

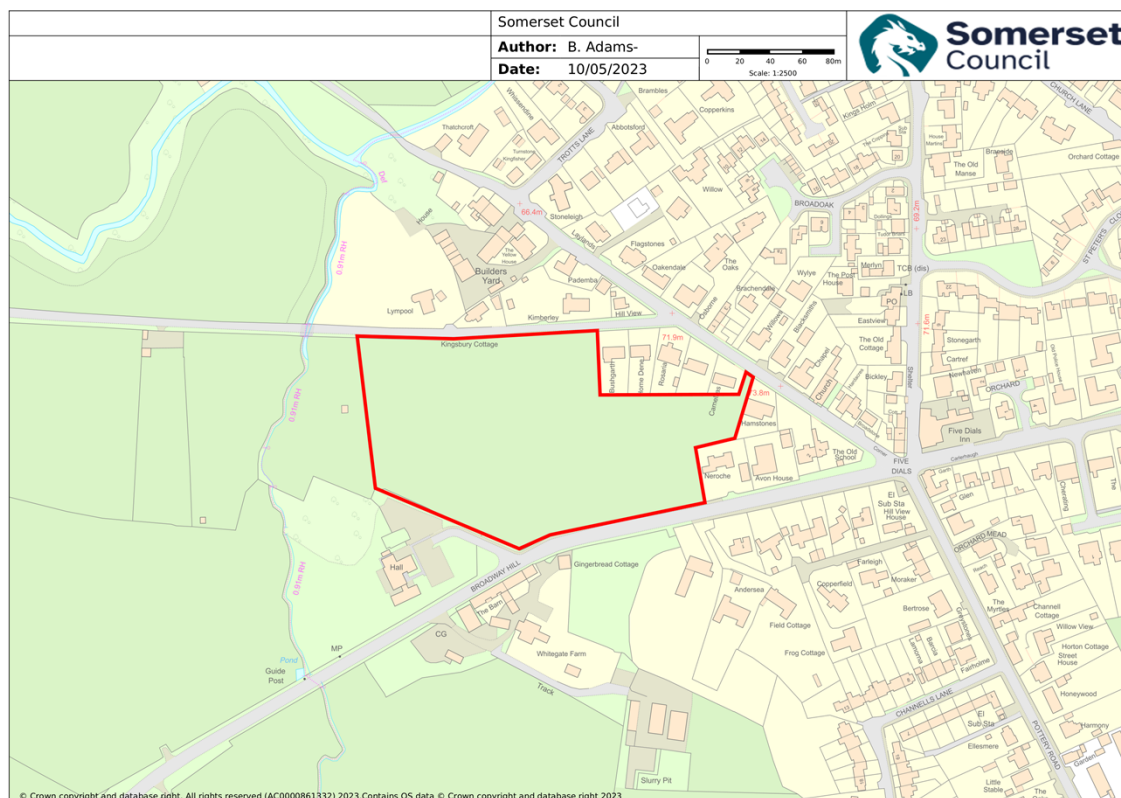
Officer Report On Planning Application: 20/03277/FUL

