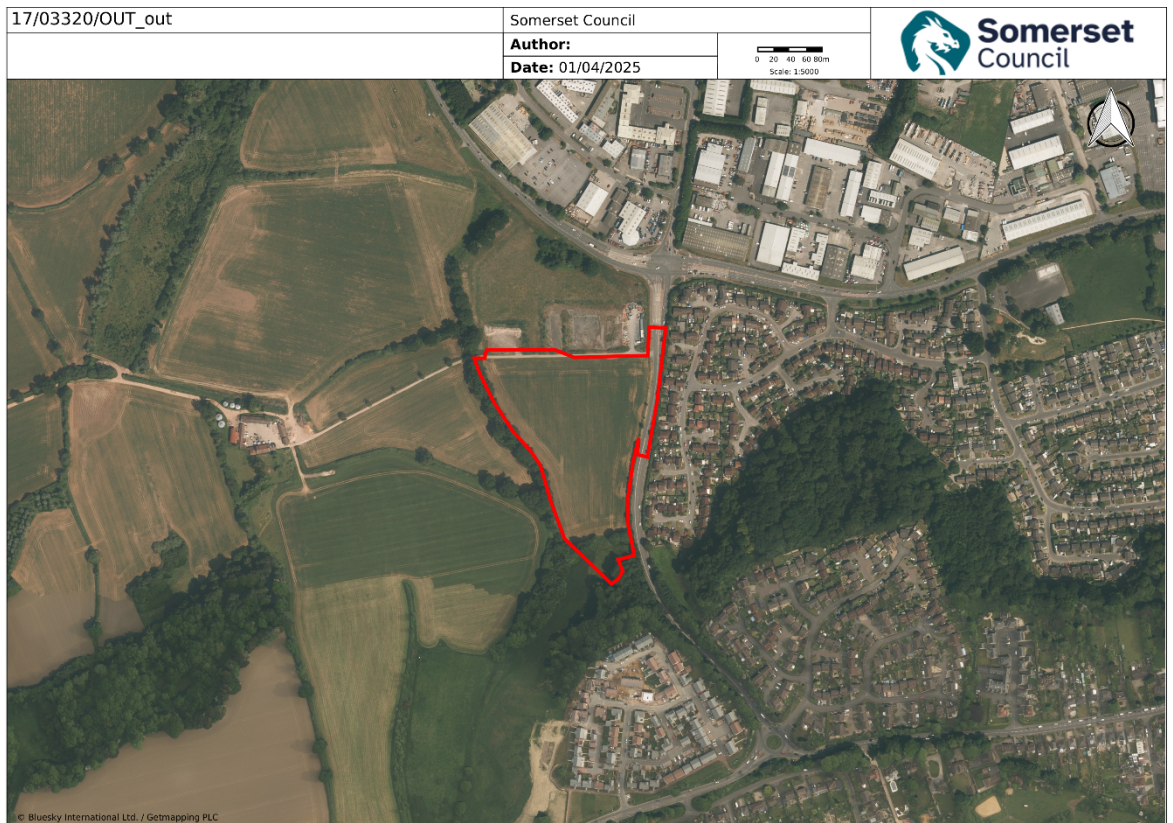
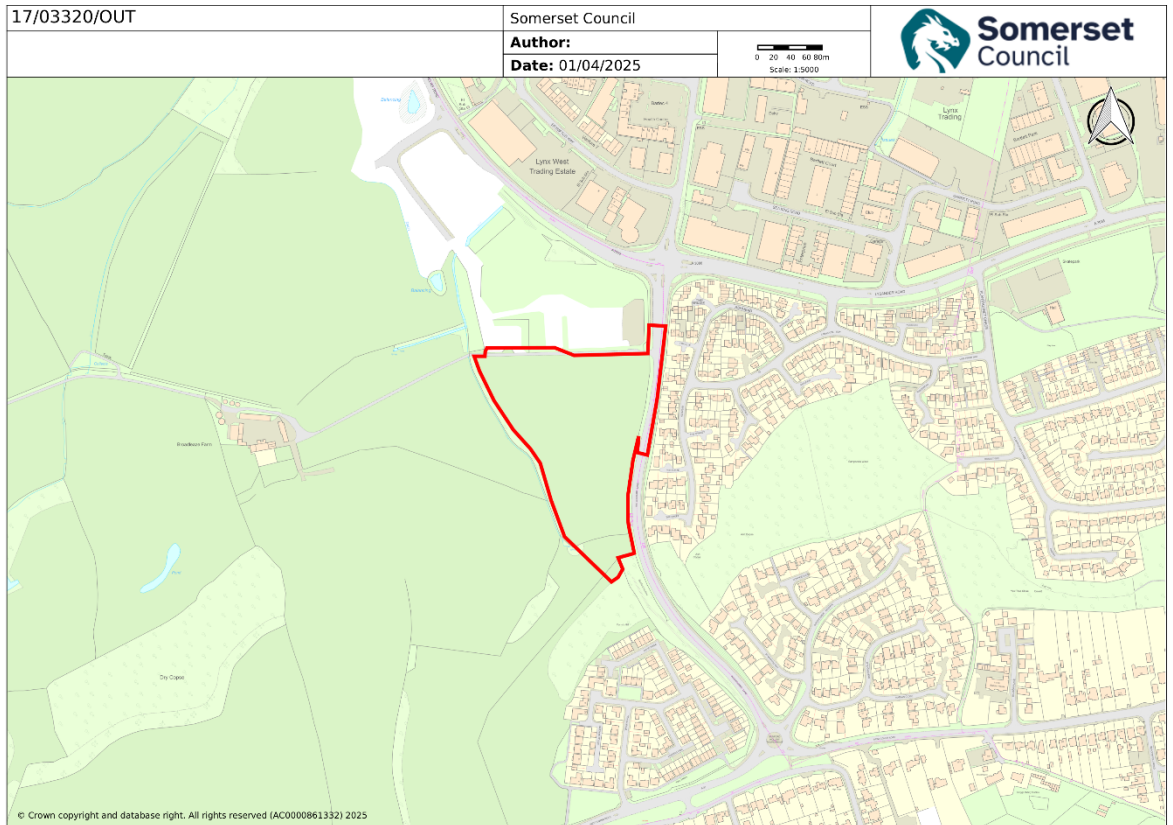


<b>Application Details</b>	
Application Reference Numbers:	17/03320/OUT
Application Types:	Outline Application with all matters reserved except Access
Extension of Time:	31.03.2025 (further extension to be agreed)
Description:	Outline application for residential development of up to 100 dwellings, the formation of a new access onto Watercombe Lane, associated open space and landscaping.
Site Address:	Land West Of Bunford Hollow, West Coker, Yeovil
Parish:	West Coker
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Linda Hayden
Agent:	
Applicant:	Abbey Manor Developments Ltd
Reason for reporting application to Members:	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.

# Location plans



## **1. Recommendation**

- 1.1 That planning permission be GRANTED subject to the prior completion of a Section 106 Planning Obligation / Agreement and the stated planning conditions. Delegated to the Head of Planning in consultation with the Area Chair (South).

## **2. Summary of key reasons for recommendation**

- 2.1 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, setting of heritage assets, residential amenity, highway safety, flood risk/drainage or ecology / biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 100 dwellings in this sustainable location.
- 2.2 Consideration of this application has included, where appropriate, consideration of cumulative impacts with the adjacent Phase 2 application, reference 23/02549/OUT.

## **3. Planning Obligations, conditions and informatives**

### **3.1 Obligations**

An obligation will secure:

#### **1) Affordable Housing**

The provision of affordable housing of 15% with Affordable Rent

#### **2) Sport, play and strategic facilities with commuted sums**

Equipped Play On Site - £84,880

Commuted Sum - £49,028

Youth Facility contribution (On Site) - £16,667

Commuted Sum - £6,162

Playing Pitch contribution (Off Site) - £39,453

Commuted Sum - £23,947

Changing Room Provision (Off Site) - £72,118

Commuted Sum - £5,802

Total Contribution - £213,118

Total Commuted Sum - £84,939

**Total - £298,057**

Trigger points

*Provision of On Site LEAP by the occupation of 50 (50%) dwellings*

*Provision of On Site Youth Facility by the occupation of 50 (50%) dwellings*

*Payment of On Site LEAP and Youth Facility commuted sum (£55,190) on the adoption or transfer of the assets*

*Payment of Playing Pitch and Changing Room contribution by the occupation of 85 (70%) dwellings*

3) Contribution towards education provision;

**£211,880** for 10 Early Years places

Contribution to be paid in four instalments -

- The occupation of 25 (25%) dwellings
- The occupation of 50 (50%) dwellings
- The occupation of 75 (75%) dwellings
- The occupation of 90 (90%) dwellings

4) Contribution towards NHS (£51,973);

To expand a local surgery or surgeries.

