

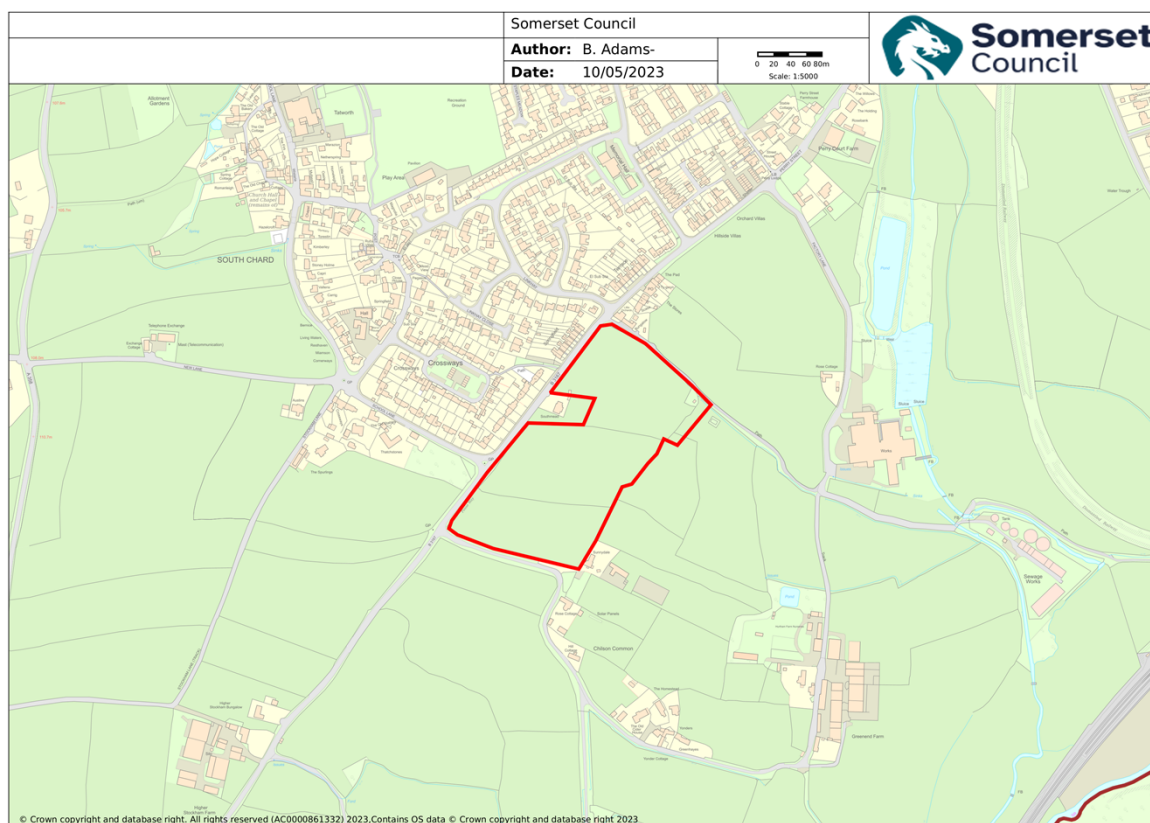
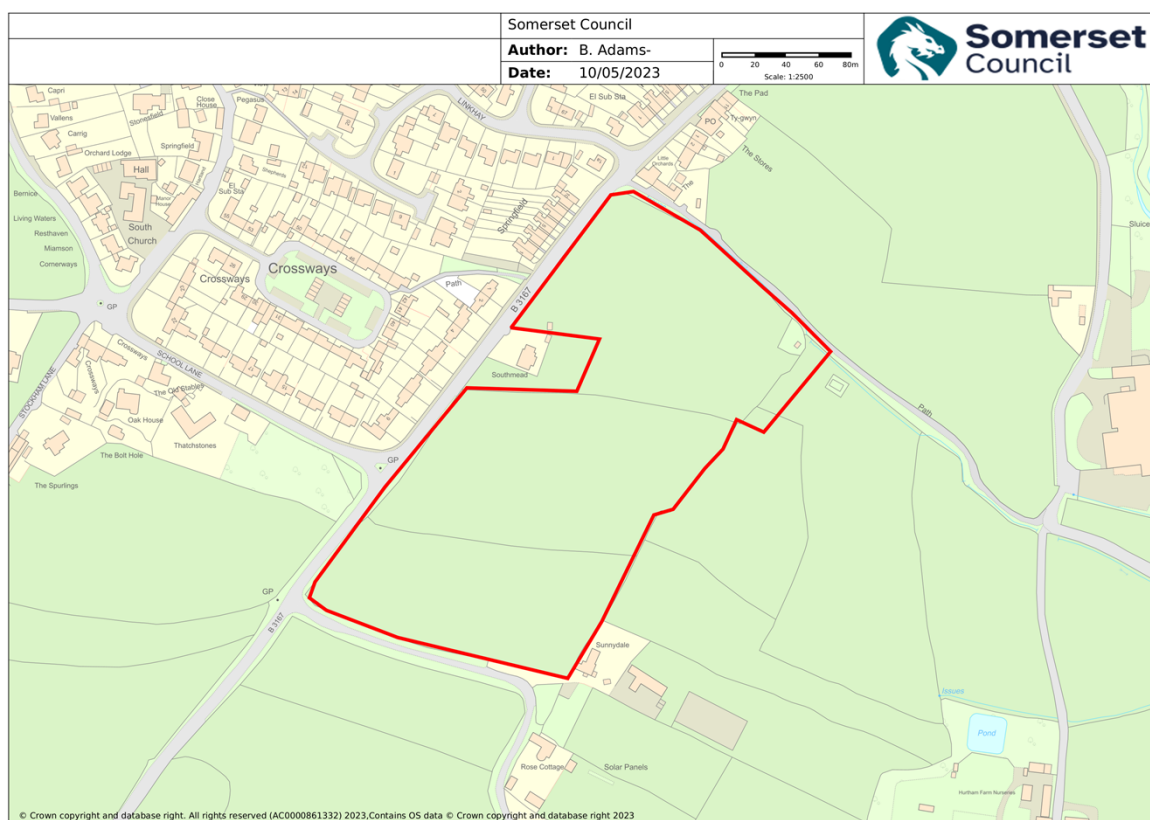
## Officer Report On Planning Application: 21/03296/OUT

<b>Proposal :</b>	Erection of up to 95 dwellings (35% affordable housing), with vehicular access from Roman Road, public open space, landscaping, sustainable drainage system, package treatment plant and associated works. All matters reserved aside from access. (REVISED DESCRIPTION & AMENDED PLANS RECEIVED)
<b>Site Address:</b>	Land South Of Southmead, Perry Street, South Chard, Chard, Somerset,
<b>Parish:</b>	Tatworth and Forton
<b>CHARD SOUTH Ward</b>	Cllr Jason Baker Cllr Connor Payne
<b>Recommending Case Officer:</b>	Catherine Tyrer (Principal Specialist) Tel: 01935 462533 Email: catherine.tyrer@somerset.gov.uk
<b>Target date :</b>	2nd February 2022
<b>Applicant :</b>	Crossman Acquisitions Ltd and Mr A P Mear & Mrs N C Mear
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

### REASON FOR REFERRAL

This application is referred to the Planning Committee as there are objections from Tatworth & Forton Parish Council. As a major planning application, where the Officer's recommendation is not in agreement with the Parish Council, under the Council's Scheme of Delegation, it is automatically referred to the Planning Committee for determination.

## SITE DESCRIPTION



The application site comprises agricultural grassland on the south-eastern side of Roman Road (also labelled Foss Way on some maps) and Perry Street and on the northern side of Chilson Common road.

The site measures approx. 4.4 ha. and comprises 3no. existing fields bounded by mature hedges that lie in between Tatworth village (which encompasses South Chard) and Chilson Common hamlet.

The nearest listed building, Grade II, Main Office, John C Small and Tidmas Limited, lies approx. 191m to the east of the site.

The site lies within the River Axe Catchment Area and is identified in the HELAA (Housing and Economic Land Availability Assessment) 2021 under ref. W/TAFO/0001 for residential development.

The 3no. fields, which comprise Grade 2 agricultural land to the south-west corner and Grade 3 for the remainder, are currently accessed via an agricultural gate off Roman Road.

Roman Road and Perry Street are identified as having Archaeological potential while the south-west corner of the site is identified as a mineral consultation area (building stone safeguarding).

Public footpath CH5/66 lies adjacent to the northern site boundary.

## **DESCRIPTION OF PROPOSAL**

The application is in outline only, with all matters reserved aside from access, for the Erection of up to 95 dwellings (35% affordable housing), with vehicular access from Roman Road, public open space, landscaping, sustainable drainage system, package treatment plant and associated works.

Amendments and additional information have been received during the course of this application and the description has been revised.

The red outlined site boundary was amended under drawing, Location Plan L01 Rev.B. This included a blue outlined ownership boundary and involved an additional section of land to the north-west to allow the siting of the proposed PTP within the application site.

The quantum of dwellings proposed was reduced from 97no. to 95no. under drawing,

Indicative Site Layout 95 Dwellings, 2664/P01, Rev.C.

A further public consultation was undertaken following receipt of amended plans in November and December 2022.

#### **RELEVANT PLANNING HISTORY:**

None relevant

#### **Development Plan:**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respect listed buildings and states:

*in considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.*

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the following:

#### South Somerset Local Plan adopted March 2015

SD1 Sustainable Development

SS1 Settlement Strategy

SS2 Development in Rural Settlements

SS4 District-Wide Housing Provision

SS6 Infrastructure Delivery

HG3 Provision of Affordable Housing

HG5 Achieving a Mix of Market Housing

TA1 Low Carbon Travel

TA4 Travel Plans

TA5 Transport Impact of New Development

TA6 Parking Standards

HW1 Provision of Open Space, Outdoor Playing Space, Sports, Cultural and

Community Facilities in New Development  
EQ1 Addressing Climate Change in South Somerset  
EQ2 General Development  
EQ3 Historic Environment  
EQ4 Biodiversity  
EQ5 Green Infrastructure  
EQ6 Woodland and Forests  
EQ7 Pollution Control

No weight is afforded to the Local Plan Review by reason that it had reached only an early stage in the process and has now been delayed indefinitely due to the transition from district council to unitary in April 2023.

#### Other material considerations

National Planning Policy Framework (NPPF) 2021  
Somerset County Council, Parking Strategy, September 2013  
South Somerset District Council, Community Infrastructure Levy Charging Schedule, November 2016  
South Somerset District Council, Five-Year Housing Land Supply Paper, November 2022  
South Somerset District Council, Local Housing Needs Assessment, (LHNA), October 2021  
South Somerset District Council, Policy HG3 First Homes Position Statement, (FHPS), December 2021  
South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021  
The Hedgerows Regulations 1997

#### **CONSULTEES**

This application has been subject to 2no. public consultations. Consultee comments are summarised below. Full comments are available on the Planning Register.

#### **Backdown Hills AONB Planning Officer:**

No objection - it is not considered the proposal would adversely affect the Backdown Hills AONB or its setting.

#### **Crime Prevention Design Advisor**

Comments dated 21/11/2022: No further comments

Comments dated 02/12/2021: no objections; recommend that the principles outlined in the New Homes Guide 2019 by Secured By Design (SBD) are adopted.

### **Dorset AONB Partnership:**

No objection

The land between the site and the AONB contains a number of built elements, which limits the extent to which the use of the site for housing would be deemed to be highly detrimental to the strength and special qualities of the the AONB. It is recognised that there would be some notable landscape and visual impacts arising from use of this undeveloped greenfield site, but whether it would result in a change that is of such substance that it would be a clear reason for refusal seems unlikely, subject to sensitive design.

In terms of visual impacts, it is not considered likely that the nature of change to baseline in views out from most affected part of AONB provide a clear reason for refusal. Some issues will need to be carefully considered at reserved matters stage (i.e. use of muted building materials, landscaping, tree lined-streets and lighting design).

### **Environment Agency**

Received 05/12/22: No comments

### **Lead Local Flood Authority (LLFA)**

*Comments received 13/01/23:* Original objections withdrawn subject to conditions and informatives.

*Comments received 12/12/2022:* Original concerns upheld

*Comments received 13/01/2022:* Concerns regarding:

1. Greenfield runoff rate for the entire site area (4.4Ha) required to establish limit for post development runoff rate
2. Confirmation required for acceptance of the statutory maintainer to connect the foul and surface water outfalls to the existing watercourse
3. Layout to be revised to avoid public water mains diversion and allow 3m easement on both sides
4. Applicant to provide evidence of communication with the adopting body for the package treatment plan and/or foul network as a whole

5. The required EA permit to discharge to water, to be facilitated by Albion Water, should be secured through the reserved matters application by condition(s).