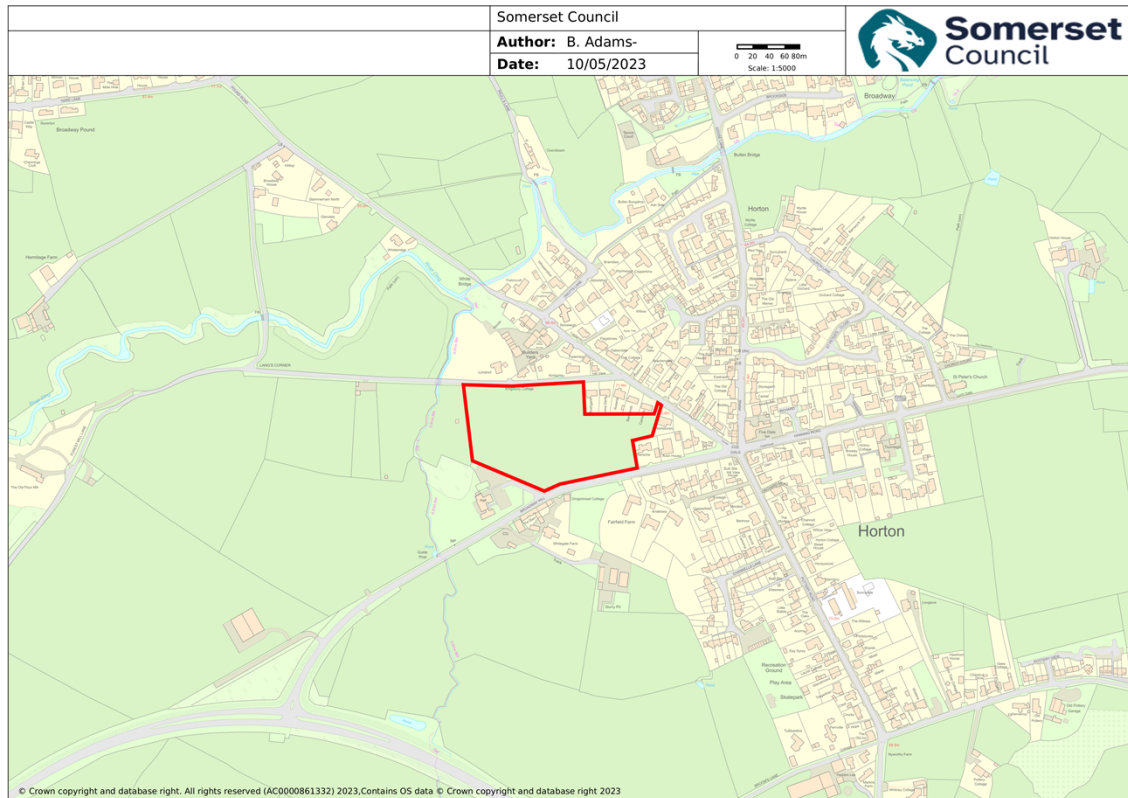
Proposal :	Erection of 49 dwellings and formation of vehicular access.
Site Address:	Land North Of Broadway Hill, Broadway Hill, Horton, Ilminster, Somerset, TA19 9QU
Parish:	Horton
ILMINSTER Ward	Cllr Val Keitch, Cllr Sue Osborne
Recommending Case Officer:	Catherine Tyrer (Principle Specialist) Tel: 01935 462533 Email: catherine.tyrer@somerset.gov.uk
Target date :	11th June 2021
Applicant :	Galion Ltd
Agent: (no agent if blank)	Mr Eric Telford, Wienerberger House, Brooks Drive, Royal Business Park, Manchester SK8 3SA
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL:

This application is referred to the South Area Planning Committee as there are objections from the Parish Council and as a major planning application under the Council's Scheme of Delegation this is automatically referred to Committee for determination.

Site Description:





The approx. 2.28ha. application site comprises an agricultural field, currently grassed, to the rear (generally westwards) of a group of dwellings that front onto Pound Road, Broadway Hill and Forest Mill Lane.

The site forms an undeveloped land parcel to the west of Horton village centre, which radiates from the crossroads adjacent to the Five Dials Inn. It lies between the village core and its outer reaches, with the Village Hall to the south-east and the housing between Forest Mill Lane and Pound Road to the north.

The field is currently accessed by a track off Pound Road that leads between the row of dwellings. It is bounded largely by field hedges and some domestic curtilage hedging or fencing.

Constraints include:

- Agricultural Classification Grade 3
- Archaeological potential
- Somerset Levels and Moors Ramsar Catchment Area
- SSSI Impact Risk Zones

Description of Proposal:

Amendments and additional information have been received during the course of this application in response to officer concerns.

This application seeks permission for the erection of 49no. dwellings and formation of a new vehicular access off Broadway Hill.

The scheme would include 17no. affordable housing units and 32no. open market housing units, approx. 1,349sqm on-site public open space, associated landscaping, 159no. parking spaces, 49no. EV charging points, and off-site phosphate mitigation.

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

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
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.

Neighbourhood Plan

None relevant

Other material considerations

Department for Communities and Local Government, Technical housing standards - nationally described space standard, (NDSS), March 2015
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 HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021
South Somerset District Council, Landscape Assessment, published 1993
South Somerset District Council, Local Housing Needs Assessment, (LHNA), October 2021
South Somerset District Council, Policy HG3 First Homes Position Statement, (FHPS), December 2021

CONSULTEES:

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

Broadway Parish Council

Objection remains following receipt of amendments and additional information due to failure to comply with the NPPF and the Local Plan; impact on the landscape; impact on traffic; inadequacy of primary school capacity for the increase in young children.

Crime Prevention Design Advisor

Initial concerns regarding narrowness and lack of natural surveillance of public footpath, inadequate street lighting, public access to rear plot boundaries, lack of secure cycle parking, lack of natural surveillance to public open space and isolation of some plots.