£611.45 x number of Open Market Dwellings

At 15% AH = **£51,973.45**

Trigger points

Pay £30,000 by the occupation of 65 (65%) dwellings

Then, £21,973.45 (or other amount remaining) by the occupation of 90 (90%) dwellings

5) A travel plan safeguarding sum and required highways works;

Travel Plan Fee **£2,000 pre-commencement to be added**

Green Travel Vouchers mentioned- as bedroom breakdown of houses not known taken as £175 per dwelling to give initial figure subject to Reserved Matters applications **£17,500 to be added**

If Council are not instructed to implement the Travel Plan a safeguard sums would be required.

Access junction construction

Cycleway/footway links to existing Highway

6) Provision and maintenance of open space;

Provision of 0.59Ha of Informal open Space

7) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality.

The scheme shall either:

(a) Purchase the required number of nutrient credits to balance the nutrient load increase from the proposed development; 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.

### 3.2 Conditions

- 1) Details of reserved matters
- 2) Commencement of development timing
- 3) Timing of approval of reserved matters
- 4) Approved Plans
- 5) Phasing Plan
- 6) Surface water drainage scheme
- 7) Responsibility and maintenance of drainage scheme

- 8) Water usage
- 9) Phosphate credit allocation certificate
- 10) Access arrangements
- 11) Provision of footways and turning
- 12) Estate Road details
- 13) Construction Environmental Management Plan (CEMP)
- 14) Badger Mitigation
- 15) Archaeology - Written Scheme of Investigation (WSI)
- 16) Landscape and Ecological Management Plan (LEMP)
- 17) Sustainable Construction and Carbon Reduction Strategy
- 18) EV Charging
- 19) Height restriction for dwellings
- 20) Noise mitigation
- 21) Lighting design for biodiversity
- 22) Biodiversity Enhancement and Mitigation Plan (BEMP)

### 3.2 Informatives

- 1) Statement of positive working
- 2) LLFA advice on drainage
- 3) Advice from Crime Prevention Design Adviser
- 4) Advice from Rights of Way Officer

## **4. Proposed development, Site and Surroundings**

### Details of proposal

- 4.1 The application is for Outline Planning Permission for up to 100 dwellings. Detailed approval is sought in relation to Access. The details of Appearance, Landscaping, Layout and Scale are reserved for subsequent approval. Members are asked to note that there is an associated application for residential development of up to 85 dwellings to the west of the site (23/02549/OUT) which will share the proposed access, a report for which is also on the Agenda.
- 4.2 The proposals include:
  - An ancillary public open space on the southern portion of the site, with green buffers proposed along both the western and eastern boundaries, totalling 1.08ha.
  - A new road junction with the A3088 to provide a vehicular access point to the site to be located in the north-east corner. A new access road running along the northern boundary of the site will provide vehicular access to the residential development, and to an area of the Bunford Park commercial development to the north. This road will temporarily extend to the north-west corner of the site to provide access to Broadleaze Farm, until the new road network associated with the Bunford Park development is complete.

- New pedestrian/shared pedestrian and/or cycle routes will run along the east and west boundaries of the site, providing connections to the north and south. Pedestrian routes within the development linking to the existing Public Right of Way south of the site.
- The developed area of the site (excluding the proposed public open space) will be approximately 2.75ha, giving an average density of up to 36dph.
- A Sustainable Drainage System (SuDS).

4.8 The application is supported by:

- Planning Statement (updated August 2023)
- Design and Access Statement (updated August 2023)
- Landscape and Visual Appraisal (including Heritage Assessment)
- Extended Phase 1 Habitat Survey Report (updated via walkover survey April 2023)
- Shadow Habitats Regulation Assessment
- Arboricultural Assessment
- Archaeology Survey Report
- Flood Risk Assessment and Drainage Strategy
- Nutrient Neutrality Assessment and Mitigation Strategy
- Noise Planning Report
- Transport Assessment
- Travel Plan
- Statement of Community Involvement
- Viability Assessment

#### Site and surroundings

4.9 The 3.75 ha site is located on the south-west edge of Yeovil, to the west of the A3088 (Watercombe Lane) and is currently agricultural land.

4.10 The site splits into two distinct areas: a northern and southern section, separated by a hedgerow. Residential development is proposed on the northern half of the site with use as public open space proposed on the southern half.

4.11 Within the northern section of the site, the land slopes gently upwards from north to south, becoming steeper to the south. The north edge of the site is delineated by a farm track, beyond which is an area of agricultural land with Outline Planning Consent for a commercial development known as Bunford Park (allocated by the adopted local plan for commercial development (Proposal ME/WECO/1) and has the benefit of outline planning permission for B1 (office) and industrial buildings (07/05341/OUT)). To the east is a main road (A3088 - Watercombe Lane), beyond which is an existing suburban residential development. To the west is a small stream, a hedgerow and a line of large mature trees, with agricultural land beyond.

- 4.12 Within the southern section of the site the land slopes down steeply from east to west. To the west is a narrow strip of woodland, with open field beyond. To the south east of this part of the site is an area of woodland, with the residential development, known as Bunford Heights adjoining further south. The western edge is bordered by open fields.
- 4.13 The northern and southern sections of the site are divided by an existing hedgerow. Along the western half of this hedgerow there is an abrupt level change of around 2m between either side. To the western end of the hedgerow is a large depression in the ground at the bottom of which is a spring and small pond, which feeds the stream running along the west edge of the Site.
- 4.14 The site has no specific landscape designation, however, Brympton d'Evercy Registered Historic Park and Garden (Grade II\*, NHLE 1000506) lies approximately 0.8km to the north-west of the site and includes the Grade I listed Brympton House (NHLE 1057261). The historic park of Brympton d'Evercy is approximately 1.3km to the north west of the site. The park and gardens of Brympton d'Evercy are Grade II\* listed and were originally laid out in the 17th Century. The pleasure grounds are described as extending to 9 hectares and the park to around 36 hectares. Brympton House is Grade I listed.
- 4.15 There is a public right of way (Y29/20) within the southern section which runs from Bunford Heights and the woodland out to the A3088.
- 4.16 The site is within Flood Zone 1 (i.e. lowest risk) and there are no relevant statutory designations on the site.
- 4.17 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.
- 4.18 The application was therefore impacted by the phosphate issue which has now been addressed and amended details have been received in response to consultees with alterations comprising:
- Alteration of the application site to include surface water drainage attenuation features and a landscape buffer along the northern boundary;
  - Alteration of the application site to exclude the line of retained trees along the western site boundary (the trees are protected by the proposals and remain on blue land within the applicant's control);
  - Reconfiguration of the open space in the southern part of the site to accommodate the existing public right of way link from Bunford Heights to the south and relocation of the play area.
  - Provision of Nutrient Neutrality Assessment and Mitigation Strategy and shadow Habitats Regulation Assessment.



- 4.19 There is an application on land to the north of the site for the erection of a health, fitness and racquets club, including three outdoor tennis courts within an enclosed air dome structure, six outdoor padel courts enclosed within a canopy, outdoor multi-use court, outdoor battle box exercise facility, indoor and outdoor swimming pools, two indoor courts within a sports hall, gym and studio facilities, internal spa and external spa garden, children's soft play and activity area, lounge facilities including a business hub and terrace, together with ancillary facilities, car parking, servicing and delivery area, landscaping and associated works (reference 24/02085/FUL) which is currently pending consideration. It is also proposed that this development will share the proposed access.

