

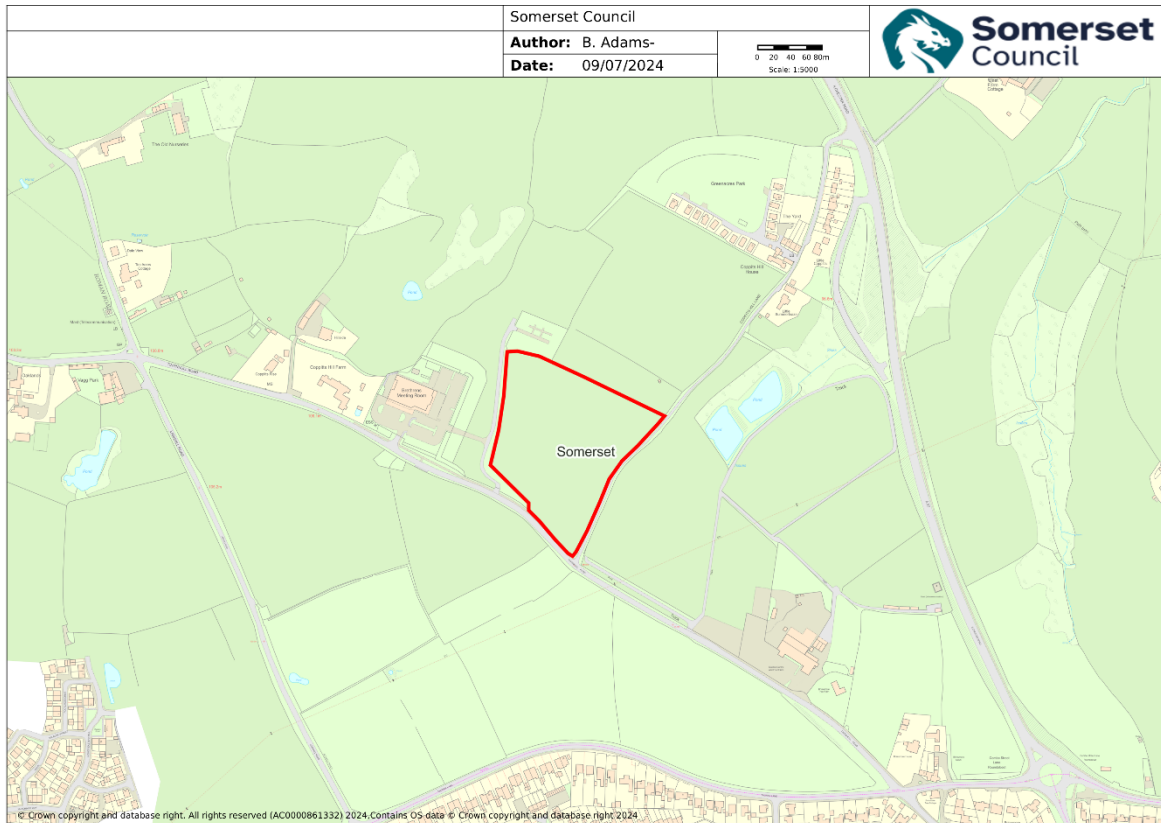
Officer Report on Planning Application: 23/02871/OUT

Proposal :	Outline Application with all matters reserved except for means of access for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system and vehicular access point
Site Address:	Land Off Tintinhull Road, Coppits Hill, Yeovil, Somerset, BA21 3PW
Parish:	Yeovil Without
YEOVIL WEST Division	Cllr Evie Potts-Jones Cllr Wes Read
Recommending Case Officer:	Linda Hayden (Principal Specialist)
Target date :	12th February 2024
Applicant :	Mr Steve Barker, Senior Project Manager
Agent: (no agent if blank)	
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION



The site is made up of a single agricultural field and is enclosed by hedgerows on all sides. The site extends to 2.84 hectares and is bound by agricultural fields to the north, Coppits Hill Lane to the east, Tintinhull Road to the south and Yeovil Gospel Hall to the west. The site slopes gradually from a high point (+97m AOD) in the north-west to a low point (+84m AOD) to the east.

The site is adjacent to a Strategic Housing Site (KS/YEWI/2 – Land North of Thorne Lane, Yeovil) to the south, and a scheme for up to 185 dwellings directly east of the site (Ref: 19/03242/OUT) was recently granted permission. The Strategic Housing Site was granted outline planning permission in August 2007 for approximately 830 dwellings and has been subject to several reserved matters applications since.

The site is within Flood Zone 1 (i.e. lowest risk) and there are no relevant statutory designations on the site.

The site is within the surface water catchment area of the Somerset Levels and Moors Special Protection Area (SPA) which is subject to phosphates and as such planning applications will be subject to Habitats Regulations Assessment (HRA) and must demonstrate nutrient neutrality.

The land is classified as grade 2 agricultural land.

PROPOSAL

This is an outline application with all matters reserved apart from access for up to 60 residential dwellings including 35% affordable housing. The proposals include:

- Structural landscape planting and the retention and positive management of key landscape features;
- 0.95 ha of green infrastructure including formal and informal public open space, green corridors, a Locally Equipped Area for Play (LEAP) and an attenuation basin;
- Vehicular access onto Tintinhull Road;
- Provision of a pedestrian footway along Tintinhull Road, that connects to a pedestrian crossing linking to the existing public right of way south of the road;
- A Sustainable Drainage System (SuDS).

The application is supported by:

- Planning and Affordable Housing Statement

- Socio-economic Benefits Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Ecological Impact Assessment
- Shadow Habitats Regulation Assessment
- Arboricultural Assessment
- Archaeological and Heritage Statement
- Preliminary Risk Assessment
- Flood Risk Assessment and Foul Drainage Analysis
- Nutrient Neutrality Assessment
- Utilities Statement
- Air Quality Assessment
- Noise Screening Assessment
- Transport Assessment
- Framework Travel Plan
- Sustainability Statement
- Statement of Community Involvement

HISTORY

None.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraphs 2, 11, 12 and 47 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

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

TA3 - Sustainable Travel at Chard and Yeovil

TA4 - Travel Plans

TA5 - Transport Impact of New development

TA6 - Parking Standards

HW1 - Provision of open spaces, 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

Local Plan Review

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

Given these timescales and the numerous stages in Local, Mineral and Waste Plan preparation the existing councils will therefore no longer be progressing new plans

through the statutory process based on their individual geographies. Existing county and district councils are working closely to scope the content and timescales for new Development Plan(s) to be prepared in the future as part the single unitary council. This includes ongoing work to progress and align key evidence base documents. Relevant documents, including an updated Local Development Scheme (LDS) for the new Somerset Council will be published in due course as the councils work through the transitional arrangements.

Relevant Policy Material Considerations

National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed and beautiful places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

*Note: The Council published a Five-year Housing Land Supply 2023-2028 for the former South Somerset area in October 2023 which shows it can demonstrate a housing land supply equivalent to **3.29 years** - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation.*

*Since the publication of the October 2023 report, while preparing for an appeal on a site in Yeovil, the Council has accepted that it has a Five -Year Housing Land Supply position which ranges between **2.85 and 2.96 years**.*

A revised NPPF was published on 19 December 2023 along with the Housing Delivery Test (HDT) Measurement 2022. The HDT result for the former South Somerset area is 135%. The NPPF removes the requirement to include a 5% buffer on five-year housing land supplies and now only imposes a 20% buffer where HDT indicates

delivery below 85%. The removal of the 5% buffer means that the former South Somerset position would now range between **2.98 and 3.10 years**.