Amended scheme concerns regarding lack of 1.8m protective boundary fencing to some plots and buffer zone, also how vehicular access to public open space would be prevented.

[Officer note: Original concerns now overcome. Detail on the above has been provided in the documentation and further clarified by email from the agent dated 22/07/22. As such, this element is not considered a matter for concern and would be addressed via conditions and informative.]

Environment Agency

No response received.

Horton Parish Council

Objection received with ATC Commissioned by Moss Naylor Young on behalf of the Parish Council. The results show average speeds on Broadway Hill in vicinity of site entrance are above the speed limit (32.2 - 32.5mph) and that the 85 percentile is well above the speed limit (38.4-38.5mph) with several daytime speeds in excess of 41mph.

Manual for Streets (MfS) would require an increase in visibility splays from 43m to

59m and applicant has not demonstrated this can be achieved.

Remiss of Highways Authority not to have raised this point. There is now evidence demonstrating that further work is needed to demonstrate the safety of the access.

Objection remains following receipt of amendments and additional information by reason that the housing need is questionable; the scheme is too dense and the quantum too high for the village; inadequate amenities, infrastructure including sewerage; off-site phosphate mitigation unsatisfactory and does not mitigate the local harm; lack of pedestrian safety on Broadway Hill; housing too close to village hall and susceptible to noise pollution; harm to dormice; developer has ignored feedback from local community.

Lead Local Flood Authority (LLFA)

No objections subject to conditions

Natural England:

Comments dated 31/01/23: Original concerns regarding proposed phosphate mitigation overcome following receipt of additional information and amended plans - acceptable subject to conditions/S106 agreement

Somerset County Council Ecologist:

Comments dated 01/02/23: Original concerns regarding phosphates overcome following receipt of additional information and amended plans; acceptable subject to conditions/S106 agreement

NHS:

Based on infrastructure capacities for nearby surgeries, this development would not create a significant impact and therefore mitigation not requested.

Education

No objections subject to S106 agreement for developer contributions for secondary school places.

Highways Authority:

Comments in response to Parish Council objections and amended visibility splays May 2023: Upon receipt of updated visibility splays - confirmed satisfied with the visibility splay drawing. Recommended that visibility splay condition is amended as follows but previous comments remain in all other respects unchanged:

"There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 62 metres either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times."

It is not always the case that a speed survey is required for all applications. On this occasion the site access was positioned well beyond the speed limiter sign and within the existing built form of the village where it would reasonably be expected that drivers would have a good level of awareness of the posted speed limit. During the site visit passing traffic was observed and noted that traffic volumes were relatively light and that speeds generally appeared to accord with the speed limit. Since the application was submitted, no recollection of concerns being raised directly with the Highways Authority about traffic speeds.

Turning to the submitted speed survey, this was carried out over the period of a week using an ATC and indicates 85% traffic speeds of 38.2 mph. Based on this information and the nature of the road and traffic volumes Officers opinion that visibility splays (based on Manual for Streets) measuring 2.4 metres back by 62 metres to the nearside carriageway edge in either direction would be proportionate. Currently the visibility splays measuring 43 metres have been demonstrated. It would appear likely that the extended visibility splays of 62 metres should be achievable however applicant advised to provide an updated drawing of the access including the extended visibility splays to demonstrate that can be delivered within highway land or land under their control.

Updated comments received 11/01/23: previous concerns now overcome following amendments and additional information; no objections subject to conditions and legal agreement.

Somerset Waste Partnership:

Comments dated 20/10/22: No remaining concerns regarding refuse vehicle access

within site.

South Somerset District Council Affordable Housing Officer:

Comments dated 17/06/22: No objections subject to S106 agreement; term 'affordable rent' to be replaced with 'social rent' on plans; check Plots 12 and 13 ground floor flats wheelchair accessible; query remains regarding different construction method for market/affordable units.

[Officer Note: Wording updated on Amended Plot Schedule, ref. HTN-WBR-ZZ-ZZ-RP-A 13601 and Layout Tenure Plan, ref. HTN-WBR-ZZ-ZZ-DR-A-13303C, Rev.P12, received on 05/01/23]

South Somerset District Council Environmental Health Officer:

No comments subject to conditions and informatives

South Somerset District Council Open Space Officer:

Comments dated 27/06/22: No objections subject to S106 agreement for public access to and ongoing maintenance of Public Open Space; previous concerns regarding insufficient open space and inadequate layout have been overcome by the amended plans and layout and reduction in quantum to 49no. new dwellings.