**Natural England:**

*Comments dated 07/12/22:* No objections provided all mitigation measures are adequately secured with any permission.

*Comments dated 22/09/22:* phosphate mitigation required.

**NHS Somerset CCG:**

*Revised comments received 02/03/22:* no objections subject to S106 agreement for developer contributions towards 218no. additional GP places

**Somerset Community, Health and Leisure Services (Play/youth and playing pitches):**

Based on the population projections associated with the development there is a need for the following: outdoor equipped play area (to be provided by developer on site) and youth facility provision, playing pitches and changing rooms to meet the additional demands arising from the development. Provision is also required for future maintenance to ensure the continued availability of the equipped facilities.

**Somerset Ecology Services:**

No objections subject to conditions and informatives

**Somerset Council Education**

Comments received 05/04/22: No objections subject to s106 agreement for developer contributions for primary and secondary school places.

**Somerset Council Highways:**

*Comments received 21/12/22:* No objections regarding traffic and access subject to conditions and S106.

*Comments received 28/03/22:* Full Travel Plan now acceptable subject to conditions and s106.

**Somerset Minerals and Waste:**

None received.

**Somerset Waste Partnership:**

None received.

**Somerset Council Affordable Housing Officer:**

Comments received 07/01/22: No objections subject to S106 agreement

**Somerset Council Ecology Consultants:**

Comments dated 11/11/22: No objections subject to further comments to be sought from Natural England regarding phosphate risk to River Axe Catchment.

[Officer note: NE now finds the scheme acceptable - see comments above]

**Somerset Council Environmental Health Officer:**

Comments dated 18/12/22 and 13/01/22: No objections subject to conditions and informatives

**Somerset Council Landscape Consultant:**

No objections subject to a high quality and extensive scheme of hard and soft landscaping. Approximately worded condition suggested.

- There will be an obvious change in character, but this would be localised and not harmful to wider landscape character
- Retention of existing hedgerow is important.
- Sits well below the horizon in in any meaningful middle or longer distance views, so will be well assimilated within existing settlement. At close range, retention of existing vegetation will be important in limiting harmful effects, and overall not considered there would be undue harm to visual amenity.
- Loss of hedgerow for internal accesses or visibility splay should be replaced with at least a 2:1 ratio of new to lost.
- Given proximity and elevational relationship existing settlement not considered to have harmful effect on AONBs



**Somerset Council Public Rights of Way (PROW) Officer:**

Comments dated 22/12/21: No objections subject to conditions.

**Somerset Council Open Space Officer:**

Comments received 01/12/22: *The land provided is still in excess of that required for this development. Aside from this, our original comments still stand, and we are happy for the application to progress.*

Comments received 15/12/21: No objections subject to reserved matters/conditions.

**South West Heritage Trust:**

No comments received at the time of writing.

**South West Water:**

Comments received 07/12/22: No objections subject to conditions/informatives

**Wessex Water:**

Comments received 11/08/22: Concerns that layouts require adjustment to avoid diverting the public water main that crosses the site.

**REPRESENTATIONS****Tatworth & Forton Parish Council (PC)**

Comments received 02/12/22 and 10/12/21:

*Objection - recommend refusal that the proposed access to the 97 dwellings will generate an unsustainable increase in traffic, on a road, which is heavily used by various types of vehicles.*

Using SSDC's formula, there will be an extra 582 movements per day; excluding trade traffic. There is insufficient width of road for access into the proposed site. There are also safety concerns due to only a pavement on one side of the road.

Councillors also commented this development is outside the local development plan for our parish.

The PC also requests the following conditions if the application is approved:

1. Developer to fund new roundabout
2. Developer to fund two safe pedestrian crossings on Dykes Hill
3. Unpolluted water supply to the Swiss Tulle premises secured and maintained

4. Flood water from site to be removed
5. A guarantee that houses are prioritised across the site for local people.

## **Public Consultation**

This application has been subject to 2no. public consultations.

185no. representations have been received from separate addresses, including Tatworth & Forton Parish Council (PC), of which 180 object, 3 support and 2 are neutral.

A summary of the comments received is set out below. Full comments are available on Planning Register.

### Objections:

#### *Flooding/drainage*

- Site is prone to flooding and the development will make things worse. The fields are very wet with several watercourses running through.
- Concerns of LLFA have not been addressed.
- Attenuation ponds don't work, as evidenced by the flooding in Chard, Tatworth, Perry Street and Forton in June 2021. Area towards the bottom of Dyke Hill will be left to flood on a regular basis if development goes ahead. Area has flooded 4 times this year alone from rainwater cascading down Dyke Hill. Developing these fields and possibly damaging watercourses and streams, or opening up the many hidden springs in this area, will only increase the flooding.
- Artificial drainage will breakdown over time and these issues are always subject to being passed over by those who need to fix them until homeowners are badly affected.
- Swisstulle UK Ltd has been in the village since 1825 and is a substantial local employer. Swisstulle has no access to mains water supplies. It is fed by a natural spring. Can the developers confirm that any works will not interrupt, stop or corrupt the water supply to the factory. Any detriment to this necessary natural resource would be unacceptable.

#### *Policy/Principle/Need/infrastructure/Density etc*

- The area does not have the infrastructure and investment to cope with increased traffic.
- There is no employment in the parish so people would have to drive to jobs, shops, doctors, dentists, etc. thus adding to pollution and detrimental impact ton

climate. One of the largest employers in the local area (Oscar Mayer) has shut down.

- Already Insufficient or inadequate provision for shops, doctors, hospitals, schools, water, waste, public transport, social services and other community infrastructure.
- already lots of development in Crewkerne and Chard. Huge increase in population but not facilities or jobs.
- -Tatworth is already overdeveloped and doesn't need any more houses.
- Brownfield sites should be used for new housing not greenfield.
- Size of proposed development out of keeping with size of the village.
- The scheme will decrease agricultural land. It should remain as such given the food production and supply issues impacting the UK currently.
- At least 50-60% of the housing needs to be affordable housing
- Tatworth is a village not a town - it has already seen substantial growth, with three villages being merged and now it will join up to the Hamlet of Chilston Common.
- Strongly object to further development on greenbelt land. [Officer note: there is no Greenbelt designation in the district.]
- It will harm amenity of existing village residents and significantly change character of the area.
- Central government is moving away from mandatory housebuilding targets. New (localised) targets for housebuilding are to be advisory and councils will be allowed to build fewer homes if they can show that meeting the advised targets.
- This area has not been identified as part of the local plan.
- There are more than 500 houses being built in and around Chard. An extra 97 houses are not required to fulfil local housing needs. There are over 300 new homes still under construction 2 miles from Tatworth, the impact of these has already been felt in the local area
- Brownfield sites are to be prioritised as per government guidance November 2022. The Old Dairy, Chard Junction is such a site and should be used for the planning application.
- If 97 houses are needed they should be scattered around the various hamlets, not in the form of a whole new estate.
- CPRE objections must be taken into account.
- The site does not fall within the local housing plan for the Chard and Tatworth area.
- SSDC proposed that Tatworth over the next 5 years should have a maximum of 48 new dwellings and already a similar proposal for planning has already been made in Tatworth.
- Look at all the empty shops and offices and develop those.
- Government proposing to ban developments on greenfield sites.

### *Open space*

- The village has two green lungs, the playing field and the Jubilee field, both near the village centre, so the developers offer to provide public open space is irrelevant. It would be on the wrong side of the B3167 for the village (parents would not want unaccompanied children crossing that road, when they can access the playing field safely.)
- area selected by the developers for public open space, is land not suitable for building because of greensand and springs.
- Public access space seems exceedingly small for the amount of houses.
- developers originally implied playing areas and nature trails will be provided, but at the meeting the architect advised they do not have to create it, so now just labelled as an open space, it does not even state that it will be that of green land.

### *Amenity*

- proposals would have a detrimental effect on the daylight into our property.
- The new houses would overlook the existing homes, taking away their privacy.

### *Highways*

- Road has vehicles parked, so development will exacerbate it
- The extra traffic generated would make the B3167 along Dyke Hill even more dangerous than it already is.
- A number of road traffic accidents involving parked cars along Roman road/Perry street B3167 due to over use, with cars and lorries using it as a rat run and frequently speeding. Additional traffic and construction traffic will lead to more accidents
- Area lacks footpaths so increased traffic would be dangerous for pedestrians.
- Site is divided by Main Road, isolating it from the rest of Tatworth.
- Monitoring of traffic flows at weekend, so excluded traffic going to work and school.
- Applicant's figures (bearing no relation to reality) calculated using some 'official' formula - extra traffic movements would be nearly 600 per day on already congested roads.
- Car parking along Perry Street is a problem and despite the 'carrot' offered to allocate parking for the shop, it seems unlikely that the people who want to drop in for one or two items will make use of it.
- This road is effectively restricted to single-lane traffic flow, owing to resident parking at Kent's Estate directly opposite the proposed site. The single lane currently has to accommodate the passage of huge quarry lorries, double-decker buses and heavy farm traffic, in addition to domestic and through traffic. The situation here is already difficult and hazardous. Where it descends onto Dyke

Hill, there is double and sometimes triple parking with residents' and shoppers' cars. The unfortunate residents opposite the shop at Dyke Hill are frequently blocked in and unable either to get their cars out onto the road, or to park to get into their homes. There is no means of widening this bottleneck as the road is already built up on both sides.

- Question whether Residential Travel Plan will actually affect people's behaviour. People are unlikely to want to car share and as there is no likelihood of increased public transport and car journeys will inevitably increase.
- Proposed extension to quarry would also add to the traffic & pollution
- bus links for South Chard are poor.
- Current speed limit of 20mph is too high near a school/bus stop and many drivers do not adhere
- What would be worthwhile is be a better Footpath/cycle route to Chard from Tatworth.
- The amended planning application states that the road near Crossways would be widened, but that will have no impact what so ever just meters down the road. The same amount of cars will still be using this section of the road.

### *Ecology*

- Land is NOT used for dairy farming so talk of phosphate levels is irrelevant.
- Wildlife will be harmed.
- This Greenfield site is close to an SSSI, where there are protected/priority. The recent Quarry Application was rejected on those grounds, so same applies.
- Impact on River Axe SPA (Phosphates)
- covering green fields with extensive hard surfacing means BNG is impossible

### *Other*

- The environmental impact would be catastrophic.
- Pollution will increase dramatically.
- The developers should put the proposal to the community.
- Amendments are minimal - issues remain the same.
- Application will only make money for developer, not improve the area.
- This application is merely a re-hash of a previously rejected plan.
- Chilson Common will lose its historic amenities - it is centuries old, set apart, by countryside, from the village of Tatworth and South Chard. This new development would destroy all these amenities. It would become part of new housing estate.
- Planning for this development is being brought in by the back door.
- Adjacent dairy farm will be impacted - as cows fed by spring located on development site.
- S106 for a new primary school in Chard - some needs to be allocated to Tatworth School.

- Loss of beautiful views across the fields.
- Site is only 500m away from Dorset AONB
- Will development be carbon neutral and homes fit for climate change?
- The fields are still being used for grazing animals.
- Development is not in line with the requirements of the local population, which is generally made up of more mature, retired people, hoping for a relaxing life in a small community
- Decision-makers should listen to the local community. Every councillor at every level should oppose this proposal vigorously or explain why not now and at election time. If this does go ahead, one has to ask of the decision-makers what their long-term vision is for this area, and whose interests they are supporting.
- It would spoil the historic character of Tatworth and surrounding countryside in which I live
- It is merely profiteering, a profit which will be made on the miseries of the locals.
- Developers are well known for back-tracking or delaying on their agreements once they have gained planning permission.
- a number of families have moved into the village, which disproves Crossman's argument that young people can't move to the village.
- creation of jobs during construction will not be long term, and only for duration of development.
- Financial contributions towards additional school places is required. Not reasonable to expect children in Tatworth to attend schools in Chard as routes are not safely walkable/cyclable.
- Will local school be able to cope with influx?
- 60+ objection should be listened to and hope back handers are not brought in to play.
- Archaeology needs to be considered as likelihood of Anglo Romano settlement in the area.
- Site is too close to a large farm who use Chilson Lane for access with large farm machinery and heavy lorries, fields close to the plan used for grazing ,cropping and dung spreading.
- The fields and the Fosse Way form an important buffer between the main settlement of Tatworth and the ancient hamlet of Chilson Common. They currently form the central axis around several popular walks enjoyed by locals and visitors alike.
- The developer may contribute a health care levy but there is NO guarantee this will be built in Tatworth or anywhere near. Likewise there is no guarantee that these houses will go to local people needing affordable homes and not sold for 2nd homes, holiday lets, buy to let.
- Increase in traffic will worsen air pollution and consequently increase in asthma sufferers.