National Planning Practice Guidance

Appropriate Assessment

Climate Change

Design

Historic Environment

Natural Environment

Planning obligations

Travel plans, transport assessments and statements in decision-taking

Water supply, wastewater and water quality

National Design Guide (NDG)

The National Design Guide is a material consideration when making planning decisions and sets out how well-designed places can be achieved and forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The NDG sets out the ten characteristics of well-designed places.

Adopted Somerset County Council Parking Standards

CONSULTATIONS

Yeovil Without Parish Council:

Minded to object to the proposal, but advise they weren't able to make a decision based on the unaddressed comments that have been made by the LLFA consultation response namely:

'1. The applicant is advised to provide robust justification to why infiltration is not proposed.

It is observed that urban creep of only 8% is used in the calculation of developable area instead of 10%. This should be corrected and calculation should be updated.

2. The submitted FRA and Drainage strategy document mentions that the discharge of surface water runoff from the site will ultimately be to the highway drain located on Coppits Hill Lane to the east of the site. However, the email from Derek Davis, Assistant Highways Service Manager confirmed that they would not allow for private connections onto their drainage system. The applicant is advised to specify the final proposed method of surface water disposal.

3. We would like to see a finalized drainage strategy at this stage. Provision of permeable paving and swale should be confirmed. Moreover, there seems to be potential to incorporate further SuDS (raingardens, green roofs, rainwater harvesting). This should be considered, and appropriate justification provided if not proposed.

4. Drawing showing the exceedance flow route in case of extreme rainfall event needs to be provided.

5. Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas should be provided.

6. Drainage Maintenance Plan' including details of the parties responsible for maintenance should be submitted by the applicant. The Plan should set out maintenance tasks, responsibilities and frequencies for the entire drainage network, including private, adopted and SuDS drainage. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls.

7. If access or works to third party land is required, details of these works and agreement in principle with necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer.

8. Demonstration that a viable connection can be made into the watercourse needs to be provided. This should include provision of details of the location and dimensions of the watercourse and key levels compared to the proposed outfall invert level.

9. The applicant should confirm whether the outfall will require land drainage consent with the LLFA, IDB or other body and confirm that this will be undertaken. Confirmation as to the principle for making the connection should be established

with the relevant body and confirmed as part of the detailed design. In summary, above information is required to provide our final comments.

Surface water

YWPC has concerns about the surface water drainage, especially due to the recent flooding of the A37.

Local Plan

The development is a greenfield site and is outside the Local Authorities Development Plan

Access and Movement

The design and access statement encourages walking, however the lack of public footpaths along Tintinhull Road, raises concern for safety. The nearest primary school is situated in Chilthorne Domer, which is not safely accessed on foot, there is very little detail given about access and movement.

This is yet another development that piggy backs on to the infrastructure proposed for the Brimsmore Key Site. This proposed development is additional housing squeezed into an already high density area and is disproportionate to areas in the South of Yeovil.

Highways

We are concerned about the cumulative vehicle impact of this development and the other two developments and the safety of vehicles entering and exiting onto Tintinhull road. The cumulative increase of all 3 developments on the current road network is likely to exacerbate the standstill traffic that happens on Combe Street Lane at peak times.'

County Highway Authority:

There have been discussions between the applicant's highways consultants and the County Highway Authority. This has resulted in the submission of additional information with regard to the proposed access arrangements. In essence, the Highway Authority raises no objections and is satisfied that the proposed development would not create a severe highway safety or efficiency issue.

The County Highway Authority's most recent comments:

'Previous comments included the requirement for a Full Travel Plan to be submitted as the current application was unable to satisfy the tests of paragraph 110 of the NPPF and it could not be reasonably resolved by planning condition as this is reliant upon securing a S106. Information currently provided confirms that there were a number of comments on the submitted Framework Travel Plan and these are being addressed separately.

Previously, specific reference was made with regard to the proposed access point due to a number of other major residential developments in the proposed area; Brimsmore Urban Extension & Land opposite Coppits Hill Lane (185 dwellings; subject to a Section 106).

Further documents were received and Somerset Council's Highway Safety Specialists made comment. The report submitted provided comments about a Technical Note on Highway Matters (Ref: 23/02871/OUT) submitted for consideration, dated 15th February 2024, in response to Somerset Council's Memorandum (Sa-5-1258-003-1) dated 15th December 2023. However, during that time, the Developer had a change in position in terms of the access proposal as the adjacent application (19/03242/OUT) has been approved. Furthermore, a TRO applied for in respect of the speed reduction. That said, it is important to note here that this cannot complete until the Section 278 Legal Agreement has been made and the works relating to it completed.

Following the above information received by the Highway Authority, the Developer has now made further amendments to their application and has updated their 'proposed access drawing' to one that indicates the 'access, footway and crossing point from the adjacent application completed'. A Grampian Condition therefore has been included to ensure no commencement of works can take place until the TRO is in place. The Highway Authority has acknowledged the above and taken these points into consideration below.

A further point to note here is that Active Travel England have formally declined to comment on the proposed development application. Given ATE's decision to formally decline to comment on the proposed development, is the Non-Motorised User Route (NMU) Coppits Hill Lane junction through to the Brimsmore Garden Centre to be constructed as a 2m wide footway, or a wider shared-use footway/cycleway route? What is the proposed infrastructure?

Full Comments

The following Highway Safety Advice is offered specifically in relation to the Technical Note (No.2) on Highway Matters (Ref: 23/02871/OUT) submitted for consideration, dated 12th April 2024, in response to Somerset Council's Memorandum (Sa-5-1258-003-2) dated 15th March 2024.

Technical Note (No.2) explains that there has been a material change in circumstances with this proposed development since the previous audit submission. The Outline Planning Application pertaining to the adjacent site (19/03242/OUT) of the Coppits Hill junction, has now been granted approval (on 22nd March 2024).

The following are extracted from the Technical Note (No.2):

The approved access drawing for that scheme is P17033-20-08B, with condition 14 on that application requiring no development to commence on site until a Traffic Regulation Order (TRO) to extend the 30 mph speed limit on Tintinhull Road beyond the Coppits Hill Lane junction has been secured by the local highway authority.

Gladman has commenced the TRO process, although this cannot be completed until the S278 application has been made and the works relating to it have been completed.

As the speed limit reduction must and will be delivered through the adjacent development, the applicant is willing to accept a condition to ensure the development on the application site is not commenced until the TRO has been fully implemented. There is therefore no need to consider a scenario whereby the speed limit reduction is not implemented, as no development on either site will be occupied until the reduced speed limit is in force.

The proposed highway infrastructure at the development access on to Tintinhull Road for the circa 60 dwellings residential development site is shown in Appendix 1 of the Technical Note (No.2). This being drawing no: P21118-0202 (Revision P03) - Proposed Ghost Island Right Turn Junction Off Tintinhull Road.

Visibility Splays

Previous information provided with regard to visibility splays was based on a submitted speed survey prior to the TRO confirmation. Splays included 2.4 x 70 metres to the north-west & 2.4 x 76 metres to the south-east. A drawing showing these splays was attached as Appendix 2. However, as could be seen from drawing number: 0202 (Revision P07) the proposed visibility splay looking south-east along Tintinhull Road, from the proposed development access, crossed third-party owned land. Given that all to-be-adopted visibility splays are required to be dedicated to the

Highway Authority for highway safety reasons and future maintenance this was brought to the attention of the Planning Officer and Applicant.