## **5. Relevant Planning History**

16/04457/EIASS - Request for a screening opinion into construction of up to 100 homes, new vehicular access, public open space and landscaping and pedestrian and cycle linkages. Determined EIA not required 14.10.2016

## **6. Habitat Regulations Assessment**

- 6.1 As the competent authority, the Local Planning Authority is required by Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, to undertake an Appropriate Assessment of the implications of the development in view of the Ramsar site's conservation objectives. The LPA may only agree to the proposal after having ascertained that it will not adversely affect the integrity of the Ramsar site.
- 6.2 A phosphate mitigation strategy has been submitted by the applicant which proposes mitigation which is considered acceptable by the Council's Ecological Services. The LPA has consulted with Natural England and Somerset Ecology Services on the proposed mitigation strategy and their comments are summarised below. The LPA must have regard to these consultation responses in carrying out the Appropriate Assessment (Regulation 63(3)).
- 6.3 In summary, Natural England has reviewed the applicant's mitigation proposals and is satisfied with the approach and conclusions. SES has subsequently concluded through the Habitat Regulations Assessment that the Appropriate Assessment is passed. Subject to securing the implementation and maintenance of the mitigation strategy through a S106 Agreement it is considered that the proposed development will not adversely effect the integrity of the Ramsar Site (Regulation 63(5)).

## 7. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

### 7.1 Consultees

Consultees	
	<b>West Coker Parish Council (Final comments (8/12/2023)):</b>
	<p><i>‘Objection</i> <i>Neither of these documents makes reference to the recent application for the new site to the west (ref 23/02549/OUT). There is merely a minimal note of ‘potential future development’ in the Design and Access Statement Section 2.10. They do not recognise that the main access road will also carry all the traffic for the 100 houses on the site to the west. There must be parking and safety implications for the 17 houses shown fronting this road, and the total level of traffic that will be using the new junction with Watercombe Lane. The Highways implications for the two developments should be addressed together and that has not been done.</i></p>
	<p><i>Comment</i> <i>As with the application 23/02549/OUT, there is no mention of measures to combat climate change. Section 1 of the revised Design and Access Statement and Section 5 of the Planning Statement make reference to relevant Local Plan and NPPF policies. The latter (shown verbatim in Section 5.22 of the Planning Policy) includes: c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p> <p><i>It is disappointing and worrying that neither application explicitly sets out intentions or measures to be taken. Here is an opportunity for the developer to commit to energy efficient, well insulated homes for our future, with solar PV, heat pumps and underfloor heating. New builds on greenfield sites must not use fossil fuels for heating. We will be reliant on (renewably generated) electricity and for it to be affordable this is the only proven technology. It is difficult to retrofit, but at build the cost penalty is negligible or zero, given that gas mains are not required.’</i></p>
	<b>Officer comment:</b> The Highway Authority has considered this scheme along with the applications for housing development and leisure complex which will share the access. A condition is proposed to require a Sustainable Construction and Carbon Reduction Strategy.
	<b>East Coker Parish Council (adjacent Parish, last comments 16/12/2018):</b>

*'Prior to making a decision on this application, traffic modelling should be carried (out) to assess the cumulative traffic impact on Lysander Road, A3088, A30/A37 and Western Corridor. This should take into account other current planning applications on the southern/western sides of Yeovil in particular (1) Keyford Sue (2) Land East of Holywell (behind Yeovil Court Hotel) (3) Bunford Hollow (opposite Watercombe Heights' (4) Bunford Business Park and Sainsbury Superstore'.*

**Officer comment:** The plans have been amended since 2018 including the submission of additional transport data due to the change in the junction between Western Corridor and Lysander Road but no further comments have been received from East Coker Parish Council. Highways issues are considered in detail in the relevant section of the report below.

**Highway Authority:**

There have been discussions between the applicant's highways consultants and the County Highway Authority. The Highways Authority has considered the proposals in light of the other two applications for development that will share the access. 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:

*'Following initial concerns an amended access drawing was provided (5298-HYD-XX-XX-DR-0003-P4) which was accepted and resulted in an amended recommendation dated 9 March 2018 which requested conditions to secure the following:*

- 1. Highway mitigation works complete prior to commencement*
- 2. Estate road construction to standard*
- 3. Provision of footways and turning heads*
- 4. Suitable gradients*
- 5. and 6. Parking dimensions in relation to garage doors*
- 7. Provision of parking spaces in accordance with current standards*
- 8. Provision of a network of cycleway/footways*
- 9. Provision of street lighting*
- 10. Surface water drainage*
- 11. CEMP*
- 12. Submission of and agreement to the details of the new access junction*
- 13. Highway condition survey*
- 14. Application for TRO to reduce traffic speeds on Watercombe Lane to 40mph*

*A s106 Agreement citing s278 Highways Act 1980 would be required to secure:*

- Travel Plan*
- Access junction construction*
- Cycleway/footway links to existing highway*

*This Authority is content that the above conditions and legal agreement would make this scheme acceptable in highway terms and does not wish to make further comments.*

**Officer comment:** Highway considerations are set out in full from paragraph 11.3. It is noted that a TRO will not be required as the speed limit is already 40 mph in this location.

**Rights of Way Officer:**

No objection.

**Ecologist (Somerset Ecology Services (SES)):**

With regard to the impacts on the site, the ecologist has advised:

*'The updated walkover survey undertaken by Blackhill Conservation confirmed that the site hasn't significantly changed since the previous surveys. The badger setts are still present and an updated survey and mitigation scheme should be conditioned. A lighting plan, LEMP, CEMP, and BEMP should also be provided at REM stage. The ecology reports and previous SES responses to this application have outlines the importance of the western boundaries for bats and other protected species.*

*Sufficient buffers around the boundaries will be essentially in ensuring that impacts to protected species don't occur due to the development.'*

With regard to phosphates, the Ecologist has endorsed the Shadow Habitat Regulations Assessment which proposes the following mitigation the purchase of third-party phosphorus credits.

**Officer comment:** Suitable conditions and obligations have been placed to reflect the comments (refer to paragraphs 11.6 and 11.7 and full wording of conditions at end of report).

**Natural England:**

Advise:

***' No Objection subject to mitigation***

*The submitted nutrient statement concludes that the scheme after the AMP 7 sewage treatment works(STW) improvements at Yeovil WwTW would result in the discharge of an additional 7.02 kg TP yr to the hydrological catchment of the Somerset Levels and Moors Ramsar site. The AMP 7 STW improvements will be in*

place by 2025. I can confirm Natural England accepts the nutrient budget for the scheme.

*The applicant proposes to purchase credits from an EnTrade phosphorous offsetting scheme to mitigate this additional phosphorous load within the catchment of the Ramsar site resulting from the proposed development. Natural England considers that credits from the scheme can be used to mitigate increased phosphorous resulting from new residential development within the same sub-catchment of the Ramsar Site. The application site is within the same sub-catchment as the River Parrett and therefore, provided that the necessary legal agreements are in place to secure the credits in perpetuity, Natural England is satisfied that nutrient neutrality can be demonstrated and has no objection.*

*Any permission should ensure the house meets the 110 l per person water use requirement and is not occupied until after the improvements at the Yeovil STWs.'*

**Officer comment:** Suitable conditions and obligations have been placed to reflect the comments (refer to paragraphs 11.6 and 11.7 and full wording of conditions at end of report).

**Open spaces officer:**

Advise:

*'It seems that the updated plans are very similar to those we have previously seen, and although there is enough open space provided to meet our minimum requirement, we would still like to see some dedicated open space in a more centralised point of the development, not on the edges of the site around other key features.'*

**Officer comment:** The requirement for open space will be required within the s106 agreement. Layout is a matter that is reserved for consideration within a Reserved Matters application (refer to paragraph 11.6).