#### Neutral:

- Please make sure there's plenty of off-road parking and more capacity at doctors, dentists and schools.
- We would suggest that a formal, lit, crossing is constructed further north, closer to the shop, so that it links to the quieter path through Crossways rather than encouraging children to walk, cycle or scoot along the B3167 and then School Lane which is very busy in the mornings and afternoons. This should be very clearly advance signed and road markings installed to ensure it is not obstructed by parked cars. The whole of the new 'safe route to school' should be signed clearly.
- We would like to be consulted on any amendments to the proposals and any subsequent applications please. As an Academy we are responsible for our own funding arrangements and therefore we would like to be treated as a statutory consultee on this and any other major residential development proposals in the Parish.

#### Support:

- This housing development would give me the opportunity to move back to the village where I went to school and my family are. I have recently brought the property I am in now, after looking in Tatworth for around 2 years for the right property to come up for sale in my price range.
- After looking at the plans of the site it seems the developers have considered lots of everyday problems like parking, drains, everyday sustainable ideas and a lot more.
- I understand people's reservations for change and new developments but everyone needs to live somewhere. This would be a fantastic opportunity for so many people and families.
- I think it is a good idea. We need more houses in this town to support first time buyers.

#### **ANALYSIS:**

##### **Principle of Development:**

Local Plan policy SS1 states:

*Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2).*

Local Plan policy SS2 states:

*Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:*

- *Meets identified housing need, particularly for affordable housing*
- *Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.*
- *Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.*
- *Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services...*

Local Plan paragraph 5.41 states:

*...new housing development should only be located in those Rural Settlements that offer a range (i.e. two or more) of the following services, or that provide these within a cluster of settlements:-*

- *local convenience shop;*
- *post office;*
- *pub;*
- *children's play area/sports pitch;*
- *village hall/community centre;*
- *health centre;*
- *faith facility; and*
- *primary school.*

Local Plan policy SS4 states:

*Provision will be made for sufficient development to meet an overall district requirement of at least 15,950 dwellings in the plan period April 2006 - March 2028 inclusive.*

Local Plan policy HG5 supports delivery of a range of market housing types and sizes to reflect local need.

NPPF paragraph 73 supports the delivery of new homes through extensions to existing villages, among other criteria.

SSDC Five-Year Housing Land Supply Paper, (5YHLS) dated September 2021, notes that the Council cannot currently demonstrate a five-year supply of housing sites but rather the equivalent of 3.7 years.



As such, NPPF paragraph 11 d) applies, as follows:

*Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means:*

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

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

### **Site location**

Local Plan paragraph 5.11 states that all settlements outside Yeovil, the Market Towns and Rural Centres, (Fig 3 on page 13), are considered to be within open countryside and identified in generic terms as 'Rural Settlements'.

Tatworth contains a local convenience store and Post Office, nursery, primary school, two churches, a public house and playing fields. As such, Tatworth comprises a rural settlement as identified by Local Plan policy SS2.

The site lies at a distance of approx. 60m from the convenience store and Post Office; 370m from the school; and there are bus stops along Perry Street, adjacent to the site. These are served by routes 14 and 30. Route 14 runs between Chard and Thorncombe once per day on Thursdays while route 30 runs between Taunton and Axminster with approx. 8 services per day on Mondays to Saturdays. The nearest railway station lies in Axminster at a distance of approx. 5 miles.

For the above reasons, the site is considered relatively accessible with public transport and local amenities within walking distance.

It is acknowledged that the application site lies beyond the extent of the settlement area of Tatworth. However, no settlement boundaries are identified under the current Local Plan.

Given that the site lies immediately adjacent to Tatworth village, and close enough for future occupiers to benefit from its key services, the proposed residential development is considered to comply with policy SS2 in terms of the settlement strategy.

Therefore, the proposal would comprise an extension to an existing village in line with NPPF paragraph 73.

### **Identified housing need, excluding affordable housing**

The outline application involves the erection of up to 95no. new dwellings.

The site is identified in the HELAA (Housing and Economic Land Availability Assessment) 2021 under ref. W/TAFO/0001 as 'Suitable, Available and Achievable' for housing. However, the HELAA states that:

*The HELAA only identifies opportunities for housing and economic development on sites which are considered to be suitable, available and achievable/ developable. It does not allocate sites to be developed. The allocation of sites for future housing or economic development will be identified through the preparation of Local Plans and Neighbourhood Development Plans. The identification of potential sites within the HELAA does not imply that planning permission would be granted if an application were to be submitted. The HELAA is a high level assessment. All planning applications will continue to be considered against the appropriate policies within the adopted Development Plan, having regard to any other material considerations.*

While the above reflects a high-level perspective, the identification of the site for housing within the HELAA is considered material in this case.

Representations have been received concerning the number of residential developments that have recently been granted or applied for in the vicinity of the site, which could reduce the identified housing need for the area.

The submitted Tatworth Housing Needs Assessment, dated June 2021, notes that the Council can demonstrate a 5YHLS. However, this assumption is now out of date as set out below.

It also notes that Tatworth is identified as a village in the Local Plan Review. However, that review has ceased and carries no weight in this case due to the imminent incorporation of the SSDC into a unitary authority to be known as Somerset Council in April 2023.

The Council's latest position, dated November 2022, on the five-year housing land supply for SSDC, for the five-year period from 1 April 2021 to 31 March 2026, equates to a housing land supply of 3.7 years. This leaves a requirement of 3,717no. dwellings over the five years, or an annual completion rate of 743.4no. dwellings across the whole district.

The latest 5YHLS takes account of both consented and validated applications up to 31/08/22. The current application was made valid on 03/11/21 for up to 97no. new dwellings. As confirmed by the Council's Policy Team (in an email dated 22/11/22) the housing figures for Tatworth and Forton Parish for the Plan period 2006-28 include 86no. completions and 35no. commitments. This excludes pending applications.

Likewise, outline application, 22/02461/OUT, for up to 35 dwellings (re-submission of refused 20/02249/OUT) and outline application, 22/02462/OUT, for up to 13 dwellings (re-submission of refused 20/02247/OUT) have not been included in the commitments (therefore, in the 5YHLS) as they are still under consideration.

Taking the completions and commitments together, these would equate to 121no. potential new dwellings in the parish in the Plan period, (22 years), representing 5.5no. new dwellings per year. Including the current application, this would rise to 9.8no. per year.

The 2011 Census recorded 73,375 dwellings in the district and 1,170 dwellings in the parish. At that time, therefore, the parish made up 1.6% of the total dwellings in the district. On this basis, the annual uplift of dwellings in the parish could be calculated at 1.6% of 743.4, which would equate to 11.9no. new dwellings per year.

It is acknowledged that if, or when, the commitments in the parish would be implemented is an unknown factor. It is also recognised that the local housing need is district-wide and the specific needs of each individual parish or settlement are unknown.

Notwithstanding the above, the inclusion of the current application in the completions and commitments for the parish would represent a slight under-provision in terms of the Council's latest 5YHLS position.

As such, it is considered that the proposed 95no. new dwellings would make a positive contribution towards assisting the Council in meeting its 5YHLS shortfall and, therefore, policy SS4.

For the above reasons, the proposal would be considered to comply in principle with policy SS2 in this regard.

### **Identified affordable housing need**

The scheme would comprise 35% affordable housing, amounting to 33no. units, which is considered policy compliant as per the assessment later in this report.

The Council's Local Housing Needs Assessment, (LHNA), October 2021, at paragraph 5.44, notes an identified need for 169no. AH units per year (2020-40) across the district or 3,377no. over the Plan period.

Using 1.6% as the percentage of the district represented by the parish, the quantum of new AH units required across the Plan period would be 2.7no. per year.

As confirmed by the Council's Policy Team in an email dated 23/11/22, the affordable housing figures for Tatworth and Forton Parish for the Plan period 2006-28 include 5no. completions and 0no. commitments.

Including the current application, the combined completions and commitments for the parish would equate to 1.7no. AH units per year which is just over half of the identified need. Excluding the current application, this figure lies at 0.2no. per year which is a significant under-provision.

Given the above, it is the Officer's view that the proposed AH delivery would make a substantial contribution to the AH need. As such, the proposal is considered capable of compliance with the relevant criterion of policy SS2 in this regard.

The submitted Tatworth Housing Needs Assessment, dated June 2021, notes that: *In terms of affordable tenures, the 2016 SHMA recommends a mix of 10-15% shared ownership/intermediate housing and 85-90% social rented.*

The Council's Affordable Housing Officer has commented that 80% of the AH units should be social rented.

In terms of First Homes, SSDC Policy HG3 First Homes Position Statement, (FHPS), dated December 2021, states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

In this case, the outline application does not include confirmed details of the proposed tenure mix. However, the reserved matters application would be expected to include 9no. First Homes, representing 30% of the proposed AH quantum, and 80% social rented. This would be secured via a Section 106 agreement.

## **Housing mix**

Moving to policy HG5, the LHNA sets out the market housing need for 2020-2040, as shown below:

- 499no. of the total market housing provision or 6% should comprise 1-bedroom units
- 1,329no. of the total market housing provision or 15% should comprise 2-bedroom units
- 5,292no. of the total market housing provision or 59% should comprise 3-bedroom units
- 1,801no. of the total market housing provision or 20% should comprise 4+- bedroom units

The submitted Tatworth Housing Needs Assessment, dated June 2021, notes that:

- *Any scheme should focus on delivering a range of accommodation suited to older persons, including bungalows.*
- In line with the SHMA there should be a substantial focus on 2-3 bedroom dwellings. However, consideration should be given to some 1 bedroom provision given the very low existing share of dwelling stock and the ageing population. Some larger dwellings may be appropriate as part of the mix to further encourage a more balanced population age profile.
- Local agent feedback suggested dwellings below 1,700 sqft and upto c£400,000 were most appropriate to meeting the needs of local residents. Above this level and housing becomes increasingly attractive to those moving into the area from outside.

The submitted Indicative Site Layout, 2664.P01, Rev.C, sets out an indicative accommodation schedule as shown below although this combines both market and affordable housing. This also shows that 14no. would be bungalows for older people and 5no. would be plots for Self-Build.

The Indicative Housing Split for Market and Affordable Combined proposed is as follows:

- 10no. of the total proposed housing provision or 11% are likely to comprise 1-bedroom units
- 22no. of the total proposed housing provision or 23% are likely to comprise 2-bedroom units
- 52no. of the total proposed housing provision or 55% are likely to comprise 3-bedroom units
- 10no. of the total proposed housing provision or 11% are likely to comprise 4+- bedroom units

The market housing mix would be fully assessed at the reserved matters stage as

distinct from the affordable housing. However, the indicative schedule is considered broadly acceptable in principle.

### **Scale, character and sustainability of settlement**

Scale and character comprise part of the reserved matters for later consideration. However, the addition of 95no. new homes would be considered to increase footfall to local amenities and, therefore, to increase the social and economic sustainability of the village. As such, the scheme would be considered capable of policy compliance in this regard, subject to the assessment below.

### **Local community support and engagement**

The site does not lie within a Neighbourhood Plan area. However, the applicant has undertaken public engagement and has submitted a Report of Community Involvement, dated October 2021, which is considered acceptable.

As noted above, the Council has undertaken 2no. public consultations on this application following which, 185 representations from separate addresses have been received. Of these, 180 object, and one of the concerns raised is that the developer's intention is for financial gain rather than the benefit of the local community.

It is acknowledged that there is strong public opposition to the scheme and the main areas for concern are discussed later in this report. However, the abovementioned objection is not considered sufficient to warrant a refusal in this case.

### **Conclusion on principle**

It is acknowledged that the vast majority of the representations received are not supportive of the scheme and that the Parish Council has objected. However, some of the representations support the principle of residential development at this site and recognise the need for housing, particularly for local people and for affordable homes.

It is noted that the site is identified in the South Somerset HELAA (Housing and Economic Land Availability Assessment) 2021 as Suitable, Available and Achievable for housing under ref. W/TAFO/0001. While this evidence base does not serve to establish the principle of residential development at this site, it does form a material consideration in this case.