However, since then, as noted at the beginning of this recommendation, a Traffic Regulation Order (TRO) to extend the 30 mph speed limit on Tintinhull Road beyond the Coppits Hill Lane junction has been secured by the local Highway Authority. Therefore, the above issue is now not present. However, for future reference, the Highway Authority will expect visibility splays along Tintinhull Road from the proposed development access relating to the adjacent Outline Application (19/03242/OUT) to be included on all future drawing submissions especially during the detailed design stage.

The Highway Safety comments from Somerset Council's Memorandums (Sa-5-1258-003-1) dated 15th December 2023 and (Sa-5-1258-003-2) dated 15th March 2024 are all in the detailed design stage. As these works will be part of the usual legal agreements between the parties South Somerset Officers will retain control over the acceptance of any detailed proposals.

Given the above interim response, SC's Road Safety Auditor's items 2.1.2, 2.1.3, 2.1.5, 2.1.6, 2.1.7, 2.1.8, 2.1.9, 2.1.10, and 2.1.11 remain outstanding to be resolved at the detailed design stage of these development proposals.

Personal Injury Collisions

At the time of this recommendation, there is one recorded collision along Tintinhull Road between the double mini-roundabout junction with Thorne Lane and the Coppits Hill Lane junction in 2020. The one recorded collision resulted in two injury casualties (both Slight) during the last five-year review period from 01/04/2018 to 31/03/2023. It is noted that the one recorded collision along Tintinhull Road over the previous 5-year review period did not occur in the immediate vicinity of the proposed development site.

Internal Layout

As this is an outline application there is minimal design with regard to the internal layout. However, Somerset Council's Estate Roads team have made the following comments;

Junction Spacing

- In relation to Horizontal Alignment, side roads and private drives served off the main access into the development should be set far enough away from the junction

with the existing highway and in many cases should be a minimum of 25m from the channel line of the major road.

- All roads for adoption will require a turning head at their end (inclusive of a tracking drawing for a 10.4m metre refuse vehicle). If the road is to be extended later, a temporary turning head will need to be provided.

- Adoptable Type 3 tarmac estate roads should be a minimum of 5m wide with minimum 2m footways fronting dwellings. Where there are no dwellings; a hard-surfaced margin must be provided of a minimum width of 1.0m and a 2m margin is required at the end of all turning areas.

- Guidance on the requirements for vertical alignment can be found in the Somerset Technical Advice Note STAN 19/20 – Gradients (Residential & Commercial Road Developments).

- For gradients steeper than 1:20 (1:14 with mitigation for the mobility impaired) then early engagement will be required if such roads are to be adopted.

Structures

- Any structures (i.e. retaining walls, steps, culverts, tanks, pipes of 900mm diameter or larger etc) that are within, or in close proximity (3.7m) to, the existing or proposed Highway will need to be assessed by the council's Structures Engineer.

- Please supply details at the earliest stage to avoid issues further down the line. If it is proposed that the structure is to be offered for adoption, an AIP (Approval in Principle); signed by a chartered engineer (civil or structural) and submitted before commencement of the detailed design. For retaining structures to be privately owned; detailed design drawings and calculations will need to be submitted to SCC for checking/approval. Any adoptable structures will require a commuted sum.

Travel Plan

Comments in relation to the Travel Plan were provided on the Highway Authority's previous recommendation. Furthermore, a full audit was provided and sent to the Planning Officer for review and attention of the Developer.

Drainage

There are no drainage proposals with this submission, therefore no further input is required. '

The Highway Authority recommends conditions in relation to securing the TRO, provision of access, access gradient, visibility, parking spaces and EV charging spaces, disposal of surface water, estate road details, construction management plan.

National Highways

No objection.

Ecologist (Somerset Ecology Services (SES):

With regard to the impacts on the site, the ecologist has considered the submitted Ecological Impact assessment (FPCR Environment and Design Ltd, November 2023) along with the Briefing Note: Dormouse Survey Summary (FPCR Environment and Design Ltd 24th January 2024) and have no objections to the development subject to conditions to secure:

- Lighting design for biodiversity
- CEMP – including precautionary, staged clearance of vegetation, protection of hedgerows/trees, timing of works, precautions for badgers/terrestrial mammals, etc.
- LEMP – including the 10% net gain shown in the EcIA report.
- Biodiversity Enhancement Plan – this should include bat and bird boxes, bee bricks, dormouse boxes/nest tubes, hedgehog houses and gaps in fences for hedgehogs, native planting around the attenuation basin, etc.
- GCN District Level Licence

With regard to phosphates, the Ecologist has endorsed the Shadow Habitat Regulations Assessment which proposes the following mitigation:

- The use of SuDS to deliver at least a 50% reduction in phosphorus export from the development site (based on the CIRIA C808 guidance).
- The temporary fallowing of the entirety of the development site to provide phosphorus neutrality for the first 21 units.
- The purchase of third-party phosphorus credits for the additional units up to 60.

Natural England:

Advise:

‘Natural England has no objection in principle to the phosphorus mitigation strategy set out in the sHRA, but notes that the scheme has not identified the source of the credits it will require. It is also unclear as to whether the units requiring phosphorus credits will be occupied prior to the Levelling Up and Regeneration Act (LURA)

improvements at the Pen Mill WWTWs (to be completed by 2030). It is a matter for your Authority as to whether the use of a Grampian styled condition is appropriate in these circumstances.

Your authority should be mindful of the need to secure the necessary mitigation measures, including:

Ensuring that the proposed new development is required to limit water use to 110 l per person per day.

Ensuring the full design of the SuDS is agreed by your Authority and that the final SuDS scheme meets the standards necessary to achieve a 50% reduction in phosphorus export from the site as set out in the CIRIA C808 guidance. The SuDS should be completed and in use prior to first occupation.

- *Ensuring that a suitable long term SuDS maintenance plan is in place.*

Ensuring the requisite phosphorus credits for the properties not mitigated through following of the development site are secured by any permission. Please note the phosphorus credits must be secured from an approved scheme within the River Parrett catchment and cover the full period of occupation. i.e. additional temporary phosphorus credits will be needed to cover any period of occupation of the 22 to 60 numbered units that occurs prior to the completion of the LURA improvements at the Pen Mill WWTWs.

Note in the event that phosphorus credits cannot be secured for the 22 to 60 units then any permission should ensure that land identified as temporary fallowed land is converted to permanent green infrastructure or woodland within an agreed period.'

Open spaces officer:

Advise:

'At this stage of the application, we are unable to comment specifically on the provision of open space across this development, however we would advise that if/when this application develops, we would seek a minimum provision of 0.35 hectares of POS to be provided based on the erection of 60 dwellings.'

Housing Officer:

Advise:

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

I propose the following mix which is based on the latest South Somerset Local Housing Needs Assessment 2021 (LHNA) and also considers the expressed demand on Homefinder Somerset:

Bed Type Affordable Element

1-bed 11%

2-bed 40%

3-bed 38%

4-bed 7%

5-bed 4%

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

1 bedroom flat 2 Person 47 sqm

1 bedroom house/bungalow

2 bedroom flat 4 Person 66 sqm

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

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

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

5- bedroom house 10 Person 126sqm (134 sqm if 3 storey)

I would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses or if flats have the appearance of houses. I would recommend that the affordable units are in separate, not adjoining clusters with social rented properties in each cluster. These affordable dwellings will form an integral and inclusive part of the layout and should be indistinguishable from the market dwellings.

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

Abri
 LiveWest
 Magna Housing
 Stonewater Housing

An Affordable Housing Scheme (AHS) to be agreed prior to commencement of development to set out the exact location of affordable units, their tenure and phasing. Also written confirmation of the approved housing provider selected.'