South West Heritage Trust:

Further information required prior to determination to assess impact on archaeological potential.

[Officer Note: A pre-commencement condition is considered reasonable to address this concern.]

Wessex Water:

Comments received 19/08/22: No objections subject to conditions

REPRESENTATIONS:

This application has been subject to 2no. public consultations. 105no. representations have been received from separate addresses, including CPRE Somerset and Somerset Wildlife Trust, of which 104no. object and 1no. is neutral.

Comments summarised below. Full comments available on Planning Register.

Objections:

- Horton and Broadway are rural villages and pasture land needs protecting
- Additional traffic will cause danger on rural lanes that are already busy
- Insufficient infrastructure for additional demand
- Not commensurate with the scale and character of the settlement. It does not respect the local context or character of the village. It does not provide employment opportunities, nor create or enhance community facilities or meet identified housing needs, so does not comply with policy SS2
- Does not protect biodiversity. Fence inside the hedgerows would create a barrier to wildlife movement and lead to hedgerow decline.
- Prevents potential pedestrian links with the village hall, removing any community gain in terms of improved pedestrian access.
- POS is just a small area of grass next to the access road.
- Concern regarding water runoff, foul drains and impact on local water quality remain. No phosphate mitigation strategy has been agreed for the catchments of the Somerset Levels.
- The proximity of the development to the village hall is likely to have a negative impact on events held there.
- already 60 consented dwellings in Broadway, with a further 15 awaiting decision. In Horton, 49 dwellings have either been recently built, or have planning consent. The villages are classified as rural settlements, so the combined developments across the two villages are well above the level needed to satisfy the housing need across the two villages.
- Most residents travel outside the village for work, recreation, education and health care, with no public transport. Further development in the village goes against the Local Plan's stated aim to reduce travel and emissions and the SSDC declaration of a climate emergency
- Only one vehicular entrance and exit is proposed and this is on the hill on the approach to Horton where there is already a considerable amount of traffic.
- needs to be parking for up to to 100 cars off highway, plus visitor parking
Garages are used for storage not parking.
- Thin wooden panel fencing presents a huge fire risk.
- Site is green field and in the heart of Broadway Village
- Revised entrance close to Village Hall is dangerous for children playing
- New development has new buildings overlooking adjacent properties
- Site is in a very prominent position. it will stand out like a "sore thumb" not matching existing village character
- Landscape and visual Impact assessment document does not reflect impact of development
- Development will be clearly seen from other side of the Ding which is outside the

village but will now affect the rural view of properties outside the village

- Concern regarding maintenance of margins/open space and refuse collection
- Loss of quiet place/road along Forest Mill Lane for dog walkers and children enjoying the nature trails around the Ding
- Additional traffic poses a significant risk to the safety of pedestrians on an already busy Broadway Hill
- Enhancement to pedestrian route required.
- Local school and GP surgery would need expanding to accommodate new occupiers
- There are very limited bus services, term time only so will all need to have cars and there are few facilities for teenagers
- The sewage system cannot currently cope and is subject to overflowing onto the highway.
- Planning permission should not be granted on greenfield sites when there are brownfield sites no more than a couple of miles away.
- The Village Hall was sited away from housing with a 'buffer zone'...re activity.
- Phosphate mitigation: use of land outside SSDC area, how can a section 106 be enforced? Is this land in the river Parrett catchment? And where are the necessary environmental surveys for change from open field to canopy cover?
- No response received from developer regarding existing sewage pipe easement and maintained access
- Outstanding and unresolved issues on water run-off, ongoing maintenance of water storage tanks and water pressure
- increases risk of traffic accidents and dangerous for pedestrians
- Relocating the planned Affordable Housing to plots closest to the potential disturbance from events at Horton Village Hall is unfair, cynical and unacceptable
- All new houses should have either solar panels or core heating
- New development should be an asset and in keeping
- The small existing properties were constructed to take advantage of the view, this view will be replaced by a panorama of roofs higher than their own.
- The planned lighting on the development is again totally out of keeping with a village that prides itself on little street lighting.
- The Parish Council conducted a large evaluation of the proposed development, receiving almost 200 responses. The developer has not responded to these evaluations, and therefore gives no confidence they have any intention in working with the village on this development.
- Horton does not want a site where affordable homes and homes for first time buyers are put in a corner of the field, they should be integrated with the other homes.
- Space has still been left to further expand into the adjoining field.
- Travel Plan not feasible