It is also recognised that the Tilted Balance of NPPF paragraph 11 d) is applicable in

this case by reason that SSDC cannot currently demonstrate a five-year housing land supply.

On balance, it is the Officer's view that the evidenced need for housing and affordable housing, together with the identification of the site within the latest HELAA, and compliance with the majority of policy criteria as set out above, serve cumulatively to outweigh the lack of local community support for the scheme.

For the above reasons, therefore, the principle of residential development at this site is considered acceptable, in accordance with Local Plan policies SS1 and SS2 and NPPF paragraphs 11 d) and 73.

### **Visual Amenity and Landscape Character:**

Local Plan policy SS2 requires development to be commensurate with the scale and character of the settlement.

Policy EQ2 of the Local Plan requires high quality design, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district by:

- Creating quality places;
- Conserving and enhancing the landscape character of the area;
- Reinforcing local distinctiveness and respect local context;
- Having regard to:
  - Local area character;
  - Site specific considerations; and
  - Not risking the integrity of internationally, nationally or locally designated landscape sites.

Policy EQ5 of the Local Plan promotes the enhancement of green infrastructure with reference to walking and cycling routes, increasing access, improving physical and mental health benefits, increasing tree cover, enhancing landscape and place, protecting existing green infrastructure and mitigating any loss.

Paragraph 124 of the NPPF states:

*Planning... decisions should support development that makes efficient use of land...*

NPPF paragraph 130 states, among other points, that:

*Planning .. decisions should ensure that developments...*

- a) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)...

Paragraph 174 b) of the NPPF states:

*Planning... decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.*

The site lies within Landscape Character Area Region 2: Blackdown Hills Plateau, Foothills and Valleys of which it is identified as Lower Lias Foothills and Lowland Forest. The SSDC Landscape Assessment notes that this area comprises:

- Generally improved grassland on rolling ridgeland and relatively low tree cover;
- Diverse landscape, difficult to pinpoint individual elements of significance.

The application site lies beyond any protected landscape. However, the Dorset AONB lies approx. 667m to the south-east of the site and the Blackdown Hills AONB lies approx. 1.35km to the west.

The Natural Environment PPG states:

*Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated...*

This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Park authorities, and is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection.

It also states:

*Management plans... do not form part of the statutory development plan, but they... may contain information which is... a material consideration when assessing planning applications.*

Paragraph 176 of the NPPF states:

*Great weight should be given to conserving and enhancing landscape and scenic*



*beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

The Dorset AONB Management Plan identifies the Special Qualities of the AONB as:

- Contrast and diversity - a microcosm of England's finest landscapes - comprising a collection of fine landscapes; striking sequences of beautiful countryside that are unique in Britain; uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes; numerous individual landmarks; tranquillity and remoteness; Dark night skies; and undeveloped rural character
- Wildlife of national and international significance
- A living textbook and historical record of rural England comprising an exceptional undeveloped coastline and a rich historic and built heritage
- *A rich legacy of cultural associations*

A Landscape and Visual Impact Assessment, dated October 2021, has been submitted in support of this application. This states that:

- The site's primary visual relationship is with the hillsides to the north and east as well as the road and footpath network within the vicinity of the village.
- This is a heavily vegetated landscape and as a result many views are restricted as a result of the high hedgerows lining the lanes and the many copses, blocks of woodland and mature trees located in the landscape. In the winter months, when the trees are out of leaf and the hedgerows have been cut back it is anticipated that views towards the site would be more open.
- The introduction of built form onto the existing fields would inevitably give rise to notable changes to character. The layout has been configured to respond to the character of the village and to connect sympathetically with it. It has also been designed to accommodate all the existing trees and the majority of the hedgerows on site.
- Adverse effects that would arise with the introduction of the built form would be concentrated on the site itself and the immediate vicinity and it is considered they would quickly diminish with distance.
- The majority of people who would have an opportunity to see the proposed development would do so from Perry Street (B3167) and for a short stretch of road approaching and running along the southern edge of Tatworth there would be notable changes to these views. However, once a short distance outside the village, views of both the village and the site are notably reduced.
- There are a number of viewpoints in which it is possible to see the site in

conjunction with the Blackdown Hills and/or the Dorset AONB. In these views the site generally plays a relatively small role in a wider panorama and sits well below the skyline and as such it is judged that the effects on the setting of these two designated landscapes would be minimal.

- The layout of the development would be configured to retain the mature trees and hedgerows in and around the site and provide generous areas of open space, including a 'buffer' area between the new housing and the hamlet of Chilson Common to the east.
- Notable adverse effects would be concentrated on the site itself and its immediate surroundings and would quickly reduce with distance.
- It is judged that the proposed development could be successfully accommodated into this landscape without giving rise to undue effects on the setting of the Blackdown Hills or Dorset Areas of Outstanding Natural Beauty.

### **Topography**

The submitted Topographical Survey, drawing no. 240/11321/1, shows that the ground levels across the site generally slope downwards from west to east and south to north, with a difference of up to approx. 9m in each direction. As such, the dwellings along the north-west side of Perry Street lie at a higher ground level than the application site.

### **Access**

The proposed access is subject of this outline application. The proposed 95no. new dwellings would be accessed via a single point off Roman Road towards the south-western corner of the site on the western boundary.

The proposed access would make use of the existing agricultural vehicle gateway adjacent to a section of open mesh fencing, presumably where the previous hedge was removed to allow visibility splays.

The existing gap in the hedgerow would be enlarged by approx. 25m to the south-west to achieve the requisite visibility splay for the proposed access.

### **Layout and density**

The application is in outline and the detailed layout, appearance, scale and landscaping is reserved for future consideration. The internal site layout is subject to reserved matters consideration. However, the indicative layout, which shows how the site could be developed to accommodate 95 dwellings, includes a north-south spine

road approximately parallel to the highway to the west of the site. Spur roads would lead off this to the east and west, which would lie approximately perpendicular to the highway.

The proposed dwellings would largely front on to these spur roads to the north and south in a linear pattern, with some dwellings fronting onto the hedgerow aligning the highway along the western boundary.

There would be 3no. sections of open space, with 1no. to the north of Southmead, 1no. in the north-east corner and 1no. in the south-east corner. These would comprise public open space, attenuation pond, equipped play area and orchard.

At 95no. dwellings within a 4.4ha site, the indicative density would be 22 dph (dwellings per hectare). The HELAA 2021 calculated a yield of 78no. dwellings at 30 dph within a 2.61ha developable site area. 95no. dwellings as calculated for an area of 2.62 ha would equate to 36 dph or alternatively, 78no. over 4.4ha would equate to just under 18 dph.

The indicative plot sizes would range from approx. 88sqm, in the case of a 2-bed mid-terrace, to 459sqm, in the case of a 4-bed detached.

As comparisons, no.39 Crossways has a plot size of approx. 166 sqm while no.7 Crossways has a plot size of 391 sqm. One of the smallest plots within the settlement is no.1 Ruby Villas at 67sqm. However, this is considered an anomaly given the much larger plot sizes typical of the settlement.

As such, the smaller plots shown in the Indicative Site Layout plan would be out of character with the area. However, this would be fully assessed at the reserved matters stage.

The submitted Design and Access Statement, (DAS), Rev.A, dated 11/11/21, notes that

- All dwellings would have private external amenity space with generous garden spaces;
- Approx. 293 parking spaces including garages would be provided.

The illustrative layout demonstrates that a suitable layout could be achieved on site and is considered acceptable in principle.

### **Scale and appearance**

Again, scale and appearance is reserved for future consideration. The DAS notes that

the dwellings in the surrounding area largely comprise two-storey, detached, semi-detached and terraces of dwellings with light colour render, red brick and natural local stone elevations and pitched tiled or slate roofs.

No details have been submitted at this stage but the DAS indicates the reserved matters application would reflect the local vernacular with proposals likely to involve the following:

- *Up to two-storeys in height, with traditional pitched roofs;*
- *A mixture of external wall materials to include natural stone, red brick and light coloured render, to complement existing nearby buildings in the village;*
- *A mixture of roofing materials including profiled and plain tiles. Roofs are to include chimneys to match external wall materials;*
- *Subtle architectural detailing to include contrasting window surrounds to some key frontages;*
- *A mixture of casement and sash window design to reflect typical fenestration;*
- *A mixture of traditional design entrance coverings including decorative gable porches;*
- *Cock-and-hen stone boundary wall treatments to key plots.*

The submitted Indicative Site Layout shows that the dwellings within the south-western corner of the site would likely be of single storey.

### **Boundary treatments, trees and landscaping**

No details of boundary treatments have been submitted under this application.

The most important tree on the site in terms of public amenity value would be a tree identified as T21, to the north of Southmead, a category A common oak, as noted in the submitted Preliminary Arboricultural Impact Assessment, dated 26/10/21.

The Indicative Site Layout shows the majority of existing trees and hedges could be retained with the exception of 3no. sections of hedgerow to form openings for the access road and internal roads.

As such, the site would be bounded by the existing mature hedging and trees along the perimeters and the 2no. hedgerows along the internal field boundaries would remain, breaking up the proposed built envelope into smaller parcels.

The Indicative Site Layout also shows that there would likely be 3no. parcels of open space: in the north-east and south-east corners, and north of Southmead, incorporating retained tree T21.

The DAS notes:

*A full landscape design will be submitted as part of a future reserved matters application to include detailed proposals for the public open space areas.*

### **Assessment of impact on visual amenity and character**

It is acknowledged that the scheme would introduce a significant quantum of built form with associated infrastructure and domestic paraphernalia into a greenfield site, together with a substantial intensification of activity over the existing use.

This would result in some harm to the visual amenity and open, rural character of the area that would affect receptors in near and far views.

However, the site lies immediately adjacent to an existing settlement and would read as a village extension, connecting South Chard with Chilsome Common as an elongation of Tatworth.

The southernmost portion of the site would lie beyond extent of the existing dwellings on the western side of Perry Street. The proposed dwellings for this area as shown on the Indicative Site Layout would largely comprise single storey dwellings, with an orchard to the south-eastern corner. The two-storey dwellings immediately to the north of the proposed orchard would sit on lower ground.

As such, the indicative design would suggest that the visual impact of the built form would diminish to the south of the site and provide a transition between what would comprise a village extension and the open countryside to the south and east.

The retention of the vast majority of the existing field boundary hedgerows, the siting of the 3no. pockets of open space, the lower ground levels of the eastern side of the site, and the smaller scale of built form in the south-western corner of the site would be considered to reduce the adverse impact of the proposed development.

While the proposed access would be substantially wider than that existing and would replace the grassed pasture with hard surfacing, it is considered that the adverse impact is capable of being mitigated through appropriate landscaping subject to the reserved matters. As such, this visual change is not considered sufficient to warrant a refusal in this case. It is considered reasonable to impose conditions in this regard and with regard to the proposed retention of existing trees and hedges.

It is acknowledged that some of the indicative proposed dwellings would be

considered relatively small in terms of plot size and potentially out of character with the area. However, this aspect of the scheme is subject to a reserved matters application and would be assessed at that stage.

The proposed scale and density would be considered generally in keeping with the scale and character of the adjacent settlement, and capable of compliance with policy SS2.

The indicative site layout appears to respond to the topography, landscape and existing built form, providing a satisfactory transition between the proposed village extension and the countryside beyond. As such, the indicative scheme is considered capable of compliance with policy EQ2.

The landscaping strategy will be dealt with at the reserved matters stage. However, the indicative scheme proposes the retention of hedgerows and green spaces within the site, together with pedestrian routes through the site linking the existing village with the countryside beyond. As such, it has been demonstrated that the outline application is capable of compliance with policy EQ5.

Consultation has been undertaken with the Council's Landscape Consultant as well as the Blackdown Hills Partnership and Dorset AONB Officer, who have not raised an objection to the proposed development. It is noted within the responses that the land between the site and the AONB contains a number of built elements (including rural homes, farm buildings, a factory, a water treatment site, railways line and other built form), and as such the baseline position, alongside the existing visibility of housing in Tatworth, limits the extent to which the proposed development would have an adverse impact on the special qualities of the AONB. While it is recognised that there will be landscape and visual impacts arising from the use of the site, it is the view of the Dorset AONB Officer that *"the location of the site relative to the AONB is unlikely to provide clear grounds for refusal"*.

The landscape Consultant has also advised that while there would be an obvious change in character, any change would be localised and would not harm wider landscape character. He commented that the site sits well below the horizon in any meaningful middle or longer distance views, which means it will be well assimilated with the existing settlement. While closer distance views will be subject to change, the retention of existing vegetation will be important for limiting the harmful effects.