Planning Policy:

Advise:

Monitoring

The following table indicates progress in relation to the latest housing figures at Yeovil. It should be noted that both outline applications for the Sustainable Urban Extensions (SUEs) had reached an advanced stage in the decision-making process (1,565 dwellings in total) having been approved in principle subject to S106. However, both applications have now been delayed due to the requirement to address the nutrient neutrality issue affecting much of Somerset.

Table 1 - Internal Housing Monitoring

Settlement	Local Plan 2006-2028 settlement status (Policy SS1)	Local Plan 2006-2028 Total Housing Requirement	Total Completions 1 April 2006 - 31 March 2023 (net) ¹	Existing housing commitments as of 31 March 2023 (net)	Total Completions and Commitments (net)
Yeovil	Strategically Significant Town	7,441	3,544	1,195	4,739

Planning Policy Context

Policy SS1 of the South Somerset Local Plan 2006-2028, March 2015 (Local Plan) places each settlement in a tier within the 'settlement hierarchy', based on their role

and function within the district. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy.

Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. Yeovil is expected to deliver at least 7,441 dwellings. The policy takes a permissive approach to housing proposals in the Sustainable Urban Extensions (SUEs).

Policy YV1 states that 5,876 of the 7,441 dwellings are anticipated to be in the Urban Framework of the town and 1,565 at the Sustainable Urban Extensions. Policy YV2 specifically allocates the South (Keyford) and North East (Mudford) SUEs allocating 800 and 765 dwellings respectively.

Given that the proposal site is located outside of the “Urban Framework” of the town (the development area for Yeovil) and is not within either SUE, it is contrary to Local Plan Policies SS5 and YV1.

It is noted that the applicants Planning and Affordable Housing Statement states at paragraph 1.1.4 that the site is ‘located in the direction of growth’. This is not correct the Directions of Growth at Yeovil are the Sustainable Urban (Policy YV2).

Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable. A development of 60 dwellings would be expected to deliver 21 affordable homes. A policy compliant scheme is proposed.

As this is an outline planning application no detail of the housing mix has been provided. However, should this proposal be granted planning permission, and a reserved matters application submitted a range of market homes will be expected to be provided. Policy HG5 states that a range of market housing types and sizes should be provided across the district that can reasonably meet the market housing needs of the residents of South Somerset. The latest Local Housing Needs Assessment 2021 (LHNA) for South Somerset demonstrates the mix of housing needed over the period 2020-2040. For market housing the following split is provided by Figure 1 of the LHNA and summarised in the table below.

Table 2 - Local Housing Need Assessment (2021) – Market Housing Split (Figure 1)

No. of bedrooms	Total Market Housing	Percentage Mix of Market Housing
1	499	6%

2	1,329	15%
3	5,292	59%
4+	1,801	20%
Total	8,921	100%

The NPPF includes policies aiming to improve the design of new developments making them well-designed, beautiful and safe places. Local Plan Policy EQ2 expects development to be designed to a high quality and for it to preserve and enhance the character of the area. The quality of the design should be assessed against the factors listed in EQ2 including impact on landscape character. Designs delivering low energy usage and/or wastage are encouraged.

Heritage assets are expected to be conserved and where appropriate enhanced in accordance with Policy EQ3. The proposal site is located adjacent to an Archaeological Site of County Importance - an eighteenth -century turnpike road, Yeovil to Vagg Hollow, therefore any potential impact of the proposal on this heritage asset should be assessed.

The site falls within the catchment area for phosphates affecting the Somerset Levels and Moors and will require sufficient information to be submitted to enable an appropriate assessment to be undertaken – as required by S.77 of the Conservation of Habitats and Species Regulations 2017.

Emerging Local Plan Review

Given the formation of the new Somerset Council on 1st April 2023, work on the emerging Local Plan Review (LPR) will no longer be progressed. A Local Development Scheme for the new Somerset Local Plan was agreed by the Executive Committee on 4 October 2023.

Two consultations have taken place on the Local Plan Review under Regulation 18; with the most recent consultation on Preferred Options ending in September 2019.

Policy SS2 of the Preferred Options sets a target of 5,091 new homes in Yeovil over the period 2016-2036. The proposal site is not identified as an allocation; although it is located adjacent to Preferred Options site Policy YV4 – Housing Growth at Brimsmore Gardens, Yeovil for about 200 homes. This site is the subject of planning application 19/03242/OUT for up to 185 dwellings and has been approved subject to a S.106 agreement.

As the emerging Local Plan Review is still at an early stage in its preparation and objections have not been considered, it is judged that limited weight can be attached to it (paragraph 48 of the NPPF).

Planning Balance

The proposal is contrary to Local Plan Policies SS5 and YV1. However, the Council published a Five-year Housing Land Supply 2023-2028 for the former South Somerset area in October 2023 and can demonstrate a housing land supply equivalent to **3.29 years** - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation. The Council therefore acknowledges that this means that the tilted balance in paragraph 11 d) of the NPPF now applies to the decision-making process.

The lack of a five-year housing land supply means the presumption in favour of sustainable development is a significant material consideration and any recommendation will need to be made in the context of paragraph 11 d) of the NPPF, 2023 having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and taking into account the nature and extent of the shortfall in housing land supply.

Local Lead Flood Authority:

Comments of 13/12/2023:

The LLFA has the following comments:

1. The LLFA believes that the infiltration rates on site are decent enough to include infiltration features in the proposed drainage strategy. The applicant is advised to provide robust justification to why infiltration is not proposed.
2. It is observed that urban creep of only 8% is used in the calculation of developable area instead of 10%. This should be corrected and calculation should be updated.
3. The submitted FRA and Drainage strategy document mentions that the discharge of surface water runoff from the site will ultimately be to the highway drain located on Coppits Hill Lane to the east of the site. However, the email from Derek Davis, Assistant Highways Service Manager confirmed that they would not allow for private connections onto their drainage system. The applicant is advised to specify the final proposed method of surface water disposal.

4. We would like to see a finalized drainage strategy at this stage. Provision of permeable paving and swale should be confirmed. Moreover, there seems to be potential to incorporate further SuDS (raingardens, green roofs, rainwater harvesting). This should be considered, and appropriate justification provided if not proposed.
5. The LLFA is happy to see that the calculations for 100 year + CC% are included in the report. However, the details that the proposed surface water drainage system has been designed to prevent surcharging in all events up to and including the 1 in 2 annual probability storm event, prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event should be provided as a part of best practice.
6. Drawing showing the exceedance flow route in case of extreme rainfall event needs to be provided.
7. Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas should be provided.
8. 'Drainage Maintenance Plan' including details of the parties responsible for maintenance should be submitted by the applicant. The Plan should set out maintenance tasks, responsibilities and frequencies for the entire drainage network, including private, adopted and SuDS drainage. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls.
9. If access or works to third party land is required, details of these works and agreement in principle with necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer.
10. Demonstration that a viable connection can be made into the watercourse needs to be provided. This should include provision of details of the location and dimensions of the watercourse and key levels compared to the proposed outfall invert level.
11. The applicant should confirm whether the outfall will require land drainage consent with the LLFA, IDB or other body and confirm that this will be undertaken. Confirmation as to the principle for making the connection should be established with the relevant body and confirmed as part of the detailed design.

In response to the submission of additional information to address the above issues the LLFA have advised that they are content with the responses to all of their queries. They have requested additional details with regard to the design of the attenuation

pond that they have agreed that this detail is a matter for the final design stage when the reserved matters application is submitted.