- Pre existing homes will have price reductions when selling due to the unpleasant amount of new housing to the local area.
- Access is a blind access on a hill and bend and very limited site lines without sticking your vehicle nose into the road.
- The Ghetto design remains to maximise profit.
- This is a "dark sky" location that will be harmed by the scheme
- Wildlife harm
- A development of 50 properties in isolation is too many for the location but when viewed in conjunction with 20/03508/FUL 9 properties, 19/03457/OUT 6 properties (developer splitting land into two tranches 17/04217/REM to forgo social housing), 19/03070/FUL 25 properties, 18/01311/OUT 35 properties, 19/02432/OUT 9 properties plus others equates to a minimum of 150 properties which could be built in the near future. This number excludes all recently approved planning applications.
- To support SSDC target to be carbon neutral by 2030 new developments should be located near local public transport hubs and they should have ground / air heat exchangers, solar panels and EV charge points.
- The planned development alters the existing character of the village and the surrounding Blackdowns AONB.
- There is no local support for this development and its impact on the community
- Community engagement by developer was inadequate and scheme does not reflect views of local people
- Scheme appears to have allowed a parcel of land to be developed at a later stage suggesting that the number of dwellings would be more than 50 in the end
- The shortfall in the 5 year supply of housing land which is inferred by the applicant, cannot justify bringing forward a site which is manifestly unsuitable and unsustainable
- No local employment
- Will increase the village population by around 100-200 people or 12%
- To support the development the village also needs a bus service to save an additional 5(minimum) cars making short journeys on the local roads.
- The development should also contribute to the villages existing play park which has an existing proposal for expansion. It is in a better location than the development for such a facility (away from a main road)
- Many villagers walk to Horton Village Hall for activities and events and they need to cross the road on Broadway Hill from one pavement to another in order to reach the village hall and return to the village which is a clear danger for pedestrians. As well as no pavement existing on either side of Broadway Hill between the village hall and the five dials junction for its entirety there are no lights along this route
- No information is provided to inform the Habitat Regulations Assessment (HRA)

which SSDC must undertake in its duty as the Competent Authority.

- The mains water pressure to the houses on Broadway Hill is only just above the lowest legal limit. Are these new houses going to have their water supply of this main and if so what is going to be done to improve the supply?
- No evidence that the development will contribute to climate change targets.
- Such a sizeable housing estate should be sited on the edge of a large town, eg Yeovil, not in a small rural village community.
- This development could take years to be completed and the impact (i.e Noise, dust) this would have on those living near the site would be unbearable.
- It is stated that there is a bus stop 200 yards away but doesn't mention a totally inadequate bus service (one bus a day to Ilminster) which would mean most people using cars to attend work or shopping
- SSDC local plan policy SS2 states proposals " Should generally have the support of the local community". As the developer has not acknowledged nor actioned over 150 residents initial responses, I question whether this process has been adequately implemented . Covid cannot be used as an excuse not to engage with the local community.
- Noise and Vibration Assessment - this development will be adjacent to TWO existing sources of noise and vibration, the A30 and the existing village hall (late licence). Why has this been omitted?
- Where is the energy statement?
- The proposed layout means that the gable end of a terrace will drastically overshadow my garden and bungalow with almost no space between them and my boundary fence. This is cramped and damaging to my environment. Our privacy and bathroom, bedroom and kitchen will all be visible to the second storey and over the 1meter high boundary fence. Basically the builders are cramming in as many houses as possible with no thought to the neighbours or indeed the character of this attractive village.
- If Galion could develop a field site along the lines of Standerwick Orchard in the village of Broadway, adjacent to Horton, then maybe the village of Horton could maintain some semblance of a rural village and not a village with an urban development added on the edge of it. Standerwick Orchard is set back from the lane, the houses are of mixed design, some thatched, small windows, basically in keeping with older village style properties.
- it is my view that to compromise the open outlook towards an AONB to that degree has a far greater sphere of consequence
- The "Traffic Impact" conducted by the applicant falls well short of the duty of care expected of our district council to prevent accidents and serious injury to pedestrians on Broadway Hill and Pound Road. It is extremely disappointing that the traffic/speed calming measures introduced in 2016 have proved ineffective.
- A rising foul main up Forest Mill Lane would link into a sewer running under our

drive and garage (which is not shown on the drainage strategy plan) putting foul drains of 50 dwellings (potentially 55) under our property. There has been no consultation with us.