It is considered that subject to sufficient detailed design measures and a high quality and extensive scheme of soft and hard landscaping (which should include but is not limited to the use of muted building materials, enhanced landscape strategy,

replacement of hedgerow at a ratio of 2:1 (new to lost), tree-lined streets and appropriate lighting design), would be sufficient to mitigate any harm. As such, it is considered reasonable to impose a condition to secure this.

### **Conclusion on visual and character impact**

For the above reasons, the proposed access point and the indicative site layout is considered, subject to conditions and reserved matters, capable of compliance with Local Plan policies SS2, EQ2 and EQ5, and NPPF paragraphs 124, 130 and 174 b).

### **Neighbouring Amenity:**

Local Plan policy EQ2 states:

*Development proposals should protect the residential amenity of neighbouring properties.*

Local Plan policy EQ7 resists noise and light pollution and harm to residential amenity.

Representations have been received concerning loss of outlook and rural views, and loss of privacy. Officer note: private views are not protected by planning law and are not a material consideration in this case.

The Council's Environmental Health Officer has been consulted and has no objections subject to conditions requiring a Construction Environmental Management Plan (CEMP) and external lighting scheme to control impact on the neighbouring residential amenity.

The nearest residential properties to the site include Southmead; nos. 1-10 Crossways; nos. 1-10 Springfield Terrace; 1A, Linkhay Orchard; Little Orchard and The Bungalow; and Sunnydale.

All of these dwellings, with the exception of Southmead and Sunnydale, are separated from the site by the highway and the intervening mature hedgerow that aligns the site.

The dwellings known as Southmead and Sunnydale are located adjacent to the site boundaries. Southmead is surrounded by the site on 3no. sides and has open fencing to its residential curtilage along the south and east boundaries, and mature trees along the northern boundary. 3no. oak trees are noted along the western boundary of Sunnydale of approx. 10m high together with mature hedges.

Given differences in ground levels across the site and its immediate vicinity and that the proposed dwellings are indicatively described as two-storey, it is considered highly likely that the development would be visible from the neighbouring properties.

As noted in the DAS, a full landscape design would be submitted as part of a future reserved matters application. However, the Indicative Site Layout shows that there would be a substantial separation gap between the proposed new dwellings and Southmead and Sunnydale, together with new or enhanced hedgerows along the site boundaries.

While it is considered that much of the outlook from these dwellings would change from open countryside to a residential development, private views are not protected by UK law. As such, it is not considered that the change in outlook would, in principle, result in harm to the neighbouring amenity.

Notwithstanding the above, by reason of the outline nature of this application, a full assessment of the impact of the proposed new dwellings would be undertaken at the reserved matters stage.

In terms of the proposed new access, this would be off Roman Road, equidistant between the junctions with Chilson Common and School Lane, and would make use of an existing agricultural access. There would be a separation gap to the nearest dwelling, no.10 Crossways, of approx. 58m.

As such, the proposed access point would not be considered to give rise to unacceptable harm to the neighbouring amenity in terms of noise or light disturbance or loss of privacy.

The recommended CEMP condition would address the impact on the neighbouring amenity of the construction phase.

No external lighting strategy has been submitted with this application. As such, it is considered reasonable to add a condition with regard to the reserved matters.

For these reasons, the outline proposal is considered capable of policy compliance with Local Plan policy EQ2 and the relevant policies of the NPPF in regard to neighbouring amenity.



## **Future Occupiers' Amenity:**

Local Plan policy EQ2 states:

*...new dwellings should provide acceptable residential amenity space...*

Local Plan policy EQ7 resists noise and light pollution and harm to residential amenity.

NPPF paragraph 130 f) states:

*Planning .. decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for .. future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The site is not located within close proximity to major roads, therefore, traffic noise is not a concern in this case.

The proposed dwellings would be expected to provide an acceptable standard of living accommodation.

In terms of outdoor amenity, the submitted documents and illustrative layout note that each proposed dwelling would have their own garden.

These aspects, together with overlooking and fear of crime, would be fully assessed at the reserved matters stage, but it is demonstrated that it would be possible to achieve an acceptable level of amenity.

## **Heritage Assets:**

Local Plan policy EQ3 states:

*All new development proposals relating to the historic environment will be expected to: ...Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets...*

Paragraph 189 of the NPPF states:

*Heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*

As noted above, the nearest listed building, Grade II, Main Office, John C Small and

Tidmas Limited, lies approx. 191m to the east of the site, and Roman Road and Perry Street are identified as having Archaeological potential.

The Council's Archaeology Consultant has been consulted on this application and no comments have been received.

A Historic Environment Desk-Based Assessment, dated September 2021, has been submitted in support of this application. This notes that:

- *The Site has potential for the presence of remains spanning from the Roman to the post-medieval periods to survive within the Site. Such remains would be of varying evidential and historic (illustrative) value, but it is highly unlikely that they would be of such significance that they would preclude development of the Site. The heritage impacts of their truncation and / or removal would need to be mitigated through a programme of appropriate and proportionate archaeological works to be agreed with the archaeological advisor to the South Somerset District Council. In the first instance, a geophysical survey followed by targeted trial trenching (including some trenching in any 'blank' areas identified by geophysical survey to test the reliability of the results) could be undertaken, in order to understand the significance of the archaeological remains and inform appropriate mitigation measures.*
- *The Site's boundaries might comprise 'important' hedgerows under the 1997 Hedgerows Regulations (as they are illustrated since at least the 1841 tithe map). These comprise non-designated 'heritage assets' of low heritage significance. The Hedgerows Regulations require that suitable notice is given to the South Somerset District Council prior to removal of such hedgerows (i.e. through planning application process).*
- *A full settings assessment has concluded that the proposals would result in no harm to the significance of any designated heritage assets through alteration of their setting.*

Given the potential for archaeological significance, it is considered reasonable to impose a standard condition in this regard.

By reason of the separation gaps involved between the site and the nearest listed buildings, together with the proposed retention of the existing mature vegetation along the site peripheries, it is not considered, at this stage, that the scheme would result in any impact on the significance of the listed buildings or their settings.

The Hedgerows Regulations 1997 Regulation 6 (1) (e) states that:

*The removal of any hedgerow to which these Regulations apply is permitted if it is required for carrying out development for which planning permission has been*

*granted.*

As such, a separate application for the partial hedgerow removal proposed would not be required in this case should the Council be minded to approve this application.

The reserved matters application would be fully assessed in terms of heritage impact.

For the above reasons, the outline scheme would be considered capable of compliance with policy EQ3 and paragraph 189 of the NPPF with regard to impact on heritage assets.

### **Highways, Parking, Waste:**

NPPF paragraph 111 states:

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

Local Plan policy TA1 requires all residential development to provide Low Carbon Travel measures subject to viability.

Local Plan policy TA4 requires a Full Travel Plan be provided for schemes of over 50no. new dwellings.

Local Plan policy TA5 requires all new development to maximise the potential for sustainable transport.

Local Plan policy TA6 requires the Somerset County Council Parking Strategy standards be applied to all new development.

The Highway Authority has been consulted on this application and has no objections to the proposed new access or the principle of the 95no. new dwellings, subject to conditions and S106 agreement. They have made some comments on the indicative internal road layout which would be addressed at the reserved matters stage.

Highways also note that car parking spaces, electric vehicle parking, and an Updated Full Travel Plan would be required at the reserved matters stage; and that the applicant has committed to a safeguarding sum for Travel Plan monitoring by Highways via a Section 106.

Somerset Waste Partnership has been consulted on this application and has made no

comments at the time of writing.

As noted above, the site abuts a rural settlement comprising limited local amenities including a primary school and 2no. bus stops lie immediately adjacent to the site. These offer a relatively frequent service between Taunton and Axminster, where the nearest railway station is located. As such, the site is considered relatively sustainable in transport terms.

The proposed access off Roman Road is detailed in submitted Proposed Site Access Arrangement, 7247/SK/203, Rev.D. This is considered acceptable in highways safety terms.

The proposed access arrangements also include a new footpath between the vehicular access and the proposed new pedestrian crossing on Perry Street to the north of the junction with School Lane. To facilitate this, the existing bus shelter on the eastern side of Perry Street would be relocated to the rear (eastern) edge of the proposed new footpath.

The Indicative Site Layout shows that there would also likely be 2no. pedestrian and cycle access points to the north and south of the site adjacent to the highway and 2no. access points on the eastern boundary to the fields.

A Transport Assessment (TA) dated November 2021, has been submitted in support of this application, which satisfies policy TA4. This notes that:

- Pre-application advice was sought from the Highways Authority prior to submission of this outline application.
- 97no. new dwellings would generate approx. 120 two-way daily car trips during the am and pm peak hours;
- The projected increase in daily traffic flow would be fall within the typical variation and would represent an imperceptible increase in total vehicle flows through the junctions most likely to be affected by the scheme.
- A junction capacity assessment has been undertaken for the proposed site access which would form a priority T-junction - this concludes that the site access junction would operate well within theoretical capacity with minimal queueing and delay on all arms when the proposed development is fully operational.

A Travel Plan, (TP), dated March 2022, has been submitted in support of this application, representing a revision of that originally submitted, in response to advice from County Highways. This notes that:

- The quantum of car, cycle and motorcycle parking would meet the requirements

for Zone C and would be detailed under the reserved matters application.

- 5no. pedestrian access points would be provided into and out of the site, in addition to the vehicular access point at the following locations:
  - a) to / from Perry Street adjacent to the existing bus stop opposite the Perry Street / School Lane junction, which would be relocated as part of the proposals;
  - b) to / from Perry Street to the north of the site, close to the junction with Linkhay Orchard;
  - c) to / from Chilson Common to the southwest of the site, close to the junction with Perry Street; and
  - d) at two locations onto neighbouring fields to the east and southeast of the site.
- To facilitate access to and from Tatworth village, an informal pedestrian crossing is proposed along the site's frontage with Perry Street, which would also enhance pedestrian connectivity to and from the bus stops along Perry Street.
- In the northernmost part of the site, a pedestrian path would be provided to ensure greater connectivity to the adjacent Public Right of Way, which currently provides access to Tatworth village via Crossways.
- In the southernmost part of the site, immediately adjacent to the Perry Street / Chilson Common junction, a 3m wide cycle path is also proposed off Chilson Common, which would allow cyclists to traverse through the site, thus avoiding the potential for conflict with vehicles travelling along Perry Street.
- A Travel Plan Co-ordinator (TPC) would be appointed by the developer to oversee and implement the TP.
- Occupants of each dwelling for the first three tenures would be provided with a Travel Information Pack, a sustainable travel notice board would be located in a prominent position within the site, a Travel Plan website would be created to support the RTP, and three sustainable travel events per year would be delivered to encourage sustainable travel.
- Car sharing, walking and cycling would be encouraged and financial reimbursements would be provided to occupants towards public transport or bicycle purchases etc.
- Electric charging points would be made available to all dwellings.

This above is considered acceptable in relation to policy TA5 at this stage.

A significant number of objections have been received raising concerns that the roads adjacent to the site are dangerous due to high traffic, narrow lanes and parked cars, and that the proposed development would substantially increase car trips and exacerbate the existing problems perceived by local people.

As noted above, the Highways Authority has raised no objections relating to the impact of the proposed residential development in terms of highways safety and the residual cumulative impacts on the road network. While the objections received in this regard are noted, it is the Officer's view that there are insufficient grounds for refusal on this basis and that the proposed Travel Plan and other mitigation measures would be satisfactory in this case.

For the above reasons, the proposed new access and the principle of 95no. new dwellings are considered acceptable with regard to highways safety and the road network. As such, the scheme would be capable of compliance with paragraph 111 of the NPPF.

Coming to parking provision, the Parking Strategy notes that 2no. car parking spaces are required per 1 bedroom dwelling; 2.5no. car parking spaces are required per 2 bedroom dwelling; 3no. car parking spaces are required per 3 bedroom dwelling; 3.5no. car parking spaces are required per 4+ bedroom dwelling; and 2no. car parking spaces are required per 1 bedroom dwelling; and 0.2no. car parking spaces are required per total quantum of proposed dwellings.

As noted above, the indicative housing mix would include: 10no. 1 bedroom dwellings; 22no. 2 bedroom dwellings; 53no. 3 bedroom dwellings; and 10no. 4+ bedroom dwellings.

As such, 328no. car parking spaces including 19no. visitor spaces would be required.

Given that 1no. cycle parking spaces are required per bedroom, 253no. would be required in this case.

In addition, 95no. electric charging points and 19no. motorcycle parking spaces would be required.