**Housing Officer:**

*'Policy requires 35% affordable housing split 80:20 social rent: intermediate product. This new split is evidenced in the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016).*

*This would equate to 33 of the proposed 95 units and would be split:- 26 for social rent and 7 for other intermediate affordable housing solutions.*

*I would like to propose the following property mix:*

*8 x 1 bed*

*17 x 2 bed houses*

*6 x 3 bed houses*

*1 x 4 bed house (available at a social rent)*

*1 X 5 bed (available at a social rent)*

*I would expect our prevailing minimum space standards (GIA) should also be adhered to:*

<i>1 bedroom flat</i>	<i>47 sqm</i>
<i>1 bedroom house</i>	<i>55 sqm</i>
<i>2 bedroom house</i>	<i>76 sqm (86 sqm if 3 storey)</i>
<i>3 bedroom house</i>	<i>86 sqm (94 sqm if 3 storey)</i>
<i>4 bedroom house</i>	<i>106 sqm (114 sqm if 3 storey)</i>
<i>5 bed house</i>	<i>126 sqm (134 sqm if 3 storey)</i>

*These are originally derived from the Housing Quality Indicator (HQI) regime initiated by the now defunct Housing Corporation (although still referred to by the Homes and Communities Agency which took over its investment functions). However they take into account the changes to the Housing Benefit system which effectively mean that, for the purposes of receiving the full individual subsidy, children of a certain age and gender split are expected to share a bedroom. Whilst the HQI regime will occasionally cite a slightly lower end to the range of space standards, this is where the property is expected to house an odd number of people (e.g. '2 bed 3 person house').*

*However our expectation is that the space standards need to be derived from those used in the HQI that refer to an even number of occupants (e.g. '2 bed 4 person house')*

*In a separate development, the Government have more recently devised a national standard which is, on the whole, slightly more generous than the internal floor areas cited above, although is more explicit about the intrinsic storage space. However the Council has not formally adopted these new national standards and, for the time being, we continue to use those above.*

*I would expect the affordable units to be pepper potted throughout the site, and 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.*

*These affordable dwellings will form an integral and inclusive part of the layout.*

*I also expect that the rented units will be made available to anyone registered on Homefinder Somerset.*

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

*The Housing Development Officer to be informed of the selected HA prior to commencement of the development and be provided with a phasing plan that clearly shows when the affordable units are to be delivered.'*

**Officer comment:** There is a reduction in provision against policy requirement (10-15%) is due to the viability appraisal which has been accepted by the Valuer appointed to assess the viability. The Housing Officer has indicated a preference for the affordable rent option at 15%.

**Valuer:**

Bunford Hollow Viability Assessment February 2024

**EXECUTIVE SUMMARY**

1 Three Dragons was jointly commissioned by Somerset Council and Abbey Manor Group to determine the viability of the proposed housing development at Bunford Hollow.

2 The application site is an unallocated greenfield site within the former South Somerset area and therefore the South Somerset Local Plan 2006 to 2028 applies. The South Somerset area has an adopted CIL schedule and the location of this site has a £54.24/sq m CIL rate applied.

3 The site is the subject of two planning applications:

4 17/03320/OUT for 100 dwellings, a new access onto Watercombe Lane along with associated open space and landscaping.

5 23/02549/OUT for 85 dwellings, associated open space, landscaping, drainage and access

6 This viability assessment is based upon the information provided by Somerset Council, the applicant (Abbey Manor Group) and published sources such as Land Registry and BCIS.

7 The viability testing includes the minimum policy position of 35% affordable housing as well as at 25% and at 15% affordable housing. The Somerset Council preferred affordable housing tenure split is 80% Social Rent and 20% shared ownership and this has been used in the testing. Affordable Rent as the rental component has also been tested to explore the viability impacts. The viability testing includes the s106 required to mitigate the impacts of the development.

8 The policy compliant position of 35% affordable housing is not viable on the basis of the testing assumptions used, and this remains the case at 25% affordable housing. Affordable housing of 15% can be supported with Affordable Rent as the rental component. This relies on both applications delivered as one scheme in practice, or if each phase is considered separately then the viability is marginal.

9 If Social Rent is preferred as the rental component, then affordable housing at 10% for a combined scheme can be supported.

*Community benefits*

1. Based on 15% affordable housing, the two applications are providing a range of infrastructure totalling £2.2m as well as affordable housing (with affordable rent and shared ownership) worth £3m as measured by the opportunity cost to the

developer1. Combining the affordable housing with the infrastructure, the two applications are making a total contribution of approximately £5.2m.

**Value of infrastructure and affordable housing contributions**

Type	17/03320/OUT (Phase 1)	23/02549/OUT (Phase 2)
Education s106	£211,880	£180,098
Sport, Play and Community s106	£328,057	£278,848
Transport s106	£41,800	£33,550
Health s106	£51,973	£44,177
CIL	£551,458	£453,998
<b>Infrastructure Total</b>	<b>£1,185,168</b>	<b>£990,671</b>
15% affordable housing with affordable rent as the rental component	£1,613,286	£1,371,293
<b>Infrastructure and affordable housing total</b>	<b>£2,798,454</b>	<b>£2,361,964</b>

**Officer comment:** This issue is considered at paragraph 11.10 of the report.

**Local Lead Flood Authority:**

Advise:

'Thank you for forwarding the response from the agent to our comments made 8/04/2024.

We are satisfied that the information that has been provided is sufficient and we would be happy for both of the applications to be conditioned.'

The LLFA recommend conditions to secure surface water drainage and future maintenance.

**Officer comment:** Suitable conditions have been placed to reflect the comments (full wording of conditions at end of report).

**Education**

Advise:

*'Education contributions are still required for just the early years facilities in the area, as they are required to expand to accommodate the children from this development, and other developments in the area.'*



*A proposal of 100 dwellings in this location will generate 10 early years pupils using the new pupil yield as follows:*

$$0.1 \times 100 = 10$$

*We have an extension cost to build figure which is lower than the new build cost, as the majority of facilities are still available, just more classroom capacity is required.*

**10 x £21,188.00=£211,880.00.** *This is a decreased contribution in comparison to my letter dated 31/01/2024, as the expansion cost to build is lower even though the pupil yield is higher. This provides a reduction of £228,307.23-£211,880=£16,427.23 from the previous request, which does make the obligation reasonable and fair in accordance with CIL 122 regulation.*

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

**Early Years £211,880/100=£2,118.80 per dwelling cost**

*The above education obligation meets the CIL 122 regs as follows:*

- necessary to make the development acceptable in planning terms; as without it we as education authority could not provide the necessary school places*
- directly related to the development; due to the calculation being based on the number of homes proposed and the directly related number of children generated*
- fairly and reasonably related in scale and kind to the development – as above directly related to the size of the development and number of pupils generated and using the most up to date cost to build figures based on government guidance and recent school build projects.'*

**Officer comment:** S106 obligations have been agreed in accordance with the comments.

### **Strategic Planning:**

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:

Equipped Play space (On site)

£84,880

Youth Facilities (On site):

£16,667

Playing Pitches (Off site provision)

£39,453

Changing Room Provision (Off site)

£72,118

Total Contribution: £213,118 (£2,131 per dwelling)

Commuted sums:

Equipped Play Areas

£49,028

Youth Facilities

£6,162

Playing Pitches

£23,947

Playing Pitch Changing rooms

£5,802

Total Commuted Sums:

£ 84,939 (£849 per dwelling)

This equates to a total of:

£ 298,075 or £2,981 per dwelling

**Officer comment:** S106 obligations have been agreed in accordance with the comments.

**NHS:**

Advise:

**Methodology for Application 22/00765/OUT**

1. Residential development of **65** dwellings (excluding 35 x affordable homes).

2. This development is in the catchment of:

a. **West Coker Surgery** - High Street, West Coker, Somerset, BA22 9AH

b. **Preston Grove Medical Centre** - Preston Grove, Yeovil, Somerset, BA20 2BQ

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

which has a total capacity for **22,338** patients.

3. The current patient list size is **28,303** which is already over capacity by **5,965** patients (at **127%** of capacity).

4. The increased population from this development = 144

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

b.  $65 \times 2.22 = 144$

5. The new GP List size will be **28,447** which is over capacity by **6,110**

- a. Current GP patient list + Population increase = Expected patient list size
- b.  $28,303 + 144 = 28,477$  (6,110 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 = **11.11m<sup>2</sup>**

- a. The expected m<sup>2</sup> per patient, for this size practice = 0.077m<sup>2</sup>
- b. Population increase x space requirement per patient = total space (m<sup>2</sup>) required
- c.  $144 \times 0.077 = 11.11\text{m}^2$

7. Total contribution required = **£39,744** a. Total space (m<sup>2</sup>) required x premises cost = final contribution calculation  $11.11\text{m}^2 \times £3,577 = £39,744$  (£611 per dwelling).

**Officer comment:** S106 obligations have been agreed in accordance with the comments.

**Tree Officer:**

No objection subject to conditions in relation to tree protection.

**Officer comment:** Conditions have been secured as per the comments.

**Environmental Health Officer:**

No objection subject to condition in relation to noise mitigation.

**Officer comment:** Conditions have been secured as per the comments.

**Crime Prevention Design Adviser:**

No objection subject to comments.

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

Advise:

*An archaeological evaluation carried out by Context One Archaeological Services on the site produced evidence for prehistoric funerary activity including Bronze Age cremation ceramics. It is very likely that this proposal will impact on remains relating to this ritual activity.*

*For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141).*

Conditions are requested in relation to a written scheme of investigation prior to commencement and the site archaeological investigation to have been completed and post-excavation analysis provided prior to occupation.