- The ridge heights for plots 12-15 are 4.6 to 5.8m higher than the adjacent bungalows.
- More appropriate to the site would be: 30 homes on the basis of 10 affordable, 10 first time buyer and 10 open market. To avoid buy to rent, controls on the 'first time' and 'affordable' properties to be offered to local Somerset people, and a covenant placed on their deeds not to be sold as 'buy to let' for a period of no less than 10 years. That can be the privilege of the 'open market' property owners should they wish.
- There is "Parked Car Chaos" along Broadway Road at certain times, which is caused by both Neroche School and the Bell Inn having no parking.
- Most local people cannot afford so called affordable housing.
- Suggest that as part of this development there should be a new pavement to the Five Dials junction and the pavement all the way from the Hall should be improved.. Hedges rather than fences should be encouraged.
- No provision to benefit Horton village being proposed.
- No pavements in either Pound Road or Forest Mill Lane, also states bus stop 200m away - and claims this could be used for education/work etc the S1 is ONCE a day picking up at 9:15 to take to Ilminster and returns at 11:17!
- The site is at the wrong end of the village. Journeys to the local school will take vehicles through Broadway, already congested, or through Puddlebridge, a known accident black spot. The school is already full.
- All new developments should include environmental enhancements such as Rainwater Harvesting and Solar Panels. All properties should be future proofed with Charging Points for the electric cars
- We already have a play park we do not want another one!
- There should be a bigger Buffer zone between development and Forest Mills Drive
- Land that helps agriculture and food production should not be sacrificed for a short term financial gain, especially where there is no need for the housing.
- Are these homes being built to a net zero carbon standard
- This development would be on 2 sides of an adjacent property and would totally change the outlook from their house, it would completely box them in.
- All new properties adjoining Broadway Hill, Forest Mills Lane and Pound Road should be bungalows or chalet style in order to maintain a lower roof line. This will then enable those existing properties to retain at least some view of the Blackdown Hills /Castle Neroche.
- There should be a buffer of land around the village hall for noise reduction for new residents.

- Although the Ecological Impact Assessment specifies various measures for Mitigation and Enhancement for wildlife these will not be sufficient for Dormice bearing in mind the significant negative impact of the predation of domestic cats which cannot be mitigated against

Neutral:

- The previous plan indicated a pedestrian entrance via the existing gateway into Pound Road. This would allow variety in movement in the complex. It would allow families, people with mobility problems and cyclists to be away from the Hanning Road and traffic coming off the A303. Crossing the Pound Road the pedestrians could feed round more safely to the Post Office or school in Broadway.

ANALYSIS:

Principle of Development:

Local Plan policy SS1 effectively defines Broadway & Horton as rural settlements to which policy SS2 applies.

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 November 2022, 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.

However, the provisions of NPPF paragraph 11(d)(ii) do not preclude the emphasis within the NPPF to promote a plan-led approach. When decision taking, where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites), the amount of weight to be attributed to relevant policies (i.e those that affect the supply of housing) should be assessed depending on their consistency with the framework.

Key services in rural settlements

Horton village includes a village hall, two faith facilities, a play area, a post office and a pub. As such, the proposed site would comply with policy SS2 in this regard.

Identified housing need, excluding affordable housing

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, identifies a local housing need for 3,717no. dwellings over the five years, or an annual completion rate of 743.4no. dwellings across the whole district.

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.

As confirmed by the Council's Policy Team, the Housing figures for Horton Parish for the Plan period up to 30/06/22 include 43no. completions and 6no. commitments.

Taking the completions and commitments together, these would equate to 49no. potential new dwellings in the parish in the Plan period, (22 years), representing 2.2no. new dwellings per year. Including the current application, this would equate to 4.4no. 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.

Given the above, it is considered that the 49no. new dwellings proposed would fulfil an identified need and contribute towards the housing target identified in the latest 5YHLS and policy SS4. As such, the scheme is considered capable of compliance with policy SS2 in this regard.

Identified housing need, including affordable housing

The scheme would comprise almost 35% affordable housing, which is considered policy compliant as per the assessment later in this report.

The Council's Local Housing Needs Assessment, (LHNA), notes an identified need for 3,406no. new dwellings for Social or Affordable Rent. Given that the scheme would

contribute 17no. AH units towards this target, the proposal is considered compliant with the relevant criterion of policy SS2 in this regard.

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.