As confirmed by email dated 23/01/23, 288no. car parking spaces plus 253no. cycle spaces would be provided.

Therefore, the cycle parking proposed would be acceptable but the indicative car parking provision would fail to meet the requirement. However, given the outline nature of this application, this matter would be addressed at the reserved matters stage and a condition is, therefore, recommended to this effect.

For the above reasons, it is considered that the outline scheme is capable of compliance with policy TA1, subject to conditions and s106 agreement, as follows:

- i. Travel Information Packs would be provided as noted above;
- ii. Electric vehicle charging - see above;
- iii. Financial incentives to promote use of sustainable transport would be provided as noted above;
- iv. Cycle parking would be provided as noted above;
- v. Travel Plan has been submitted as noted above;
- vi. Sustainable transport measures would be provided as noted above;
- vii. Specific work area with broadband connections - see below;
- viii. Given the scale of the proposed scheme, which would not be considered to result in a significant impact on the residual network, improved public transport connections would not be required in this case.

Moving to the TA1 (vii) expectation for all new residential dwellings to provide a designed in specific work area with broadband connections to allow working from home. This would be assessed at the reserved matters stage and a condition is recommended to this effect.

Turning to waste, the TP notes that: *Swept Path Analysis of the appropriate-sized refuse vehicle and home delivery / courier vehicles will be undertaken at reserved matters stage.*

For the reasons above, the proposed development is considered, subject to conditions and a Section 106 agreement, capable of compliance with policies TA1, TA4, TA5 and TA6 of the Local Plan, the Somerset County Council Parking Strategy and NPPF paragraph 111.

### **Biodiversity:**

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).

In May 2019 South Somerset District Council formally recognised a climate and ecological emergency.

Local Plan policy EQ4 requires proposals to:

- *Protect the biodiversity value of land and buildings and minimise fragmentation of habitats and promote coherent ecological networks;*

- *Maximise opportunities for restoration, enhancement and connection of natural habitats;*
- *Incorporate beneficial biodiversity conservation features where appropriate;*
- *Protect and assist recovery of identified priority species; and*
- *Ensure that Habitat Features, Priority Habitats and Geological Features that are used by bats and other wildlife are protected and that the design including proposals for lighting does not cause severance or is a barrier to movement.*

Local Plan policy EQ5 promotes the provision of Green Infrastructure throughout the district, based upon the enhancement of existing areas including public open space, accessible woodland, and river corridors, and by ensuring that development provides open spaces and green corridor links between new and existing green spaces.

Local Plan policy EQ6 resists the loss of ancient or veteran trees and seeks the enhancement and expansion of woodland.

NPPF paragraph 174 a) states planning decisions should protect and enhance sites of biodiversity value and 174 d) states decisions should provide net gains for biodiversity.

NPPF paragraph 180 d) states opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The County Ecologist has been consulted and has no objections subject to conditions.

The site comprises 3no. fields of improved grassland surrounded by hedges.

The submitted Preliminary Arboricultural Impact Assessment, dated 26/10/21, notes:

- *The proposed development requires minimal losses of trees and has sensitively considered the existing tree cover in respect of RPA incursions and shading constraints.*
- *Tree loss is limited to three small sections of hedgerow (H2 and H13) to facilitate the construction of the internal road network, as well as some pruning of G19 to facilitate the construction of the attenuation basin.*
- *These are considered low value features (Category C) and can be easily replaced / compensated for as part of future soft landscaping proposals.*
- *The opportunities for new tree planting as part of the development is expected to provide a future net gain in tree cover given the limited amount of tree loss.*



- *Further work is recommended to include a full Arboricultural Method Statement*

The submitted Tree Retention and Removal Plan, ref.12920/P02, contained within the above report shows that the majority of trees and hedges would be retained with the exception of 3no. sections of hedgerow to form the access road (approx.25m length to be removed) and internal roads (2no. sections of approx. 17m length to be removed).

The submitted Ecological Assessment (EcIA), dated October 2021, notes:

- The site measures approx. 4.35ha and is currently used for grazing cattle
- Dormice were found to be absent. Levels of bat activity were not notable with the exception of a Serotine commuting route along the north boundary of the site. The majority of activity was that of foraging pipistrelles.
- With the habitat creation, enhancement, and management methods employed as outlined, it is considered that the site would be enhanced for NERC Act Section 41 (UK BAP) habitats and species, and any residual effects would be neutral to beneficial for flora, invertebrates, bats, birds and small mammals.

The submitted Dormouse Survey, dated October 2021, did not record any evidence of Dormice.

The submitted Bat Activity Survey, dated October 2021, notes:

- The proposed site design now retains the hedges originally proposed be removed and as such the majority of potential impacts to bats have been removed.
- However, potential impacts related to loss/changes in foraging habitats, new lighting etc. remain.
- 5no. species of bats were confirmed on the site.
- Any development of the site will result in the loss or modification of the habitats on site and the focus of the mitigation has been to ensure that the integrity of the boundary habitats is at least maintained, not just for bats but for wildlife in general. The ability of bats to forage is not expected to be compromised and the provision of a number of new roosting features would be regarded as being a significant enhancement of the site.

The submitted Biodiversity Net Gain Preliminary Design Stage Report, dated October 2021, notes that the outline scheme would result in a 14% net gain in habitat biodiversity value subject to:

- Implementation of the recommendations within the preliminary ecological appraisal;
- A full specification of habitats and hedgerows including relevant management to be produced within a Landscape and Ecological Management Plan (LEMP)

approved in writing by the local planning authority prior to development.

For the above reasons, it is the Officer's view that, subject to conditions, the proposed outline scheme is capable of compliance with Local Plan policies EQ4, EQ5 and EQ6, and the NPPF.

### **Phosphates:**

Local Plan policy EQ4 states:

*Development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation of the designated site.*

NPPF paragraph 185 states:

*Planning .. decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*

The site is identified as being within the River Axe Special Area of Conservation (SAC) Catchment Area.

The form of development, providing new dwellings, is identified by the Natural England informative guidance as one that may require a Habitats Regulations Assessment (HRA).

Natural England have been consulted on this application and following the receipt of additional information and amended plans have no objections.

The County Ecologist has been consulted on this application and following the receipt of additional information and amended plans has no objections subject to conditions.

The proposal involves the creation of 95no. new dwellings. As such, the development would result in an increase in user numbers and is considered to give rise to an increase in phosphates.

A Shadow Habitats Regulations Assessment (sHRA), dated 02/08/22, and a SHRA Addendum, dated 04/11/22, have been submitted in support of this application. The former notes that:

- Foul water from the proposed development would be processed at Chard wastewater Treatment Works, which itself discharges into the River Axe;
- Therefore, the phosphate load from the proposed development could cause a likely significant effect on the River Axe SAC, which is a European designated site;
- A Nutrient Neutrality Assessment (NNA) has been undertaken by RMA Environmental;
- A Kingspan Klargester Biodisc Package Treatment Plant (PTP) with a chemical dosing unit would be installed at the site and would discharge to a stream located along the northern boundary of the site;
- The PTP would be adopted by Albion Water (sewerage undertaker) who would be responsible for managing and maintaining the PTP and any environmental permitting requirements;
- The proposed mitigation involves the replacement of 3no. septic tanks, located within the same sub-catchment as the proposed development, with efficient GRAF One2Clean PTPs (without chemical dosing);
- The dwellings to have their existing septic tanks upgraded include The Bungalow, TA20 4BX, Greystones, TA20 4HE, and Southmead, TA20 2PU, [as shown in Figure 5.1: Mitigation Site Location Plan, of the SHRA];
- The installation of the PTPs and ongoing maintenance would be secured via a Section 106 agreement, [of which a draft Heads of Terms is set out at page 44].
- The proposed mitigation would provide a reduction of 2.89 kg/year of phosphate which would offset the proposed development phosphate surplus of 2.29 kg/year. Therefore, the proposed development will be phosphate neutral.

The sHRA and Addendum have been reviewed by the Council's Ecology Consultants (Ecus Ltd) who have commented that the proposed mitigation would be acceptable subject to permitting and legal agreement.

Following advice from the Council's Ecology Consultants, the red outline was amended to incorporate the PTP and drainage area to the northeast of the original red outline, within the blue outline of land under the ownership of the applicant.

As noted above, a further public consultation was undertaken in November 2022 following receipt of the amended Location Plan.

Representations have been received from neighbours commenting that the application site is rarely used for grazing and mostly left vacant, therefore, the proposed change of use should not be considered as beneficial in phosphate terms. However, the existing lawful use of the application site is agricultural. As such, any assessment of the site will be based on the change of use from agricultural to, in this

case, residential.

For the above reasons, it is considered that the proposal would not be to the detriment of the River Axe Special Area of Conservation, subject to the S106 legal agreement ensuring the implementation and maintenance in perpetuity of the proposed new and replacement PTPs in accordance with the submitted documents.

As such, the proposal is considered capable of compliance with policy EQ4 and paragraph 184 of the NPPF in this regard.

### **Flood Risk, Drainage, Contamination:**

Local Plan policy EQ1 directs development away from areas at risk of flooding and stipulates that development reduce and manage the impact of flood risk by incorporating Sustainable Drainage Systems, and through appropriate layout, design, and choice of materials.

Local Plan policy EQ7 seeks to limit water, land and air pollution and to avoid harm to amenity, health or safety.

NPPF paragraph 168 states:

*Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.*

Footnote 55 states:

*A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.*

NPPF paragraph 183 states:

*Planning .. decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

The application site lies within Flood Zone 1 and falls beyond any land having critical drainage problems. The application site measures approx. 4.4 ha. and, accordingly, a Flood Risk Assessment (FRA), dated October 21, has been submitted in support of this application.

#### Flood risk and drainage

The FRA notes that:

*The potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development have been calculated, and it has been demonstrated that surface water can be managed, such that flood risk to and from the Site following development will not increase. This will be achieved through restricted discharge rates and an appropriately sized detention basin with an outfall to the bounding watercourse.*

The Lead Local Flood Authority (LLFA) has been consulted on this application and has withdrawn its original objections subject to conditions and informatives, as detailed in the Consultees section above.

The Environment Agency has been consulted and has confirmed they do not wish to make any comments.

Wessex Water has been consulted on this application and has commented:

*Despite the fact that this catchment does not have Wessex Water sewerage service, our public water main appears to cross the site, affecting the proposed plans. Accordingly, Wessex Water will not permit any buildings, structures, etc. to be erected within statutory easements on either side of the water main. This restriction will also apply to underground structures such as soakaways etc. We'd prefer any proposed layouts to be adjusted so a diversion is not required.*

Construction activities over and along the route of the water main would be restricted and should be agreed with Wessex Water before any work commences on site - Method Statements and Risk Assessments should be submitted for approval. It is the developer's responsibility to ensure that the proposed layout and plans comply with statutory easements.

The proposed new foul drainage connection into the public sewers via the proposed pumping station and surface water drainage to the nearby watercourse via the attenuation tanks and flow control pipes are considered acceptable subject to conditions.

### Contamination

Preliminary Geo-Environmental Risk Assessment, Rev.B, dated October 2021, has been submitted in support of this application. This notes that:

*No significant contamination risks to the development of the site have been identified and it is considered that this development can be undertaken under a suitably worded planning condition and with conventional ground investigation techniques.*

The Council's Environmental Health Officer has been consulted and has no objections subject to a Contaminated land watching brief condition.

The site is not known to be contaminated. However, given that agricultural use has the potential to result in land contamination, it is considered reasonable to apply a condition in this regard.

For these reasons, the outline scheme is considered, subject to conditions, capable of compliance with Local Plan policy EQ1 and NPPF paragraphs 168 and 183 in this regard.

### **Sustainable Construction:**

Local Plan policy EQ1 states, among other criteria:

- *New development will ensure that carbon dioxide emissions are minimised through energy efficiency measures, renewable and low carbon energy*
- *Climate change should be considered in the design of new development, incorporating measures such as solar orientation, maximising natural shade and cooling, water efficiency and flood resilience*

NPPF paragraph 154 b) states that new development should help to reduce greenhouse gas emissions, such as through its location, orientation and design.

NPPF paragraph 157 b) states that new development should be designed to minimise energy consumption.

The submitted Energy Statement, dated 29/10/21, notes that:

- The proposed scheme would result in a 60% reduction in site wide energy demand and 46% reduction in site CO2 emissions
- The energy and carbon reduction strategy would involve increasing building fabric efficiency and installing Mechanical Ventilation with Heat Recovery (MVHR), Air Source Heat Pumps and Solar PV panels.