**Officer comment:** Conditions have been secured as per the comments.

**Historic England (Final comments 11/01/2024):**

Advise:

*Historic England provided advice on the latest information on the 15 November 2023, along with prior responses on 13 September 2017, 16 February 2018 and 15 October 2018.*

*Our advice focuses on the cumulative impact of the development, on the significance the designated heritage assets at Brympton d'Evercy derive from their settings.*

*The most recent information included a cross section showing the sight line from the roof top of the grade I listed Brympton House, the associated fall of the topography between the RPG and the proposed development site as well as the potential associated heights of the buildings proposed. The aim of the cross section was to assist in articulating the degree of intervisibility that may arise and was assessed in conjunction with the various visualisation presented within the LVIA.*

*The section refers to some existing trees and hedgerows as well as the proposed further planting in the form of mitigation. Screening through vegetation has certain limitations being seasonal, susceptible to diseases and damage and taking a significant period of time to establish itself in terms of density and height.*

*Due to the rising topography, there remains the potential for buildings to continue to be visible from some of the higher aspects of the site particularly the viewing platform and principal first floor rooms. Although set against existing development, the location of the site and scale of the buildings could introduce a greater urbanising character into setting of Brympton d'Evercy.*

*Consequently, we remain of the view that council will need to ensure that they are satisfied that the proposed approach to building heights and the submitted mitigation screening will be sufficient to address the potential for harmful visibility in views affecting Brympton d'Evercy. They should seek the views of their conservation officer on this matter.*

*In terms of the mitigation, the reduced density of the woodland western edge at the southern end of the residential section of the proposed development site is of note. We would recommend that the council assesses whether or not further*

*consideration of the mitigation strategy along this section of boundary is likely to be required to limit the visual impact and intrusiveness of the development in views affecting Brympton d'Evercy.*

**Recommendation**

*Historic England has no objection to the application on heritage grounds.*

*Nonetheless we recommend that your authority consider the concerns outlined in our advice in consultation with your own Conservation Officer. You should ensure that you are satisfied that you have received sufficient information to make your determination in accordance with the principles and policies set out in Chapter 16 of the NPPF (including paragraphs 201, 203, 200, 201 and 208).*

*In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.*

**Officer comment:** These issues are discussed within paragraph 11.4.

**Conservation Officer (Somerset Council):**

The phase 1 & 2 proposals will undoubtedly cause some harm to the setting of the Grade I listed Brympton House and the Grade II\* Registered Park and Garden and bring urbanised development closer to what has historically essentially been a rural setting. Paragraph 212 of the NPPF expects that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

That being said, I note that the already permitted Bunford Park industrial area will sit between and partially screen the application sites from the RPG and that the heights of the phase 1 dwellings have been kept lower and away from the upper slope of the hill. The existing planting and vegetation to the south of the RPG will also have a screening effect, although this will vary throughout the year with intervisibility being greater over winter. As such, I would consider that the harm to the listed building and RPG would fall within the category of less than substantial. Paragraph 215 of the NPPF is therefore engaged, stating:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

The public benefits of the scheme must therefore be weighed against the potential harm to the heritage assets (which are both of a high grade and great importance).

In terms of the present proposals, I consider that the proposed landscape mitigation measures will alleviate some of the potential harm to the setting of the heritage assets and that the proposed public benefits of the new housing is likely to outweigh the remaining less than substantial harm. I do not, therefore, object to the proposals outlined in either 17/03320/OUT or 23/02549/OUT.

**Conservation Officer (Landscape, South West Heritage Trust):**

*In the context of the Peripheral Landscape Study: Yeovil (2088) and the adjacent consented permissions, we can see no grounds to object to this application for outline permission and detailed approval of the Access reserved matter with regards to the built heritage.*

*The key issues for the built heritage for the full proposal are the potential visibility of the site from the Grade I Brympton House and the Grade II\* Registered Park or Garden of Brympton d'Evercy, and the impact this could have on the setting of both these designated heritage assets.*

*The potential visibility has been investigated in the LVIA and addressed in the Revised Design and Access with a proposal for single storey dwellings in the southern end (where the ground rises) so that all the buildings are below 69.39 m AOD.*

*It's not possible to determine if this would avoid the development being visible from the key receptors until the details for the reserved matters for Landscaping, Layout and Scale are confirmed, i.e. storey heights for all the buildings and landscape mitigation on the western boundary.*

*A long section from Viewpoint 12, across the northern part of the proposal, to the existing residential properties on Ashmead would be helpful, i.e. to include the 12.5 m high buildings fronting Watercombe Lane and the increase in elevation height between the units in the Bunford Park development and the 10 m high buildings at the north end of the site.*

*The effectiveness of the intervening screening from the western field boundary oaks and additional landscape mitigation may be an important consideration and this would include daytime, night time and winter views.*

**Officer comment:** These issues are discussed within paragraph 11.4.

**The Gardens Trust (Final comments 3/11/2023):**

*The GT/SGT have now objected to both the housing proposals (23/02549/OUT) and also the Bunford Business Park (17/02805/HYBRID). We would like to reiterate our comments that these applications 'will be extremely detrimental to the RPG at Brympton D'Evercy.' Our views remain unchanged and this application compounds the harm already caused.*

*Rather than repeat our comments yet again, we concur with your conservation officer who pointed out that a key issue was the potential visibility of the housing*

*from the Grade II\* registered park and garden of Brympton d'Evercy. As he says, despite the potential visibility being investigated in the revised D&A, it is still 'not possible to determine if this would avoid the development being visible from the key receptors until the details for the reserved matters for Landscaping, Layout and Scale are confirmed, i.e. storey heights for all the buildings and landscape mitigation on the western boundary.' We also echoed his request for an additional viewpoint in our response of 31<sup>st</sup> October 2023.*

*We suggest that should your officers allow this application, a condition of approval is a considerable thickening up of the existing tree belt on the western side of the housing development to eventually mitigate any possible visibility, but also to filter the impact of night time lighting on what has until now been a dark, rural setting to the RPG. 23/02549/OUT mentions a possible earlier connection between the application site and the RPG. We asked in our response of 31.10.23 that this relationship be clarified and research undertaken to establish whether there were ever any views incorporated from within the RPG.*

*The GT/SGT continue to strongly object to this gradual erosion of the setting and therefore significance of the Grade II\* RPG. Yet again we ask that the information requested above is provided by the applicant before your officers decide upon these proposals.*

**Officer comment:** These issues are discussed within paragraph 11.4.

**Landscape Officer:**

Advise:

'...the fields subject of this application lay within the scope of the peripheral landscape study of Yeovil, which was undertaken during September 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge.

The outcome of the study is represented by 'figure 5 – landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the fields that are subject of this application are evaluated as having a medium-high (northern field) and low (southwest field) capacity to accommodate built development. Consequently, if a need for additional housing within Yeovil is identified, then from a landscape perspective, the northern field is an area where development could be undertaken without too adverse an impact upon the landscape.

The application has included an LVIA (landscape and visual impact assessment) which has assessed the potential visibility of the site, and the likely impacts of development upon the site's fabric and its surrounds. In relation to the field proposed for housing, the LVIA considers the site to be well-related to the existing and consented built form of the town; visually contained other than along its immediate east boundary; and its development of limited impact upon the wider character of the area. In accepting the baseline to include consented schemes, in most part I would agree with the findings of the LVIA, which concludes the site to be

suitable for development, with appropriate landscape mitigation. Suggestions for appropriate mitigation, including the retention and management of existing woody cover, and the provision of new planting to strengthen the landscape framework, is outlined within the LVIA, and I would anticipate this would be incorporated in any detailed landscape scheme coming forward should this application find favour. However, in relation to the companion application - 17/02805/hybrid : Bunford Park, Yeovil – its LVIA noted that some adverse visual effects will arise from development, particularly as viewed from the roof terrace of Brympton House, due to its visibility. The impact of this proposal upon this same receptor is considered lessened by this application's LVIA, primarily due to the intervening screening provided by the Bunford park consented scheme. The intervening tracery of the field boundary oaks, and the greater distance of the site from Brympton House will also marginally lessen visual impact, hence I agree that development of the majority of the site (the north field) will have a negligible visual effect upon this important receptor. Noting however, that the topography of this field rises markedly toward its southeast corner, I have concerns over the potential for increased massing if development in this quarter of the site is taken too far up the hill.