As confirmed by the Council's Policy Team in an email dated 23/11/22, the affordable housing figures for Horton Parish for the Plan period 2006-28 include 8no. completions and 0no. commitments.

Including the current application, the combined completions and commitments for the parish would equate 1.25no. AH units per year which is approximately in line with the identified need. Excluding the current application, this figure lies at 0.4no. per year which is a significant under-provision.

In terms of First Homes, 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.

In this case, the amended scheme would involve 5no. First Homes, representing 29.4% of the proposed AH quantum, and is, therefore, considered acceptable subject to the provisions of a Section 106 agreement, which would secure the details.

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 amended proposal includes the following market housing mix, as shown below:

- 0no. of the total market housing provision or 0% would comprise 1-bedroom units
- 4no. of the total market housing provision or 13% would comprise 2-bedroom units
- 18no. of the total market housing provision or 56% would comprise 3-bedroom units
- 10no. of the total market housing provision or 31% would comprise 4+-bedroom units

This shows that there would be slightly more homes with 4+ bedrooms and fewer 1, 2 and 3 bedroom homes than the LHNA identified need. However, the differential is not considered too great and the proposed mix of market housing is considered broadly acceptable, on balance, in terms of the latest needs of South Somerset.

Scale, character and sustainability of settlement

Scale and character will be assessed later in this report. However, the addition of 49no. 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, as noted in the DAS, and has submitted a Statement of Community Engagement, dated 05/11/20, which is considered acceptable.

As noted above, the Council has undertaken 2no. public consultations on this application following which, 105 representations from separate addresses have been received. Of these, 104 object.

Conclusion on principle

The site is identified in the South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021 Broadway & Horton as Suitable, Available and Achievable for housing under ref. W/HORT/0004. 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 so-called 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, weigh heavily in favour of the proposed 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:

- Horton and Broadway villages are composed of ribbon development and modern infilling;
- Range of architectural styles and materials, including older light brown stone and thatched buildings;
- 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 Blackdown Hills AONB lies approx. 2.3km to the west and is visible from the site.

Local built context

The dwellings adjacent to the site largely comprise relatively small, detached bungalows set in generous plots, with adjoining garages, of a post-war appearance, with pitched roofs covered by concrete interlocking tiles and with off-white painted render walls and yellow-coloured stone finish to the front elevation. Neroche is the exception being of two storeys, dark red brick elevations and a hipped, red plain tile covered roof.

The dwellings further from the site include more traditional, two-storey, pitched roofed dwellings with plain red tile or slate roof covering and off-white painted render with stone facing to the front elevation.

The front boundaries in the vicinity of the site commonly involve a grass verge and hedge or low-level stone wall.

Topography

The submitted Site Sections drawing shows that the site slopes downwards by approx. 6m from east to west and upwards from north to south by approx. 2.7m.

The submitted Flood Risk Assessment notes that the ground falls by 10m from south-east to north-west.

Layout and access

The scheme would involve the erection of 49no. new dwellings of which all but one would be reached via a new access off the north side Broadway Hill, halfway between the village hall access and Neroche. Plot 9 to the east would be accessed via an existing track off Pound Road.

The layout would largely follow the site peripheries, with the proposed dwellings fronting onto internal spur roads, generally parallel to the existing boundaries.

The ratio of 49no. dwellings to a site area of approx. 2.28ha. results in a proposed density of 21.5no. dph.

All of the units would be detached with the exception of dwelling types A0, A1, A2, A3, A4, A5 and A6, which would comprise two-storey buildings, each with their own rear garden and parking to the front.

17no. dwellings would have a detached garage, either independent or adjoining that of the neighbouring dwelling.

Parking provision would be required for 156 cars as detailed in the Highways section below.

Representations have been received concerning the loss of the originally proposed footpath through the site which would have slightly reduced the walk from parts of Horton to the village hall. While Policy EQ5 encourages increased access to the countryside, the previously proposed pedestrian route would not have been considered to meet this criterion.

The amended scheme is not considered to increase access to the countryside through the introduction of walking or cycling routes. However, the existing site is bounded by hedges and has only one access point, so cannot be traversed. As such, the impact of the scheme in this regard is considered neutral.

Public open space (POS)

A public open space measuring approx. 734 sqm would be sited opposite the main entrance to the development to be grassed with wildflower areas and 12no. trees proposed.

The POS would be bounded to the rear (north) by housing and by roads/pavements to the front and sides.

A smaller POS, measuring approx. 103 sqm, would be sited to the front (north) of plots 44 and 45 that would also be grassed and would involve 3no. new trees.