Therefore, they are satisfied for these details to be conditioned and an appropriate condition can be set.

County Education:

Advise:

A proposal of 60 dwellings in this location will generate the following number of pupils for each education type:

$60 \times 0.09 = 5.4$ early years

$60 \times 0.32 = 19.2$ primary

$60 \times 0.14 = 8.4$ secondary

$60 \times 0.0092 = 0.552$ SEND

Education contributions will be required for the following schools:

Early years

Theoretical data (see response tab) suggests insufficiency of Early Years places in this area of Yeovil. We also understand from providers that there is very little availability for children aged 2 years old and under in the Yeovil area. The demand for places for children of this age will increase with the expansion of the Early Years entitlement in 2024 and 2025.

Primary

The recent census (October 2023) has shown that pupil numbers in Yeovil have exceeded forecast by 58 (3781 on roll against a F/C of 3723) and is actually an increase of 34 on the October 2022 census. Therefore, it is clear that there will be far fewer surplus places available than the current forecasts show by the time this development comes forward.

We will review this request when the revised forecasts are published in Feb/March 2024.

Secondary - There is no need for secondary expansion in Yeovil for this level of housing.

SEND

As a Local Authority we are proactively continuing to fund and provide additional SEND places in advance to meet demand across the entire county using borrowed money. With the exception of a handful of vacancies which will inevitably be allocated either before, or just into, the new academic year, all of Somerset’s state-maintained specialist education facilities are full.

Special schools don’t have traditional catchment areas in the same way as mainstream schools and will admit from a wider area. Currently Sky Academy in Taunton is currently Somerset’s only school catering for social, emotional and mental health (SEMH) needs until the completion and opening of Hill View in Ash. The two Yeovil schools (where, incidentally, three children from Ilchester currently attend) and Sky Academy have been expanded in recent years at a combined cost of around £17m. The Authority have opened a new Autism Base at St Dunstan’s School in Glastonbury this year which cost £2m to build.

The LA is not anticipating a drop in demand for specialist education facilities in the foreseeable future with a current pupil yield calculation of 2% (0.0092), and to ensure children with complex special educational needs and/or disabilities are offered facilities that meet their needs and enables them to fulfil their educational potential while remaining within their local communities, it is vital that developer contributions for specialist education provision are requested and forthcoming. School building projects such as these have generally been built with borrowed capital, in advance of need. Developer contributions will help offset such costs.

Considering the current available data on pupil numbers in Yeovil we require Early Years, Primary and SEND expansion projects to ensure the children from this development will have a school place.

The current build costs to zero carbon standards are as follows:

Build type	Cost to build per pupil	Net zero uplift (10%)
EY/Primary new build	£23,061.33	£25,367.47
EY/Primary expansion	£19,261.81	£21,188.00
Secondary New Build	£27,924.12	£30,716.53
Secondary Expansion	£26,745.00	£29,419.50
SEND new build	£101,970.91	£112,168.01
SEND expansion	£92,014.29	£101,215.72

Therefore the cost to build education facilities for this application are as follows:

5.4 x 21,188.00 = £114,415.20 for early years expansion
19.2 x 21,188.00 = £406,809.60 for primary expansion

$0.552 \times 101,215.72 = \text{£}55,871.07$ for SEND expansion

Total education obligations $114,415.2 + 406,809.6 + 55,871.08 = \text{£}577,095.88$

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

$\text{£}114,415.20/60 = \text{£}1,906.92$ for early years

$\text{£}406,809.60/60 = \text{£}6,780.16$ for Primary

$\text{£}55,871.07/60 = \text{£}931.18$ for SEND

Total per dwelling for education obligations is $\text{£}1,906.92 + \text{£}6,780.16 + \text{£}931.18 = \text{£}9,618.26$

MOD:

Advise:

Aerodrome height safeguarding zone

The aerodrome height safeguarding zone defines areas around aerodromes to regulate the height of structures to prevent the obstruction of the critical air space encompassing the aerodrome in which the principal take-off, landing and circuiting procedures are contained.

The application site occupies height consultation zones in which the MOD needs to be consulted on any development or change of use.

It is noted that the application submitted does not provide full details of those structures which may ultimately be erected. The MOD may have concerns where buildings in some areas of the site exceed a height of 0m or more above ground level are proposed. MOD representations are limited to the principle of the development only. Once further details on the height and scale of the proposed dwellings are made available the MOD wishes to be consulted again so that an assessment can be completed.

Technical safeguarding zone

The technical safeguarding zone defines areas to regulate the height of development, materials used in construction and introduction of sources of electro-magnetic fields around radars, radio transmitter/ receiver sites and other types of technical installations supporting operational defence or national security requirements.

Having reviewed the indicative plans provided in support of the outline application, the MOD note that development is proposed within an area where the height, massing, and materials used in the construction of structures may be of concern. At this stage, and given the indicative nature of the plans provided, the MOD are unable to provide any definitive guidance as to whether there would be any concerns in relation to scale, massing and materials used within this development.

Birdstrike safeguarding zone

Within this zone, the principal concern of the MOD is that the creation of new habitats, such as open bodies of water, SuDS/ Drainage and landscaping strategies may attract and support populations of large and, or flocking birds close to an aerodrome, which could contribute to an increase in birdstrike risk to aircraft at Yeovil Airport and RNAS Yeovilton.

On review of the plans, the proposals include Sustainable Drainage System features in the form of an attenuation pond. Permanent waterbodies such as ponds and any attenuation basin that holds water for prolonged periods have the potential to attract large waterfowl. In order to avoid the creation of a possible attractant for potentially hazardous to aviation birds, the MOD requires commitments from the applicant to the effective maintenance of the SuDS pond to ensure it continues to drain down, and to deter large waterfowl from the site by including dense, marginal vegetation around the periphery of the attenuation pond. MOD require that a site management condition is applied to any consent that might be issued which provides a clear schedule of how each of the environments created would be managed. MOD would expect any management plan to provide drain to dry times for any SUDS/open water and the maintenance regime that will ensure that these drain to dry times are maintained. To address the potential for the increased population of hazardous waterfowl at this location, the design of the waterbodies proposed should serve to minimise the attractiveness of the site to 'hazardous' bird species as follows:

- **The design of any waterbody including permanent ponds and attenuation basins is to include dense, marginal vegetation to deter waterfowl from accessing these areas.**

Cranes

The MOD recognises that cranes may be used during the development at this site. These may affect air traffic safety. If the redevelopment of this site does progress, it will be necessary for the developer to liaise with the MOD Safeguarding at the above email address, and Yeovil Airport prior to the erection of cranes or temporary tall structures over 15 Metres high.

In summary, the MOD will require the conditions detailed above being attached to any consent that might be issued. In addition, with regards to the Aerodrome height and technical safeguarding zones concerns identified above, please could DIO Safeguarding be consulted at any future planning / application stage of this development proposal in order for a full assessment to be completed.

Sport and Play Officer

Advise:

Based on the most appropriate strategy to mitigate the impacts, the Council has prepared specific planning obligation calculations for the mitigations required, and determined the contribution that directly relates to the proposed development to enable the proposed development to be acceptable in planning terms.