Application 17/02805 indicates the roof heights of the proposed adjacent employment buildings to be a maximum of 60.40 aod, which is greater than those of the consented scheme. To avoid a marked increase in elevation height suggests that the housing's roof height within this application field should not exceed adjacent employment roof heights by more than (say) 4 metres. At present, the inference of the scale plan, drg 1152, in conjunction with the topography plan, infers a possible housing roof height approaching 70.00 aod. I consider this would unacceptably exacerbate potential massing effects, both as viewed from Brympton House, and as witnessed from Watercombe Lane and the existing housing to the east, hence should the principle of the site's expansion be agreed, I would suggest that we seek an amendment to the 'scale' drawing currently before us, with a clear height limit placed upon this site's development form. This amendment should also revise the potential housing height adjacent the proposed employment structures to the north, which as the companion plan is currently configured, would create an imbalance of 3-storey form facing open car parking and circulation areas.

Providing the above amendments are agreed, then consistent with the findings of the peripheral landscape study, and the applicant's LVIA, I am satisfied that the proposal can work with the site topography; has a credible relationship with adjacent existing and consented development form; and is capable of appropriate mitigation, such that the likely landscape impacts once the site is built out will be no more than slight adverse, and thus provide no substantive basis for a landscape objection to this application.

**Officer comment:** The application details were amended in line with the comments of the Landscape Officer.

## 7.2 Local consultation and representation

7.2.1 In accordance with the Council's Adopted Statement of Community Involvement application 17/03320/OUT was publicised by letters of notification



to neighbouring properties. Site notices were displayed and a press advert placed as part of the initial consultation.

7.2.2 In response, three letters were received in response to the original notification in 2017, no further representations have been received to the notifications in relation to the amended plans. The objections are summarised as follows:

- Concerned about traffic generation
- Concerned about provision of associated services such as doctors surgeries, education
- Object to loss of green space at edge of town.
- Proposals will expand on the hill contrary to a Planning Inspectors advice
- Consultants reports fail to properly illustrate the impact of the development
- Development at the top of the hill should not be used to justify further development.
- What guarantees are there that benefits will be secured.

7.2.3 Somerset Wildlife Trust objected to the original application due to the lack of supporting wildlife surveys but has not subsequently commented once these surveys were received.

## **8. Relevant planning policies and Guidance**

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 The site lies in the former South Somerset area. 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), saved policies from the South Somerset Local Plan 1991-2011, Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

8.3 Listed Buildings and Conservation Areas Act 1990 section 66 and 72 is relevant in order to assess the impact on heritage assets.

8.4 As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council published a Local Development Scheme in October 2023 to set out a timetable for the preparation of the local plan

8.5 Relevant policies of the development plan in the assessment of this application are listed below.

Policies of the South Somerset Local Plan

Policy SD1 – Sustainable Development

Policy SS1 – Settlement Strategy

Policy SS4 – District Wide Housing Provision

Policy SS5 – Delivering New Housing Growth

Policy SS6 – Infrastructure Delivery

Policy HG3 – Provision of Affordable Housing

Policy HG5 – Achieving a Mix of Market Housing

Policy TA1 – Low Carbon Travel

Policy TA3 – Sustainable Travel at Chard and Yeovil

Policy TA4 – Travel Plans

Policy TA5 – Transport Impact of New Development

Policy TA6 – Parking Standards

Policy HW1 – Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

Policy EQ1 – Addressing Climate Change in South Somerset

Policy EQ2 – General Development

Policy EQ3 – Historic Environment

Policy EQ4 – Biodiversity

Policy EQ5 – Green Infrastructure

Policy EQ7 – Pollution Control

Other Relevant Documents

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)

Placemaking Principles for Somerset Adopted August 2024

Adopted Somerset County Council Parking Standards

Area South – former South Somerset District Council area, Five-Year Housing Land Supply Paper, September 2024

South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021

## South Somerset District Council Environment Strategy 2019

### The National Planning Policy Framework 2024

The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

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
16. Conserving and enhancing the historic environment

## **9 Commentary on Development Plan**

- 9.1 The updated National Planning Policy Framework (NPPF 2024) and standard method for calculating housing need was published on 12 December 2024 (amended 11 February 2025). As a result of this, the Council are not able to demonstrate a 5 year housing land supply in the Area South (South Somerset). Currently the housing land supply for this area is calculated at **2.11** years.
- 9.2 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.
- 9.3 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 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.

## **10 Local Finance Considerations**

### Community Infrastructure Levy

- 10.1 This development would be liable for Community Infrastructure Levy.

## **11. Material Planning Considerations**

11.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle
- Highway safety and active travel
- Impact on the heritage landscape, visual amenity and density
- Residential Amenity
- Open space
- Phosphates
- Ecology
- Drainage and Flooding
- Development Viability and Obligations

### **11.2 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.

#### **11.2.1 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.

11.2.2 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.

- 11.2.3 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.
- 11.2.4 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.
- 11.2.5 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).
- 11.2.6 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.
- 11.2.7 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 in conflict with Local Plan Policies SS5 and YV1.
- 11.2.8 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 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.*

- 11.2.9 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 100 new homes, with 10-15% affordable homes to help meet the affordable housing needs
- 1.08 ha of green infrastructure
- S106 obligations of £1,185,168

11.2.10 The updated National Planning Policy Framework (NPPF 2024) and standard method for calculating housing need was published on 12 December 2024 (amended 11 February 2025). As a result of this, the Council are not able to demonstrate a 5 year housing land supply in the Area South (South Somerset). Currently the housing land supply for this area is calculated at **2.11** years.

11.2.11 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.

11.2.12 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.'*

11.2.13 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.

11.2.14 As the Council is only able to demonstrate a sufficient supply of deliverable sites to meet 2.11 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.

11.2.15 It is noted that there are heritage issues associated with the application in terms of the potential impact upon the setting of the Grade II\* listed Brympton d'Evercy Registered Historic Park and Garden and the Grade I listed Brympton House. These matters are considered within the relevant section below. It is concluded that the proposal will lead to less than substantial harm to the significance of these designated heritage asset. As part of the discussions with Historic England with regard to this harm, it has been established that the higher southern portion of the site should remain undeveloped with a restriction on development heights across the site. The harm has to be weighed against the public benefits of the proposal which are considered to be the provision of additional housing in an area of acknowledge undersupply on a site which can be considered to be within a sustainable location. Given these factors it is considered that the public benefits outweigh the harm.

11.2.16 In this case, given the site's location directly adjacent to the edge of Yeovil, it is considered that the site is 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.

### **11.3 Highway Safety and Active Travel**

11.3.1 Access is a matter for consideration at the outline stage. Vehicular access is proposed via a new junction from Watercombe Lane, taking the form of a ghost island priority T junction. Following an initial objection from the Highway Authority on 02.10.2017, the access arrangements were amended as explained by the Technical Note by Hydrock dated 17.01.2018. The revised access arrangements relocate the pedestrian crossing refuge island to the south of the proposed access and incorporate visibility splays commensurate with a 40 mph speed limit. As a result of these revisions, the Highway Authority comments dated 09.03.2018 withdrew its initial objection subject to the imposition of planning conditions. The updated Transport Assessment by Hydrock (August 2023) has reviewed the traffic flow modelling to reflect any changes since the initial assessment in 2017 and concludes that there has been no increase in traffic levels on the surrounding highway network.

11.3.2 Amendments are proposed to the public right of way connection in the southern part of the site. It is understood that the route of public right of way (ref. Y29/20) is being diverted through the Bunford Heights development returning to the definitive route on its northern boundary. Hence the indicative layout shows the footpath connecting to the definitive route on the southern boundary of the application site and then proceeding through the open space and connecting to Watercombe Lane on the eastern boundary on the definitive route.

11.3.3 In terms of pedestrian connectivity, the application site is surrounded by existing walking infrastructure providing good connectivity with the surrounding residential areas, local services and facilities.

11.3.4 With regard to cycling infrastructure, the signalisation of the Lysander Road junction as part of the Yeovil Western Corridor scheme included new sections of 3.0m footway cycleway on each arm of the junction in addition to signal-controlled cycle crossing facilities. A new section of 3.0m wide footway/cycleway has also come forward as part of the Bunford Heights development scheme, providing a continuous link between the Bunford Hollow roundabout and the Yeovil Court Hotel roundabout.

11.3.5 There are a number of local services and facilities that are located within a 5km catchment of the application site, including Yeovil Town Centre, therefore, it is considered that cycling presents a viable alternative for travel to and from the site, other than by car.