The Future Homes standards 2025 require an 80% reduction in carbon emissions from the 2013 baseline. However, these have not yet been implemented and current Building Regulations, under Approved Document Part L, updated in June 2022, require a 31% carbon reduction.

Given that full plans were deposited with the local authority before 15 June 2022, the latest amendments to the regulations need not apply in this case.

The carbon reduction and energy efficiency measures would be fully assessed at the reserved matters stage. However, the strategy set out in the submitted Energy Statement is considered acceptable and it is considered reasonable to impose a condition in this regard.

For the above reasons, the proposal is considered capable of compliance with Local Plan policy EQ1 and the NPPF.

### **Affordable Housing:**

Local Plan policy SS6 seeks the provision of on-site affordable housing as appropriate, to be secured through S106 legal agreements.

Local Plan policy HG3 requires 35% on-site affordable housing (AH) in schemes of 6no. new dwellings or more.

SSDC Policy HG3 First Homes Position Statement, (FHPS), states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

NPPF paragraph 64 supports the provision of affordable housing in residential major development.

NPPF paragraph 65 seeks at least 10% of the total number of homes to be available for affordable home ownership as part of the affordable housing provision.

The Council's Affordable Housing Officer has been consulted on this application and

has no objections subject to the following:

- 35% affordable housing would be required, to be split 80% social rent and 20% intermediate product.
- For 34 units based on a development of 97 dwellings the split should be as follows: 24 dwellings for social rent, 8 dwellings for First Homes and 2 dwellings for shared ownership.
- The following mix is proposed: 8no. 1 bedroom house or bungalow; 13no. 2 bedroom house or bungalow; 10no. 3 bedroom house; 2no. 4 bedroom house (to be provided for social rent); and 1no. 5 bedroom house (to be provided for social rent).
- Affordable units to be pepper potted throughout the site, and to blend in.
- Dwellings to be houses/bungalows or if flats have the appearance of houses.
- Affordable units to be located in clusters of no more than 10 with social rented properties in each cluster.
- s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.
- The s106 should also include a schedule of approved housing association partners for delivery of the affordable units.

The outline scheme has been reduced from 97no. to 95no. units during the course of this application. As such, the quantum of affordable housing units required would total a minimum of 33no.

The submitted Technical Note: Draft Heads of Terms, dated 3/11/21, includes the commitment to providing 35% affordable housing.

For the reasons above, the scheme is considered, subject to a S106 agreement, capable of compliance with Local Plan policy HG3 and NPPF paragraphs 64 and 65.

### **Economic Impact:**

Local Plan policy SD1 seeks development that improves the economic conditions within the District.

NPPF paragraphs 8 a) and 38 support development that delivers economic benefits.

The proposed outline application involves the principle of 95no. new dwellings adjacent to an existing rural settlement that contains some local amenities.



### Future occupiers and construction workers

The future occupiers of the proposed residential development would, in principle, be expected to make a relatively significant positive contribution to the local economy through additional spending on food, travel, cultural/leisure activities and shopping.

Again, considering the principle of the proposed overall scheme, economic benefits would also ensue from the construction phase in terms of job opportunities.

The Economic Statement, dated 25/10/21, submitted in support of this application notes that:

- Regard has been had to the Homes and Communities Agency (HCA) Additionality Guide (Fourth Edition)
- It is estimated that 111 full time jobs would be created over a two-year build programme. The construction industry is an important employer both nationally and locally. According to the 2011 Census, 5.4% of employed residents in the local authority area aged 16 and over were employed in construction. In relation to Tatworth, construction is the fifth largest (out of nineteen) source of employment.
- An average weekly spend of £40,256 is estimated to be generated by the proposed development, or £2,093,312 over the course of a year. Even if this local spending achieved was as low as 10% of the maximum available, this would still equate to a spend of circa £200,000.

### s106 Agreement/Developer Contributions

The County Education Dept has been consulted on this application and has no objections subject to a s106 agreement for developer contributions for primary and secondary school places. As such a contribution towards primary (£502,348), secondary school (£333,801) provision and land (£58,200) is required, giving a total of £894,349). This equates to £9,220.09 per dwelling. The schools which will benefit from this funding to ensure sufficient capacity would be Holyrood Academy and Chard KeySite (primary)(i.e. the new school site).

NHS Foundation Trust has advised that contributions are only sought from the total of the open market dwellings (which is 63) on the assumption that any affordable homes would more than likely be occupied by local residents. This approach also recognises that there is the possibility that new and fit for purpose affordable homes may lead to better health outcomes for the occupants.

The NHS has been consulted on this application and has no objections subject to a

s106 agreement for developer contributions for additional GP provision, as follows:

- total figure of £36,288 (£576 per dwelling)

A contribution towards play, youth and formal open space provision is also required, as follows:

- Equipped Play Space (LEAP) - £0 (to be provided and maintained by developer)
- off-site contribution towards improvement of youth facilities at Tatworth Recreation Ground: £14,167, with £5,238 towards ongoing maintenance.
- Off-site contribution towards enhancing playing pitches at Jocelyn Park, Chard or the development of additional pitches on land adjoining the pitches at Forton Community Association: £36,189, with £21,966 towards ongoing maintenance.
- Off-site contribution towards improve changing rooms at Jocelyn Park, Chard or expansion of changing at the Forton Community Association Site: £66,151, with £5,322 towards ongoing maintenance.
- Overall, this equates to £149,032 in total, or £1,584 per dwelling.

The Travel Plan should also be secured through the s106 agreement.

Should the Council be minded to approve this application, then a S106 agreement would be undertaken. This would include the above Education, NHS contributions, delivery and maintenance of the LEAP, contributions towards youth facilities, playing pitches and changing facilities, the Affordable Housing provision, and the Travel Plan and access works.

### Agricultural land

NPPF paragraph 174 states that decisions should:

*should recognise the economic and other benefits of the best and most versatile agricultural land...*

Approx. one third of the site (in the south-western part) lies within agricultural land classified as Grade 2 (Very Good) while the remainder is classed at Grade 3 (Good to Moderate). The fields are understood to be used for grazing.

Given the relatively modest size of the land parcel in question, together with its agricultural classification, the economic impact of the loss of this agricultural land is not considered to constitute unacceptable harm in this case.

Overall, it is considered that the outline proposal would, in principle, result in benefits

to the rural economy in the short and long term and would be capable of compliance with Local Plan policy SD1 and NPPF paragraphs 8 a), 38 and 174 in this regard.

### **Community Infrastructure Levy (CIL):**

South Somerset approved a Community Infrastructure Levy Charging Schedule on 17 November 2016. At the same time as approving the Charging Schedule, it was agreed that the levy would be implemented from 3 April 2017 onwards.

Local Plan policy SS6 states:

*A Community Infrastructure Levy will be charged throughout the District in accordance with the adopted Charging Schedule for the provision of infrastructure in the area.*

In this case, the proposal would result in 95no. new (C3) dwellings. As such, the proposed development is CIL liable and, should the Council be minded to approve the application, the developer contribution would be secured via a S106 Agreement.

### **Other:**

#### Public Open Space

Local Plan policies SS6 and HW1 seek on-site provision and enhancement of public open space to be secured via Section 106 legal agreement.

The SSDC Open Space Officer has been consulted on this application and has no objections subject to reserved matters.

The proposed outline scheme involves 3no. Public Open Spaces (POSs) totalling approx. 5,547 sqm as shown in the Indicative Site Layout. This would accord with the minimum of 0.55 ha noted in the Open Space Officer's comments.

The proposed LEAP (Locally Equipped Areas for Play) shown in the Indicative Site Layout sited in the POS to the north of Southmead and adjacent to Perry Street is considered a likely benefit to both neighbouring residents and future occupiers of the application site.

For the above reasons, the outline proposal is considered capable of policy compliance, subject to conditions, in this regard.

### Public Rights of Way (PROW)

Local Plan policy HW1 states that PROWs form aspects of Green Infrastructure that need to be given full consideration.

NPPF paragraph 100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

Public Right of Way, footpath CH5/66 runs alongside the northern site boundary.

The County Public Rights of Way Officer has been consulted on this application and has no objections subject to conditions.

The application site does not include the PROW and the proposed outline scheme would not be considered to affect the existing footpath.

As such, the proposal is considered capable of policy compliance, subject to conditions, in this regard.

### **Planning Balance:**

The proposed outline scheme would result in up to 95no. new dwellings on the edge of a rural settlement, of which 35% would be affordable, together with 1no. new vehicular access, associated hard and soft landscaping, parking, sustainable drainage and 3no. POSs including a LEAP.

The current application is in outline only, for consideration of the new access and the principle of residential development as noted above.

It is acknowledged that 180no. letters of objection have been received, including the Parish Council. This lack of community support for the proposed development conflicts with one aspect of Local Plan policy SS2 and weighs against the scheme.

Notwithstanding the above, the provision of up to 95no. new dwellings including 33no. affordable units would represent a positive contribution towards the current housing shortfall and is considered a substantial benefit.

The proposal would give rise to some economic benefits through increased footfall to local amenities, although these are limited, and employment opportunities during the construction phase.

Subject to conditions, the outline proposal is not considered to give rise to unacceptable harm in relation to visual amenity, neighbouring amenity, heritage, archaeology, highways, flooding or drainage matters.

The vast majority of the mature hedges and trees within the application site would be retained and protected, while the scheme would be likely to result in overall biodiversity net gains of over 10%.

It is acknowledged that much of the above would require full assessment at the reserved matters stage, should the Council be minded to approve this application.

The proposed sustainable drainage scheme and phosphate mitigation would also be acceptable.

Given that the Council cannot currently demonstrate a five-year housing land supply the tilted balance is engaged in this case.

Overall, the scheme is not considered to give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and the NPPF when taken as a whole.

For the reasons above, the proposal is considered, on balance, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Local Plan policy SD1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and conditional approval is recommended in line with NPPF paragraph 11 d).

## **Recommendation**

Approve

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

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

- i. The provision of affordable housing (35% affordable housing provision in accordance with the tenure and dwelling type mix specified by the Affordable Housing Officer),
- ii. Contribution towards the provision and maintenance of youth facilities, playing pitches and changing rooms.
- iii. Delivery and maintenance of LEAP
- iv. Management of Public Open Space
- v. Education contribution
- vi. NHS contribution
- vii. Travel Plan
- viii. Access works

And b) the following conditions

01. The proposal by reason of the ability to consider and control scale, layout, design and landscaping within any reserved matters would not result in harm to the landscape, local character, the historic environment, residential amenity, flood risk, ecology or highway safety. As such the proposal is considered capable of compliance with Policies SD1, SS1, SS2, SS4, TA4, TA5, TA6, EQ1, EQ2, EQ4 of the adopted South Somerset Local Plan (2006-2025), the provisions of the NPPF (as amended) and the National Design Guide.

**SUBJECT TO THE FOLLOWING:**

01. 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than three years from the date of this permission or two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan, 2664, L01, Rev.B, (30/09/22)

- Proposed Perry Street Site Access Arrangement, 7247/SK/203, Rev.D, (25/11/22)

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

03. Prior to commencement of above ground works, details of the materials and finishes to be used in the construction of all external surfaces, windows and doors, together with all hardstanding including kerbs, edges, unit paving, steps and if applicable any synthetic surfaces, of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity in accordance with Local Plan policies SS2 and EQ2, and the NPPF.

04. Before any above ground works commence, details including design and materials of all boundary treatments within the application site including gates shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the approved details prior to the first use of the development and retained as such thereafter.

REASON: In the interest of visual amenity of the area and biodiversity, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

05. Prior to commencement of the development hereby permitted, including groundworks, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures must be prepared and submitted to the Council for their approval in writing incorporating the recommendations set out in Preliminary Arboricultural Impact Assessment, dated 26/10/21, Tree Retention and Removal Plan, ref.12920/P02, and Ecological Assessment (EIA), dated October 2021.

Upon receipt of the Council's approval in writing, the satisfactory installation of the approved protection scheme (in particular, any required fencing, signage and ground-protection installations), must be confirmed in writing by the Council, prior to development works taking place (NOTE: to comply with the terms of this condition, you will need to e-mail us at: [planningsouth@somerset.gov.uk](mailto:planningsouth@somerset.gov.uk) - quoting the relevant planning reference - making sure to provide supporting photographs clearly demonstrating compliance with the approved scheme).

Those approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled with the prior consent of the Council in writing.

REASON: In the interest of visual and natural amenity, in accordance with Policies EQ2, EQ4, EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-28 and the NPPF.