A summary of the contributions sought:

Provision of:

Youth Facilities (off site requiring no Land acquisition):

£10,000

Playing Pitches (Off site provision)

£23,672

Changing Room Provision (Off site)

£43,271

Total Contribution: £76,943

Commutated sums:

Youth Facilities

£3,697

Playing Pitches

£14,368

Playing Pitch Changing rooms

£3,481

Total Commuted Sums:

£ 21,546

This equates to a total of:

£ 99,474 (with 1% administration fee) or £ 1,658 per dwelling

Note: These calculations have been adjusted to remove the requirement for a LEAP (Locally Equipped Area for Play) which is to be provided by the developer. This provision will form a separate requirement within the s106.

Somerset Waste Partnership:

Advise:

'..when deciding the layout of the site, that the number of properties using shared/private drives should be minimised. Having direct access to public highway means that collection vehicles can easily access the property and allays confusion about where the collection point should be. It also means residents tend to take more responsibility for their waste/recycling than if there is a communal collection point which in turn maintains a more pleasant street scene.'

NHS:

Advise:

1. Residential development of **39** dwellings (excluding 21 x affordable homes).
2. This development is in the catchment of:
 - a. **Preston Grove Medical Centre** - Preston Grove, Yeovil, Somerset, BA20 2BQ
 - b. **Diamond Health Group - Abbey Manor Medical Practice** - The Forum, Abbey Manor Park. Yeovil, Somerset, BA21
 - c. **Ryalls Park Medical Centre** - Marsh Lane, Yeovil, Somerset, BA21 3BA

d. **Penn Hill Surgery** - St Nicholas Close, Yeovil, Somerset, BA20 1SB

which has a total capacity for **31,497** patients.

3. The current patient list size is **37,379** which is already over capacity by **5,882** patients (at **119%** of capacity).

4. The increased population from this development = 87

a. No of dwellings x Average occupancy rate = population increase

b. $39 \times 2.22 = 87$

5. The new GP List size will be **37,466** which is over capacity by **5,969**

a. Current GP patient list + Population increase = Expected patient list size

b. $37,379 + 87 = 37,466$ (5,882 over capacity)

c. *If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6*

6. Additional GP space required to support this development = **6.75m²**

a. The expected m² per patient, for this size practice = 0.078m²

b. Population increase x space requirement per patient = total space (m²) required

c. $87 \times 0.078 = 6.75\text{m}^2$

7. Total contribution required = **£24,156** a. Total space (m²) required x premises cost = final contribution calculation $6.75\text{m}^2 \times £3,577 = £24,156$ (£619 per dwelling).

REPRESENTATIONS

A site notice was displayed and an advert was placed in the local newspaper to advertise the application.

In response, two letters have been received, two making general representations and one objecting to the application.

The letter of objection comments:

- The proposed development would appear to be on a greenfield site which does not form part of the LA's development plan.
- The proposed road junction onto the Tintinhull Road is sub-standard and dangerous.
- The addition of water impervious materials to this land will exacerbate flooding issues involving Coppits Hill Lane and Coppits Hill.
- There is no adequate domestic sewage treatment available.
- Housing Secretary Michael Gove has indicated (19.12.2023) that it is now government policy not to build upon greenfield land, nor to require LA's to commit to a target driven building plan.
- Yeovil has a great many brown field sites, development of which would both facilitate additional housing and improve the Town.

The letters of representation comment:

- The site appears to be a fortress design, with only one way in and out for pedestrians\cyclists.
- At the very least an additional entry point should be made for pedestrians\cyclists in the North East of the site on to Coppits Hill Lane. This will improve access for those living on the site and allow neighbours to use the site as an interesting and enjoyable place to walk\cycle through, thus benefiting everyone.

CONSIDERATIONS

Principle of Development

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

Settlement Policy Context

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

"When considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with

the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

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

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

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

Local Plan Policy SS1: 'Settlement Strategy' places each settlement in a tier within the 'settlement hierarchy', based on their role and function within the district, where provision for development will be made that meets local housing need, extends local services, and supports economic activity appropriate to the scale of the individual settlement. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy.

Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. Yeovil is expected to deliver at least 7,441 dwellings. The policy takes a permissive approach to housing proposals in the Sustainable Urban Extensions (SUEs).

Policy YV1 states that 5,876 of the 7,441 dwellings are anticipated to be in the Urban Framework of the town and 1,565 at the Sustainable Urban Extensions. Policy YV2 specifically allocates the South (Keyford) and North East (Mudford) SUEs allocating 800 and 765 dwellings respectively.

Given that the proposal site is located outside of the "Urban Framework" of the town (the development area for Yeovil) and is not within either SUE, it is contrary to Local Plan Policies SS5 and YV1.

It must be noted that the number of houses specified in Policy SS5 is a minimum target, and if it is exceeded that does not indicate a conflict with policy. The site lies

outside the defined settlement area of Yeovil as shown in the adopted Local Plan. It is not currently allocated or identified for further residential development. However, its proximity to existing approved residential development is noted. Furthermore, the Local Plan designates Yeovil as a Strategically Significant Town and the prime focus for development in South Somerset. Yeovil remains the principal settlement within South Somerset in terms of the scale of housing supply and economic activity; extent of travel to work and retail catchments; and provision of leisure, cultural, and transport services. The Local Plan states:

Yeovil can deliver further development sustainably and promote a better balance between jobs growth and where people choose to live. A critical mass, economies of scale and better use of existing infrastructure can be secured through Yeovil's continued designation as the primary focus for growth in this local plan.

The proposal will provide the following benefits:

- making a positive contribution towards meeting the objectively assessed market and affordable housing needs within Somerset
- the delivery of up to 60 new homes, including 35% affordable homes to help meet the affordable housing needs
- 0.95 ha of green infrastructure
- £6.47m construction spend, £1.86m of potential household expenditure, 55 FTE in construction

The Council published a Five-year Housing Land Supply 2023-2028 for the former South Somerset area in October 2023 which shows it can demonstrate a housing land supply equivalent to **3.29 years**, a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation. Since the publication of the October 2023 report, while preparing for an appeal on a site in Yeovil, the Council has accepted that it has a Five -Year Housing Land Supply position which ranges between 2.85 **and 2.96 years**.

A revised NPPF was published on 19th December 2023 along with the Housing Delivery Test (HDT) Measurement 2022. The HDT result for the former South Somerset area is 135%. The NPPF removes the requirement to include a 5% buffer on five-year housing land supplies and now only imposes a 20% buffer where HDT indicates delivery below 85%. The removal of the 5% buffer means that the former South Somerset position would now range between **2.98 and 3.10 years**. The Council therefore acknowledges that this means that the tilted balance in paragraph 11 d) of the NPPF now applies to the decision-making process.

The lack of a five-year housing land supply means the presumption in favour of sustainable development is a significant material consideration and any recommendation will need to be made in the context of paragraph 11 d) of the NPPF, 2023 having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and taking into account the nature and extent of the shortfall in housing land supply. It is noted that the Inspector when determining a recent appeal for 250 homes to the north of Yeovil (22/00695/OUT) noted:

'Of considerable importance is the Council's persistent failure over the last eight years to maintain a 5 year housing land supply which according to the Council is currently at around three years although the appellant identify that it is actually just below this figure at 2.9 years. This is a significant and chronic shortfall, even acknowledged as such by the Council.'

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

As the Council is only able to demonstrate a sufficient supply of deliverable sites to meet between 2.98 and 3.10 years' worth of housing land, in accordance with the NPPF, the relevant housing land policies for the determination of this application are considered out-of-date. To this end, reduced weight should be applied to Local Plan housing policies SS1, SS4, and SS5, and the "tilted balance" towards granting planning permission is engaged, unless the adverse effects significantly and demonstrably outweigh the benefits. With that in mind, it is considered that the benefits outlined within this report, namely the delivery of new homes to meet an

identified housing need, the provision of affordable homes, the community benefits, as well as stimulus to the local economy, significantly outweigh any adverse impacts

In this case, given the site's location directly adjacent to the Brimsmore key site and approved development at Brimsmore Garden Centre, it is considered that the site can be considered a sustainable location. Taking into account the development plan and the Council's five-year land supply situation, the principle of development on this site is accepted.