11.3.3 The Highway Authority had previously indicated their acceptance of the proposals and has no objections to the most recent set of proposals for the access subject to the imposition of appropriate highways conditions.

11.3.4 In terms of the Travel Plan, this can be secured through the s106 to include a safeguarding sum.

11.3.5 It is considered that the proposal provides for appropriate pedestrian and cycling connectivity and meets the principle aims of Active Travel.

11.3.6 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 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

#### **11.4 Impact on the heritage landscape, visual amenity and density**

11.4.1 The impact of the proposal on the setting of the Grade II\* listed historic park and garden for Brympton D'Evercy and the Grade I listed Brympton House is a key consideration given the advice within para 212 of the NPPG which states:

*'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

11.4.2 Given that the proposals will lead to 'less than substantial harm' to the heritage assets para. 215 of the NPPF is engaged, this states:



*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

- 11.4.3 The submitted Landscape and Visual Impact Assessment (LVIA) considers that the site is well located between existing and consented development at Bunford Heights and Bunford Park respectively. On this basis the LVIA concludes that there will only be a moderately important adverse effect on the character of the site, reducing to one of low importance after 15 years once new planting becomes established.
- 11.4.4 The overall conclusions of the original LVIA are accepted by the Council's Landscape Architect. As an intrinsic part of the assessment of the wider landscape impact, it was requested by the Council's Landscape Architect, Conservation Officer and Historic England that the implications of the proposal upon the setting of designated heritage asset Brympton House, a designated heritage asset (Grade I Listed Building and Grade II\* Registered Park and Garden) to the west of the site was considered.
- 11.4.5 The subsequent amendments to the LVIA and Design and Access Statement demonstrate that the proposals will not have a detrimental impact upon views out of the setting of Brympton House, providing that the ridge height of buildings on the more open southern part of the site remain below 69m AOD. It has been demonstrated that development below this height can be accommodated by 1-storey development, or 2-storey development if the levels of this part of the site was to be remodelled at the detailed design stage.
- 11.4.6 Whilst details of layout, scale and landscaping are reserved matters, it has been clearly demonstrated that residential development in principle will result in less than substantial harm to the significance of Brympton House or registered Park and Garden, providing that the scale parameters referred to above are adhered to. There are no objections from the Council's Conservation Officer and Historic England to the latest information submitted in this regard. Compliance with this scale of development at the reserved matters stage could be secured by planning condition. In terms of the objection from The Gardens Trusts is accepted that they have been consistent in maintaining an objection to any development within this part of Yeovil. However, it has to be acknowledged that this part of Yeovil will be subject to change as there is a consented scheme for industrial development at Bunford Park and a housing scheme has been developed at the top of the hill. Amended plans and additional information have been submitted to respond to the heritage concerns and the landscaping proposals include:
- Addition 10m of understory planting on the Western edge of the site adjoining the line of mature Oak trees.
  - Densifying the hedge row on the Eastern boundary against the A3088

- Landscaping buffer planting along the Northern boundary and in the attenuation basin area.

11.4.7 It is considered that the package of landscape mitigation that is proposed along with a condition to limit the height of any development has addressed many of the concerns relating to the impact on the heritage setting. This is evidenced by Historic England confirming that it has no objection to the proposals. There are clear public benefits of the proposal in meeting housing need in an area of acknowledged deficit on a site that has good connectivity for both pedestrian and cyclists. As such, given the circumstances, the public benefits are considered to outweigh the harm to the heritage assets.

11.4.8 Having regard to the above, the proposal will not have a detrimental impact upon landscape character or upon the setting of heritage assets, in accordance with Policies EQ2 and EQ3 of the adopted Local Plan.

## **11.5 Residential Amenity**

11.5.1 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.

11.5.2 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.

## **11.6 Open Space**

11.6.1 The comments of the Open Space officer are noted, but this particular site has individual characteristics and constraints that affect the ability to locate the open space. The sloping nature of the land and the setting of the heritage assets has impacted the positioning of dwellings, but this has led to a location being chosen for the open space to the south of the site. This ties in with the right of way and adjacent woodland and is considered to be an acceptable location for the open space. It is, however, noted that the plans are indicative and the s106 will secure the amount of open space to be provided which is in excess of the policy requirement.

## **11.7 Phosphates**

11.7.1 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.

11.7.2 The submitted Nutrient Assessment advises that phosphate credits will be purchased to mitigate the impact of the Development upon the Somerset Moors and Levels. 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.

## **11.8 Ecology**

11.8.1 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.

11.8.2 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.

11.8.3 In terms of Biodiversity Net Gain (BNG), whilst the application was submitted before the requirement for a 10% Gain, the proposal include for landscape improvements comprising -

- Addition 10m of understory planting on the Western edge of the site adjoining the line of mature Oak trees.
- Densifying the hedge row on the Eastern boundary against the A3088
- Landscaping buffer planting along the Northern boundary and in the attenuation basin area.

11.8.4 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.

## **11.9 Drainage and Flood Risk**

11.9.1 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 comments. The LLFA now have no objections subject to the imposition of a conditions to require drainage details before commencement of work at the site.

11.9.2 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 NPPF5.

### **11.10 Development Viability and Obligations**

11.10.1 Requests have been made by the Housing Team, Strategic Planning, County Education, the Travel Plan Team and the NHS for contributions.

11.10.2 The applicant raised concerns about the viability of the scheme and the adjacent Phase 2 (also considered on this Committee agenda: 23/02549/OUT); and submitted a viability assessment.

11.10.3 The Council instructed a Viability Consultant (Three Dragons) to ascertain whether the development (along with the adjacent site) as proposed was viable given the section 106 requirements, the sales values in Yeovil, the up-front costs of preparing the site to build houses, the costs of materials and cashflow to finance certain aspects at the desired time for delivery. The outcome was that the scheme was not viable to achieve full policy compliance.

11.10.4 It is the conclusion of the Valuer is that the scheme is not able to support the request for 35% of the dwellings to be affordable homes. Instead, the scheme could provide either 15% with Affordable Rent or 10% with Social Rent. Whilst this is disappointing, the scheme has been thoroughly assessed by the Valuer and it is not considered that it would not be appropriate to demand contributions where the scheme is clearly unable to afford such requests.

11.10.5 It has been assessed that with this reduction in affordable housing, the scheme can meet the full requests of Strategic Planning, County Education, the Travel Plan Team and the NHS.

## **12. Planning Balance and Conclusion**

12.1 The updated National Planning Policy Framework (NPPF 2024) and standard method for calculating housing need was published on 12 December 2024. As a result of this, the Council are not able to demonstrate a 5 year housing land supply in the Area South (South Somerset). Currently the housing land supply for this area is calculated at **2.11** years. The consequences of not being able to demonstrate a five-year housing land

supply are that the presumption in favour of sustainable development (often referred to as the “tilted balance”) applies. This is set out in paragraph 11d of the NPPF.

Paragraph 11 (d) of the NPPF states that:

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

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.}*

- 12.2 The site does not contain any of the designated areas of ‘particular importance’ that are specifically protected by point (i). In relation to point (ii) any adverse impacts must be weighed against the benefits of the scheme. The consideration of this planning balance is tilted in favour of granting permission unless the adverse impacts ‘significantly and demonstrably’ outweigh the benefits. The report has identified that there would be considerable benefits from granting permission, including the sustainable location of the proposed development, landscape improvements and the provision of affordable housing. Furthermore, the public benefits outweigh the harm to heritage assets. Accordingly, there are no overriding material planning considerations or significant harm identified to justify refusing permission in this case.
- 12.3 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.
- 12.4 In reaching this conclusion it is noted that consideration of this application has included, where appropriate, consideration of cumulative impacts with the adjacent Phase 2 application, reference 23/02549/OUT.
- 12.5 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.