06. No above ground works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping measures to be in accordance with the criteria for appropriate compensation for unavoidable harmful effects as set out in the Dorset AONB Management Plan policy C2.f.
- a) The submitted scheme shall clearly confirm the details, materials, levels and dimensions of any intended tree or shrub planting, tree pit design, earth-moulding, boundary treatments (for example, hedgerows, fences & walls), seeding, turfing and the installation of hard-surfaces, pathways, driveways and parking spaces.
  - b) All planting stock must be specified as UK-Grown, and details must be provided in relating to the planting locations, planting matrixes, numbers of individual species, sizes, forms, root-types & root-volumes (for example, "Cell-Growns" for smaller sizes, larger sized "Container-Grown's" - ought to have their root volumes detailed in litres, e.g 45-65 litres for a '10-12' or a '12-14' ) and the intended timing of planting.
  - c) Installation details to ensure successful establishment, specifically relating to ground-preparation, the use of bio-degradable geo-textiles and other weed-suppression and ground stabilising measures, surface-mulching, strimmer-guarding, staking, supporting and tying must also be included within the submitted scheme.
  - d) The tree species to be planted shall include a wide range of native trees.
  - e) Details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site.
  - f) Programme of implementation.

The landscaping shall be implemented in accordance with the approved scheme and all planting shall be carried out within the dormant season (November to February inclusively) upon or prior to the first occupation of the development hereby approved.



If any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they must be replaced within the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

REASON: In the interest of visual and natural amenity, to provide screening of the development and mitigate its visual impact, to ensure that the proposed development will deliver biodiversity enhancements, to compensate for the loss of greenfield land and to ensure compliance with policies EQ2, EQ4, EQ5 and EQ6 of the Local Plan and the NPPF.

07. No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice, otters and other species that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
  - (c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.
  - (d) comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations

set out in the strategy and shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of the 'Favourable Conservation Status' of populations of European protected species and the residential amenity, in accordance with policies EQ2, EQ4 and EQ7 of the South Somerset District Council Local Plan and the NPPF.

08. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones, dormice precautionary working method statement, precautions for reptiles, etc.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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

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

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

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

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

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

10. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

- A) Installation of new native species rich hedgerow to be planted to form a new boundary between the site and the adjacent off-site house comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field

maple, elder, elm, dog rose, bird cherry and spindle. All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native.

- B) On 50no. dwellings: Installation of at least 1 x Habitat 001 bat boxes (or similar), at least four metres above ground level and away from windows, on the south and/or west facing elevations (1 x per dwelling).
- C) On 22no. dwellings: Installation of at least 2 x Schwegler 1as swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevations of each dwelling (2 x per dwellings).
- D) On 13no. dwellings: Installation of at least 1 x Schwegler 1SP Sparrow terrace (or similar) directly under the eaves and away from windows on the north and/or east elevations of the proposed dwellings (1 on each)
- E) On 12no. dwellings: Installation of at least 2 x Vivra Pro Woodstone House Martin nests (or similar) mounted directly under the eaves and away from windows on the north and/or east elevations of the proposed dwellings (2 on each)
- F) 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.
- G) A least 4 x log piles/hibernacula for hibernating common reptiles/amphibians and invertebrates will be created along the boundaries of the site, ideally using the brashings/cuttings/logs from the vegetation management on site.
- H) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- I) Attenuation basins designed for biodiversity, for example scalloped edged, ledges and wetland plants/ trees (see CIRIA manual, Biodiversity Chapter and Graham et al. 2012).

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.

11. Prior to commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of

Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the 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: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted, and the site covers a large surface area in which it is considered necessary to preserve as a record any archaeological information before it is destroyed by the development in accordance with Local Plan policy EQ3 and paragraph 189 of the NPPF.

12. No part of the development hereby permitted shall be occupied or brought into use until the proposed access has been carried out in accordance with Proposed Perry Street Site Access Arrangement, 7247/SK/203, Rev.D, (25/11/22) and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority and shall thereafter be maintained at all times.

There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 90 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

13. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry, or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained, and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the

Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

14. Prior to commencement, details shall be submitted to and approved by the Local Planning Authority in writing, of all proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, and shall be constructed and laid out in accordance with the approved details and maintained as such thereafter.

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

15. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the

site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

16. The development hereby permitted shall not be commenced until a detailed parking scheme, to include parking spaces and visitor spaces in compliance with the requirements of the SCC Parking Strategy 2013, and associated consolidated turning spaces (no loose stone or gravel) has been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be first occupied until the associated parking and turning areas have been constructed and made available for use in accordance with the agreed details. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA6 and the NPPF.

17. Before the development is occupied secure, covered cycle parking facilities to serve each plot (in compliance with the requirements of the SCC Parking Strategy 2013) shall be provided and available for use in accordance with details to be submitted to and agreed in writing by the Local planning Authority. Thereafter, the agreed cycle parking facilities must be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of sustainable transport and in accordance with Local Plan policy TA1 and the NPPF.

18. A Travel Plan broadly in line with the Interim Travel Plan dated 09/09/20 and incorporating details of an information pack to be provided to all initial residents regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs, shall be submitted for approval, and implemented upon first occupation. The applicant shall implement and monitor the approved Travel Plan in accordance with the Somerset Travel Plan guidance set out at [www.somerset.gov.uk/waste-planning-and-land/travel-plans/](http://www.somerset.gov.uk/waste-planning-and-land/travel-plans/) and for each subsequent occupation of the development thereafter

maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

REASON: To achieve the sustainability objectives of the NPPF and to ensure the development will not prejudice highway safety nor cause inconvenience to other highway users in accordance with the NPPF and policy TA4 of the Local Plan.

19. The development hereby approved shall not be occupied unless and until at least 1no. active fast charge socket is provided per dwelling (in compliance with SCC's Parking Strategy 2013 and SCC's EV Charging Strategy Oct 2020) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The charging provision shall thereafter be permanently maintained, kept free from obstruction and available for the purposes specified.

REASON: To achieve the sustainability objectives of the NPPF and to ensure the development will not prejudice highway safety nor cause inconvenience to other highway users in accordance with the NPPF and policy TA6 of the Local Plan.

20. The development hereby approved shall not be occupied unless and until each dwelling is supplied with an active broadband internet connection and the broadband internet provision shall thereafter be permanently retained as such.

REASON: To achieve the sustainability objectives of the NPPF and to enable home working in accordance with policy TA1 of the Local Plan.

21. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- a) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
  - b) Arrangements for liaison with the Council's Environmental Protection Team;
  - c) No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
  - d) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;



- e) Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- f) Procedures for emergency deviation of the agreed working hours shall be in place.;
- g) South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment;
- h) Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared;
- i) Control measures shall be in place for dust and other air-borne pollutants;
- j) Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.
- k) Construction vehicular routes to and from site; expected number of construction vehicles per day; car parking for contractors; a scheme to encourage the use of Public Transport amongst contractors; and a scheme to encourage the use of Public Transport amongst contractors; and measures to avoid traffic congestion impacting upon the Strategic Road Network.

REASON: In the interests of the amenities of nearby occupiers and highways safety and in accordance with Local Plan policies EQ2 and TA5 the relevant policies of the NPPF and in accordance with the provisions of Circular 11/95 and the Environmental Code of Construction Practice.

22. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

REASON: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

23. Prior to commencement of the development hereby permitted details of the design of a Surface Water Drainage Scheme shall have been submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010) and be compliant with the national NonStatutory Technical Standards for SuDS, and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a discharge rate to be agreed with SCC as LLFA.
  - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
  - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The drainage works shall be implemented in accordance with the approved details and maintained thereafter.

REASON: To reduce the risk from surface water flooding within and around the site and to manage climate change, in accordance with Local Plan policy EQ1 and the NPPF.

24. Prior to commencement of the development hereby permitted evidence of riparian rights to connect surface water into the adjacent watercourse, as well as evidence of communication with the downstream asset owner as the ultimate point of discharge is provided to the LLFA and LPA. Where riparian rights are

not evidenced, the applicant should provide agreement in principle from the statutory maintainer.

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

25. o development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority, that shall include:
- a) 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; and
  - b) 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.

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.

26. Prior to first occupation of any of the dwellings hereby permitted, written evidence and details of the acquisition and installation of the Package Treatment Plants in accordance with details set out in the Nutrient Neutrality Assessment and Mitigation Strategy provided by RMA Environmental (5 August 2022), including an agreed scheme for maintenance and ownership in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority. Such evidence and details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for maintenance of the package treatment plant, the permanent connection of the dwellings hereby permitted to said package treatment plant (unless the Local planning Authority gives any prior written approval to any variation), and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. The Package Treatment Plants shall be installed as per the details submitted with the application and maintained and retained in

perpetuity as per the manufacturer's instructions and the details hereby approved.

REASON: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with insert relevant District LPA Policy and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

27. No development hereby approved shall be located within 3m of either side of the public sewer that crosses the site.

REASON: To allow South West Water unrestricted access to their public assets for repair and maintenance activities.

28. Prior to commencement of the development hereby permitted, details of one or more areas of public open space measuring a minimum of 0.55ha in total, to include a LEAP, (Locally Equipped Areas for Play), shall be submitted to and approved in writing by the Local Planning Authority. The public open space and LEAP shall be implemented prior to first occupation of the development hereby permitted in accordance with the approved details, and access to these areas shall be retained for open access public use in perpetuity and maintained thereafter.

REASON: To ensure the provision of community facilities and green infrastructure in new developments, in accordance with Local Plan policies SS6 and HW1, and the NPPF.

### **Informatives:**

01. In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. The Local Planning Authority is satisfied that its processes and practices are compatible

with the Human Rights Act and the decisions of the European Court of Human Rights.

02. The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and the obligations this imposes, separate from the planning process, in respect of protecting wildlife.
03. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
04. The developers are reminded of the legal protection afforded to hazel dormice under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that hazel dormice are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
05. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
06. Should the development hereby permitted provide for the importing, exporting or use on site of any waste materials, then the development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010) from the Environment Agency, unless a waste exemption applies. The developer is advised to contact our National Permitting Team on 03708 596506 to discuss the issues likely to be raised.
07. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway

Authority to progress this agreement well in advance of commencement of development.

08. The developer's designer should be made aware that there is new SCC design guidance available and that this guidance "Streets in Residential Developments Design Guidance Notes November 2021" should now be followed. A copy of these notes can be found on the SCC website.
09. This development falls within:
- a) A radon affected area and may require full radon protective measures;
  - b) An area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations 1991.
10. The LLFA will expect to review the following information in order to discharge the above conditions:
- a) 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.
  - b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
    - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
    - Where relevant, calculations should consider the use of surcharged outfall conditions.
    - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
    - Results should be provided as a summary for each return period (as opposed to each individual storm event).
    - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
  - c) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.

- d) 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.
  - e) 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.
11. No development will be permitted within 3 metres of the public sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. Further information regarding the options to divert a public sewer can be found on the South West Water website via:  
[www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/](http://www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/)
12. South West Water does not accept flows from a package treatment plant into the public sewer network. South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network. The applicant can apply to South West Water for clarification of the point of connection for foul sewerage services. For more information and to download the application form, please visit:  
[www.southwestwater.co.uk/developers](http://www.southwestwater.co.uk/developers)
13. The link path shown connecting to CH 5/66 should be for pedestrian use only to connect up with the public footpath, or a requirement to apply for a Cycle Track Order to be made to permit cycling over the footpath. The link may require the consent of a third party if the land is not in the control of the applicant. Subject to securing consent for a legal agreement with third party landowners, the connection should be secured through a s106 agreement.

Please also note that there is a pending application to modify the Definitive Map and Statement (Modification ref. 520). This seeks to upgrade the public footpath CH 5/66 to a restricted byway. This application is currently awaiting investigation. Further details on the modification process can be found on the relevant SCC webpage: <https://www.somerset.gov.uk/waste-planning-and-land/apply-to-add-delete-or-upgrade-a-public-right-of-way/>

14. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

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

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

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

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

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

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

15. The developer is advised to submit an application to <https://www.securedbydesign.com/guidance/design-guides> for the development to be assessed against Secured by Design Standards and to implement the measures advised to reduce fear of crime and protect the amenities of future occupants and existing occupants of neighbouring



dwellings.

16. Please be advised that approval of this application (or a subsequent reserved matters application) by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development.
- You are required to complete and return Form 2 - Assumption of Liability as soon as possible and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that liability and any exemptions are agreed before you commence the development and Form 6 - Commencement is submitted to us and acknowledged.

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details <https://www.somerset.gov.uk/cil>

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