Highway issues

The proposals would see the creation of an access onto Tintinhull Road. The access as proposed is a priority junction with right turn lane. The access road itself is 5.5 metres wide with appropriate radii and pedestrian footways on each side to tie in with the existing footway along the site frontage. These footpaths will also link with the new provision on the adjacent site and the pedestrian crossing that is to be provided which links to the public footpath through the adjacent key site.

A Transport Assessment was undertaken and submitted with the application which has been assessed by the Highway Authority and additional/amended information has been submitted at their request to ensure appropriate consideration of the impacts of the development. The main concerns relate to visibility at the access and the speed of traffic using the road (full details set out in the Consultation section above).

The issue of visibility splays has been resolved as the applicant's have agreed to a Grampian condition that would preclude any development on the site until a Traffic Regulation Order is agreed that would reduce the speed limit to 30 mph.

In terms of the Travel Plan, this can be secured via a condition with the safeguarding sum secured through a s106.

In the circumstances, the County Highway Authority have agreed that the proposed access is acceptable in highway safety terms subject to the imposition of appropriate highways conditions including the required visibility splays at the access.

Therefore, on the basis that the Highway Authority have not objected, it is considered that the overall impact on the local highway network could not be considered severe, and is therefore acceptable at this location given the requirement of paragraph 111 of the NPPF which states:

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

Impact on the local landscape, visual amenity and density

The site comprises an edge of settlement agricultural field which sits directly opposite the Brimsmore key site development and adjacent to a recently approved site for 185 dwellings. The site is well screened with mature hedgerows and trees and is well contained.

It is felt that the conclusion of the Landscape and Visual Impact Assessment neatly summarises the landscape impact of the development:

'It is considered that the landscape character of the site and immediate context has the ability to accommodate the proposed high quality residential development which includes extensive GI (Green Infrastructure) proposals and opportunities for biodiversity enhancements and recreation provision serving both the new and existing community. The proposed development of up to 60 residential dwellings with associated areas of open space, boundary planting and an attenuation feature would be appropriate to the emerging edge of settlement location as a result of the general containment of the site. The proposed structural planting and internal tree planting will help to soften and filter the development from views from local receptors. Effects as a result of the proposed development are not considered to give rise to unacceptable harm to the landscape and visual receptors.'

The application is in outline permission at this stage and as such, the layout plan provided is indicative only, however, it sets out how a scheme of this density/scale might be achievable on the site and how it would relate to surrounding development. The scheme indicates the retention of the existing field hedgerows with increased planting where required to help filter views of the development from the wider landscape.

It is not considered that development of this type and at this density is inappropriate in principle in this location. The layout, house types, density and landscaping proposals would be fully considered at the reserved matters stage.

For the purposes of this outline application, having regard to the above, it is considered that the proposed development would not result in significant and

demonstrable harm to the wider landscape subject to appropriate mitigation. Notwithstanding local concern, the density of the proposed development is considered to be acceptable and to accord with local character.

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

Residential Amenity

The site sits at some distance from any neighbouring properties and it is considered that a layout can be agreed at reserved matters stage that would allow for future residents to enjoy a good level of residential amenity. As such, there is no apparent reason why an acceptable scheme could not be achieved that would avoid causing any demonstrable harm to existing local residents in this regard. Overall, this outline scheme raises no substantive residential amenity concerns.

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

Phosphates

The application is located within the catchment of the Somerset Moors and Levels Ramsar site. Following advice from Natural England this application requires a Habitats Regulations Assessment (HRA). The submission will therefore need to demonstrate how the proposal achieves nutrient neutrality in order to comply with The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The submitted Nutrient Assessment advises that there are two phases under which the development can achieve nutrient neutrality. Phase 1 is to limit the number of dwellings to ensure nutrient neutrality for the development, and Phase 2 is to purchase the necessary amount of phosphorus credits to unlock the remaining dwellings. Both scenarios require the use of sustainable drainage. Somerset Ecology Services have endorsed the submitted shadow Habitat Regulations Assessment (sHRA) and have no objection to the phosphate mitigation subject to it being secured

in perpetuity by a Section 106 agreement or by condition. Natural England have not objected to the application.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The ecologist at Somerset Ecology Service (SES) considered the ecological reports on behalf of the Council and concluded that the proposals were acceptable subject to the imposition of a number of conditions.

In terms of Biodiversity Net Gain (BNG), whilst the application was submitted before the requirement for a 10% Gain, the Ecological Impact Assessment advises that:

The outline proposal demonstrates that a net gain is achievable on this site. The results show that the proposals will achieve a net gain of 14.96% in habitats and 16.06% in hedgerows based on the current layout.

Subject to the inclusion of the recommended mitigation, compensation and enhancement measures, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

Flooding/Drainage

A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. The LLFA have thoroughly considered the proposals for surface water drainage along with the additional information that has been submitted to address the issues raised within the LLFA initial comments. Whilst the LLFA would prefer to see additional details of the detail of the attenuation pond they have accepted that this is a matter that can be left to detailed design stage when the reserved matters application(s) are submitted. Therefore, they have no objections

subject to the imposition of a condition to require drainage details before commencement of work at the site. As such, whilst recognising local concerns regarding surface water issues, it is not considered that the proposal could reasonably be refused on the grounds of flooding/drainage issues.

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

Other Matters

Heritage – The comments of the Policy Officer are noted with regard to heritage assets. However, the actual site contains no heritage designations and the conclusions of the submitted Heritage Assessment states:

'All designated heritage assets within a minimum 1km radius of the site have been subject to an appropriate level of setting assessment in accordance with Historic England's guidance.'

'It was established that the site makes no contribution through setting to the significance of any designated heritage asset. As such, no designated heritage asset is considered sensitive to the proposed development.'

Loss of Agricultural Land - The application site comprises agricultural land classified as being Grade 2, so is considered to be good quality agricultural land. The best and most versatile. The NPPF, in footnote 62, advises that "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The availability of land for food production should be considered alongside the other policies in the Framework, when deciding what sites are most appropriate for development."

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

In this case, whilst the benefits of the land to the economy and in other ways is recognised, it is not considered that the loss of approximately 3 hectares of this land from the significant stock of such land in South Somerset and around Yeovil specifically, is significant. It should be considered as an adverse impact of the

scheme but, given the scale of the loss, it should not be afforded significant weight in the planning balance and should not override the significant benefits of the scheme.

SECTION 106 PLANNING OBLIGATION

If the application is approved it will be necessary to seek the prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) to cover the following terms/issues:

- 1) The provision of 35% affordable housing;
- 2) Contribution towards the provision of sport, play and strategic facilities (£99,474);
- 3) Provision of LEAP;
- 4) Contribution towards education provision;
- 5) Contribution towards NHS
- 6) A travel plan safeguarding sum and any required highways works; and
- 7) Provision and maintenance of open space.
- 8) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality. The scheme shall either (a) Take place in two Phases: Phase 1 is to limit the number of dwellings to ensure nutrient neutrality for the development, and Phase 2 is to purchase the necessary amount of phosphorus credits to unlock the remaining dwellings. Both Phases to take place in conjunction with the use of sustainable drainage or (b) an alternative scheme which the Local Planning Authority (in consultation with Natural England) consider also passes a Habitat Regulations Assessment demonstrating nutrient neutrality.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

The application is liable to CIL.

