiversity Enhancement Plan (BEP) which shall include, and show on all relevant plans, the following:
- A. A Habitat 001 box (or similar) will be mounted at least four metres above ground level and away from windows, on the south and/or west facing elevations and maintained thereafter on 50% of dwellings.
 - B. A Schwegler 1SP Sparrow terrace (or similar) mounted directly under the eaves and away from windows on the north and/or east elevations on 25% of the dwellings
 - C. A Vivra Pro Woodstone House Martin nest (or similar) mounted directly under the eaves and away from windows on the north and/or east elevations on 25% of the dwellings

- D. A cluster of 3 x Schwegler 1as swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level, ensuring that there is an unobstructed access for birds to enter/leave the box on the east and/or north facing elevations of 10 dwellings.
- E. A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.
- F. Installation of 15 x Vivara Pro Woodstone Bird Boxes (a combination of open front design and 32mm hole versions) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- G. Installation of 20 x dormouse boxes/tubes located within suitable habitat on site.
- H. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- I. 5 x hibernacula/log piles as a resting place for reptiles and or amphibians constructed on the site boundaries, near retained hedgerows and ditches.
- J. Installation of new native species rich hedgerows to be planted within the site, along the boundaries of the development, comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.

The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.

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

18. No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key and supporting areas of their territory, for example, for foraging;
 - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent

the above species using their territory or having access to their breeding sites and resting places; and

- (c) the design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux [below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key & supporting horseshoe bat features and habitats].

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

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

- 19. No development in any phase or sub-phase, other than the works to create the approved access as shown on drawing no 23178 001 Rev P3, shall commence until a survey for badger setts, carried out within 6 weeks of the intended commencement date, has been carried out by an experienced ecologist and the results, along with any subsequent actions or mitigation required, shall be submitted to and approved in writing by the Local Planning Authority. If badgers are found and mitigation is required, no development shall thereafter commence until the mitigation has been approved in writing by the Local Planning Authority and is in place. Where a Natural England mitigation licence is required a copy shall be submitted with the mitigation requirements above.

Reason: In the interests of the strict protection of badgers and to comply with the (e.g. Protection of Badgers Act 1992 / Conservation of Habitats and Species Regulations 2017) and in accordance with Policy EQ4 of the South Somerset Local Plan.

- 20. No development, including any groundwork, shall commence in areas annotated G1 and G2 on drawing no 0349-EcIA-F1 contained within the Ecological Impact Assessment by GE Consulting dated October 2023 ref: 0349-EcIA-MD, until a great crested newt District Level Licence issued by Natural England (pursuant of regulation 55 of the Habitats Regulations 2017) and the respective District Level

Licence payment receipt has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the strict protection of European protected species and in accordance with Conservation of Habitats and Species Regulations 2017 (as amended) and (insert relevant local policy). This is a pre-commencement condition to ensure that a Licence is in place, if required, because initial works to commence development have the potential to harm protected species.

21. No development shall commence unless the Local Planning Authority has been provided with either:
- a) a copy of the Hazel Dormouse licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Conservation of Habitats and Species Regulations 2017 (as amended) and Policy EQ4 of the South Somerset Local Plan. This is a pre-commencement condition as the initial works to create the access will require the removal of or have an impact on existing hedgerows which potentially form Hazel Dormouse habitat and could therefore have a harmful impact on this protected species.

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

Reason: To improve the sustainability of the dwellings and in order to ensure that the development achieves nutrient neutrality in accordance with the Policy EQ4 of the South Somerset District Local Plan and the National Planning Policy Framework.

23. The development hereby permitted shall comprise no more than 400 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in

accordance with policies SD1, SS6, HG3 and HW1 of the South Somerset Local Plan.

Informatives:

01. The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
 02. 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.
 03. Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.
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