### 13. RECOMMENDATIONS

**The application be approved subject to the prior signing of a s106 agreement and subject to the stated planning conditions for the following reason:**

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon the visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Furthermore, the public benefits outweigh the harm to the setting of heritage assets. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 100 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, HG5, TA1, TA3, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

- 13.1 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:
- i) The provision of affordable housing of 15% with Affordable Rent or 10% Social Rent;
  - ii) Contribution towards the provision of sport, play and strategic facilities with associated commuted sums (£298,057);
  - iii) Contribution towards education provision (£211,880);
  - iv) Contribution towards NHS (£51,973);
  - v) A travel plan safeguarding sum and required highways works;
  - vi) Provision and maintenance of open space;
  - vii) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality. The scheme shall either:
    - (a) Purchase the required number of nutrient credits to balance the nutrient load increase from the proposed development; 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.

and

- 13.2 The following conditions:

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

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

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

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

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

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

04. The decision relates to the following plans:

Location Plan – Ref 1785-1000E  
24918-HYD-XX-XX-DR-D-0101-P01 General Arrangement

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

05. Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of extent of development covered by each phase, including the number of dwellings and associated infrastructure and facilities. The development shall only be implemented in accordance with the approved Phasing Plan.

Reason: To ensure the satisfactory phasing of the development and to ensure that infrastructure is delivered in a coordinated and planned way.

06. No development in each phase as defined in the phasing plan required by condition 5 shall be commenced until details of the sustainable surface water drainage scheme for that phase 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 (2024) 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 (2024).

07. No homes in each phase as defined in the phasing plan required by condition 5 shall be first occupied 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 (2024).

08. The dwellings hereby approved shall not 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 Chapter 15 of the National Planning Policy Framework.

09. The development hereby permitted shall not be commenced until an Allocation Certificate for 7.02 Kg/P/Yr has been submitted to and approved in writing by the Local Planning Authority which together with the other measures set out in the Phosphate mitigation strategy (secured by the planning obligation) 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 7.02 Kg/P/Yr phosphate credit requirement generated by the development, which together with the other measures in the Phosphate mitigation strategy mitigates 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: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policy EQ4 of the South Somerset District Council Local Plan as well as Chapter 15 of the National Planning Policy Framework.



10. None of the dwellings hereby approved shall be first occupied until the access arrangements onto Watercombe Lane have been completed in accordance with drawing 24918-HYD-XX-XX-DR-D-0101-P01 General Arrangement. There shall be no on-site obstruction within the visibility splay greater than 600 millimetres above the adjoining road level in advance of lines drawn 2.4 metre back from the carriageway edge. The access arrangements, including the visibility splays shall be retained permanently thereafter.

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

11. None of the dwellings hereby approved shall be first occupied until it is served by a properly bound and compacted footpath, carriageway and turning space(s) where applicable to at least base course level between the dwelling and the existing adopted highway.

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

12. With the exception of the access works detailed in the drawings referred to in condition 4, the details of the remaining estate roads, footways, footpaths, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving for each phase as defined in the phasing plan required by condition 5 shall be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority and the above works constructed, laid out and maintained in accordance with those details.

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

13. No development of each phase shall commence until a Construction Environmental Management Plan (CEMP) as defined in the phasing plan required by condition 5 has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
- a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day, temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements to and from the site, and suitable off-highway parking for all construction related vehicles.
  - b) Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route.

- c) Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- d) A plan showing the location area(s) to be used for the parking of vehicles of site operatives, contractors and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.
- e) A schedule and location plan for the delivery, removal, loading and unloading of all plant, waste and construction materials to and from the site, including the times of such loading and unloading; details of how deliveries and removals, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application site; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway with guidance of a trained banksman.
- f) Arrangements to receive abnormal loads or unusually large vehicles.
- g) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 07.00 hours and 19.00 hours Mondays to Fridays; 07.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours. Procedures for emergency deviation of the agreed working hours shall be in place, the details of which shall be agreed with the Local Planning Authority.
- h) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.
- i) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process unless prior written approval is obtained from the Local Planning Authority.
- j) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use, together with the regular use of a road sweeper for the local highways.
- k) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS

5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

- l) Details of any piling (if necessary) together with details of how any associated vibration will be monitored and controlled.
- m) The location and noise levels of any site electricity generators.
- n) Management of surface water run-off from the site in general during the construction period.
- o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
- p) A scheme to encourage the use of Public Transport amongst contractors. Contact telephone number/s and email address/es of the site manager(s) and/or other person/s associated with the management of operations at the site. Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses and procedures for maintaining good public relations including complaint management, public consultation and liaison (including with the Highway Authority and the Council's Environmental Protection Team).
- q) Details of measures to protect trees and hedgerows to be retained, including the root protection areas, during the phase's construction period.

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

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

14. With the exception of the access works detailed in the drawings referred to in condition 4 no development for each phase as defined in the phasing plan required by condition 5 consisting of groundworks shall be commenced until a badger mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the measures and timescales detailed in the said mitigation plan,

REASON: in the interests of the strict protection of badgers and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity.

15. Before the commencement of the development hereby permitted in any phase or part thereof the applicant, or their agents or successors in title, shall have

secured the implementation of a programme of archaeological work within that phase in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

REASON: In the interests of preserving the archaeological interests to accord with the South Somerset Local Plan (adopted March 2015) and paragraph 200 of the National Planning Policy Framework.

16. No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority for each phase as defined in the phasing plan required by condition 5. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) On-going monitoring and remedial measures.

The development shall be completed in accordance with the approved LEMP.

REASON: In the interests of the biodiversity and ecology and to accord with policy EQ4 of the South Somerset District Council Local Plan.

17. Each application for approval of the appearance reserved matter shall be accompanied by a Sustainable Construction and Carbon Reduction Strategy for that phase. The strategy shall set out how the development addresses the following measures set out in Policy EQ1:
- a) Minimisation of Carbon Dioxide emissions through energy efficiency; renewable and low carbon energy solutions
  - b) Solar orientation, maximising natural shade and cooling, water efficiency and flood resilience in addressing the impact of Climate change
  - c) How the impact of climate change may affect the measures proposed to enhance the biodiversity of the site.
  - d) The approved measures within the Sustainable Construction and Carbon Reduction Strategy shall be implemented in accordance with the approved details unless otherwise varied in writing by the Local Planning Authority.

REASON: in the interests of address climate change and reducing carbon emissions in accordance with policy EQ1 of the South Somerset Local Plan (adopted March 2015).

18. The application(s) for approval of the layout and appearance reserved matters shall be accompanied by a scheme(s) for the provision of electric vehicle charging points. The scheme(s), once approved, shall be implemented in accordance with the approved details unless otherwise varied in writing by the Local Planning Authority.

REASON: To ensure that the development is resilient and sustainable in accordance with Policy TA1 of the adopted South Somerset Local Plan (adopted March 2015) and the aims and objectives of the National Planning Policy Framework (2024).

19. No dwelling constructed in any phase shall exceed the height of 69.34m AOD.

REASON: In the interest of the landscaped and visual impact of the development on the Heritage asset.

20. Before occupation of the approved dwelling, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing measures to ensure that any noise which may have an impact on the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

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

21. At the reserved matters stage, a Lighting Strategy for Biodiversity for the phase shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2023, ODPM Circular 06/2005 and policy EQ4 of the South Somerset District Council Local Plan

22. At the reserved matters stage for each phase, a Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. Photographs of the installed features will

also be submitted to the Local Planning Authority prior to occupation of the development: The content of the BEMP shall include the following:

- a) Habitat 001 boxes (or similar) will be mounted at least four metres above ground level and away from windows, on the south and/or west facing elevations of 50% of the dwellings and maintained thereafter.
- b) Schwegler 1SP Sparrow terraces (or similar) directly under the eaves and away from windows on the north and/or east elevations of 25% of the dwellings and maintained thereafter.
- c) Swift bricks (or similar) directly under the eaves and away from windows on the north and/or east elevations of 25% of the dwellings and maintained thereafter.
- d) A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.
- e) Installation of Hazel Dormouse nest boxes within the hedgerows along the boundaries of the development.
- f) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.

Photographs of the installed features will be submitted to the Local Planning Authority prior to occupation of any dwelling.

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

### **Informatives:**

01. In accordance with the National Planning Policy Framework the Council has worked in a constructive and creative way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
02. The LLFA will expect to see the following in order to discharge the above drainage conditions:
  - o 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.
  - o Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
    - o Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.

- o Where relevant, calculations should consider the use of surcharged outfall conditions.
- o Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
- o Results should be provided as a summary for each return period (as opposed to each individual storm event).
- o 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
- o Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- o 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.
- o 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.
- o With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition.

The following information will be required

- o 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.
  - o 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.
03. The developer's attention is drawn to the comments of the Crime Prevention Design Adviser in their letter of 24 October 2023.
  04. The developer's attention is drawn to the comments of the Rights of Ways Officer in their email of 19 October 2018.