CONCLUSION

With no five year supply of housing land in South Somerset, footnote 8 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where "...the local planning authority cannot demonstrate a five year supply of deliverable housing sites

(with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

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

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

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

The benefits of the proposed development include the proposal bringing forward several contributions towards education provision, community, sport and leisure provision, through S106 obligations and CIL.

Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Further benefit of the scheme would be that the proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping SSDC towards a five year housing land supply.

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

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

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

RECOMMENDATION

The application be approved subject to:

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

- 1) The provision of 35% affordable (to include the provision of First Homes) as set put by the Housing Officer;
- 2) Contribution towards the provision of sport, play and strategic facilities with associated commuted sums (£99,474);
- 3) Provision of a LEAP (Locally Equipped Area for Play) and associated provision for future maintenance. (LEAP to be a minimum of 267 square metres with minimum buffer zone (from activity zone to boundary of nearest dwelling) of at least 20 metres and minimum buffer zone of at least 30 metres;
- 4) Contribution towards education provision (£577,095.88);
- 5) Contribution towards NHS (£24,156)
- 6) A travel plan safeguarding sum and required highways works; and
- 7) Provision and maintenance of open space.

8) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality. The scheme shall either:

(a) Take place in two Phases: Phase 1 is to limit the number of dwellings to ensure nutrient neutrality for the development, and Phase 2 is to purchase the necessary amount of phosphorus credits to unlock the remaining dwellings. Both Phases to take place in conjunction with the use of sustainable drainage (final SuDS scheme must meet the standards necessary to achieve a 50% reduction in phosphorus export from the site as set out in the CIRIA C808 guidance); or

(b) an alternative scheme which the Local Planning Authority (in consultation with Natural England) consider also passes a Habitat Regulations Assessment demonstrating nutrient neutrality.

Justification

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon the visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 60 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, HG5, TA1, TA3, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

03. The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

Drawing No.'s:

P21118-SMCE-ZZ-XX-DR-H-0202 Rev P03

11582-FPCR-XX-XX-DR-L-0001 Rev P02

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

05. No development shall be commenced 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.

Such 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 unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

06. No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

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

07. The proposed access shall be constructed in accordance with details shown on the submitted plan, P21118-SMCE-ZZ-DR-H-0202 Rev P03 , and shall be available for use prior to commencement of the remaining development. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

08. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained thereafter.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

09. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

10. The Development hereby permitted shall not be occupied until the relevant number of parking spaces for each dwelling inclusive of electric vehicle charging points and cycle parking spaces and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure appropriate provision of parking, cycle parking and EV charging points in accordance with Policies TA1, TA3, TA6 and EQ1 of the South Somerset Local Plan.

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained in perpetuity.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

12. No development of the elements listed below shall commence until plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction has been submitted to and approved by the Local Planning Authority:

- a) estate roads
- b) footways
- c) tactile paving
- d) cycleways
- e) sewers
- f) retaining walls
- g) service routes
- h) vehicle overhang margins
- i) embankments
- j) visibility splays
- k) carriageway gradients
- l) drive gradients
- m) car, motorcycle and cycle parking

- n) electric vehicle charging points
- o) hard and soft structural landscape areas
- p) pedestrian and cycle routes and associated vehicular accesses and crossings
- q) means of enclosure and boundary treatment
- r) street lighting and street furniture
- s) all new roundabouts and junctions
- t) proposed levels
- u) bus stops and lay-bys or alternative facilities
- v) highway drainage
- w) swept path analysis for a vehicle of 10.4m (3-axle) length
- x) central pedestrian reserves, bollards and lighting
- y) service corridors

Once approved, the construction of the development shall be carried out in accordance with the agreed details prior to first occupation (or prior to first occupation of each relevant phase(s)).

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

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

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

14. Prior to commencement the speed limit for the section indicated on drawing number P21118-SMCE-ZZ-XX-DR-H-0202 Rev P03 on Tintinhull Road shall be amended to 30mph via a confirmed Traffic Regulation Order .

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

15. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The

approved plan/statement shall be adhered to throughout the demolition/construction period.

The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

16. No part of the development shall be first occupied until a detailed Travel Plan has been submitted to and been approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Local Highway Authority.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

17. Prior to the commencement of development, a scheme for the construction of the network of cycleway and footpath connections shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed details.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

18. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of “biodiversity protection zones”.
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds, habitat clearance measures, badgers and buffer zones as required.
 - 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. Provision for ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
 - j. Evidence (written statement and or photos) of meetings, toolbox talks, protection measures will be required upon completion of works;

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

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

19. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. On-going monitoring and remedial measures; and
- i. How contingencies and/or remedial action will be identified, agreed and implemented in the event where the results from monitoring show that conservation aims and objectives of the LEMP are not being met so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall thereafter be implemented in accordance with the approved details.

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

20. Where external lighting is to be installed, prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/23 – bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key & supporting features or habitats. All external lighting shall be installed in accordance

with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. Internal lighting should be recessed where installed in proximity to windows and blinds should be fitted to reduce glare and light spill (Institution of Lighting Professionals & the Bat Conservation Trust 2018).

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

21. No development shall commence until a European Protected Species (EPS) district level licence (DLL) with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority for the proposed work. Works shall be carried out strictly in accordance with the granted DLL and the associated method statement and shall be supervised, where appropriate, by an experienced, licensed ecologist unless a separate agreement has been made under the DLL scheme and confirmed in writing by the LPA.

Reason: A pre-commencement condition in the interests of the strict protection of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

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 in accordance with Policy EQ1 and advice within the NPPF.

23. No development shall take place unless or until such a time a management and maintenance plan for SuDS and waterbodies has been submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence (MOD).

The development shall be implemented strictly in accordance with the details provided and managed in accordance with the details agreed for the lifetime of the development.

Reason: To limit the potential of the site to attract and support populations of those bird species that may cause detriment to aviation safety.

24. The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the local planning authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway. The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied, enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

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

Informatives:

1. The LLFA will expect to see the following in order to discharge the above drainage conditions:

- 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.

Details to demonstrate that the location of the pond has the structural feasibility without risk of failure and exceedance.

- 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.

- With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required

- Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
- A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

2. The developer's attention is drawn to the advice from Natural England regarding SuDS and phosphate mitigation:

Ensure the full design of the SuDS is agreed by your Authority and that the final SuDS scheme meets the standards necessary to achieve a 50% reduction in phosphorus export from the site as set out in the CIRIA C808 guidance. The SuDS should be completed and in use prior to first occupation.

Ensuring that a suitable long term SuDS maintenance plan is in place. Ensuring the requisite phosphorus credits for the properties not mitigated through following of the development site are secured by any permission. Please note the phosphorus credits must be secured from an approved scheme within the River Parrett catchment and cover the full period of occupation. i.e. additional temporary phosphorus credits will be needed to cover any period of occupation of the 22 to 60 numbered units that occurs prior to the completion of the LURA improvements at the Pen Mill WWTWs.

3. The developer attention is drawn to the comments of the MOD in their letter of 12 January 2024.

4. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice. Further information can be found at: <https://www.somerset.gov.uk/planning-buildings-and-land/community->

[infrastructure-levy-and-s106-agreements/community-infrastructure-levy-and-s106-agreements/](#)

or email planningobligations@somerset.gov.uk