A further POS, measuring approx. 512 sqm, would be sited in the north-west corner, which would include a pumping station and would be grassed, with wildflower areas, and 9no. trees proposed.

The POSs would be maintained by a management company to be detailed in the S106 agreement.

Scale

The proposed dwellings would range from one and a half-storey chalet bungalows, such as B4, with a ridge height of 7.18m, to two storey houses, such as J2, with a ridge height of 9.72m.

The northern portion of the site would involve chalet bungalows with two-storey dwellings to the west at plots 35 and 36 where the ground level is lower.

Section 1 on the submitted Site Sections drawing shows that the ridge height of the north-eastern-most dwelling, plot 20, would be approx. 2m higher than the adjacent dwelling at Bushgarth, albeit both are/would be bungalows. Plot 35, albeit at a lower ground level, would have a ridge height approx. 0.8m above that of Bushgarth.

There would be a number of two-storey blocks of flats on the eastern side of the site, with the exception of the bungalow at Plot 9. Section 2 shows that the building at Plots 1, 2 and 3 would have a ridge height approx. 1.7m higher than that of Neroche adjacent. From this point, the ridge heights would decrease as the ground levels lower moving westwards, albeit the proposed dwellings would remain two-storey.

Section 5 shows that the proposed dwellings closest to those existing that front onto

Forest Mill Lane would be substantially higher, by reason of their two-storey nature relative to the existing modest bungalows adjacent, and of the rising ground level from north to south. As such, Plots 10-13 would have a ridge height approx. 5.4m higher than that of Rosaria to the north.

Appearance

The units would comprise pitched roofs with gable ends, some with front and/or rear pitched roof dormers also with gable ends, and some with pitched roofed timber-framed porches.

The proposed materials would comprise: red or dark grey small plain tiled roofs; black rainwater goods; smooth off-white rendered walls with feature walls finished in Blue Lias cropped stone or red facing brickwork; external corners with projecting stone or brick quoins; buff colour Bath stone cills and lintels (no lintels to dormer windows); off-white painted hardwood casement windows and doors with clear double-glazing; painted timber barge boards to dormers; porch roofs to match main roofs with timber posts on natural stone.

As confirmed by email dated 20/09/22, the pumping station to be sited within the POS in the north-west corner of the site would comprise a dark green GRP (glass reinforced plastic) enclosure sized to fit pumping equipment to be confirmed once detailed drainage scheme has been agreed with the water authority and the type of pump selected. As such, this element would require the submission of further details to be approved by condition.

No details of the proposed bin storage have been submitted. However, given the adequate size of the private amenity space for each dwelling, it is considered reasonable to secure this via condition.

No details of the proposed heat pumps have been proposed. However, given the adequate size of the private amenity space for each dwelling, it is considered reasonable to secure this via condition.

Boundary treatments

The existing hedgerows along the site boundaries, with the exception of the new site access point on the north side of Broadway Hill, would be retained and enhanced, and protected via an approx. 1.2m wide buffer and fencing. As confirmed by email dated 22/07/22, the proposed protective fencing would be 1.5m high open mesh with smaller mesh at the lower 0.5m level to avoid rabbits entering the gardens; details would be secured via condition.

Garden boundaries within the eastern portion of the site would be treated with 1.8m high close boarded timber fencing while the remainder would comprise hedging with an integrated low-level barrier; low level timber bollards would align the open boundaries of the larger proposed POS adjacent to plots 18 and 14, and the smaller POS adjacent to plots 44-45; the means of enclosure to the south-west boundary of the POS in the north-west corner of the site would be subject to a condition by reason that the detailed design is contingent on further drainage details and pumping station requirements. Elsewhere, 1m high estate railings or 1.2m stone wall w/ cock/hen capping would be installed, in some cases to align the proposed hedging.

As confirmed by email dated 20/09/22, the rear and side boundaries between the site and the rear/side of the properties on Forest Mill Lane and Pound Road, including the side boundary to the bungalow to the immediate east of Plot 9, would be bounded with 1.8m close boarded timber fencing. This would be secured by condition.

At the POS in the north-west corner of the site, the existing hedge would form the northern and western boundaries, with a 1.8m high timber fence along the eastern boundary with Plot 36. As confirmed by email, a security fence around the pumping station itself may be required and this element would be detailed via condition.

Trees and landscaping

As noted above, the existing field boundary hedge, generally 5-6m high, would be retained and enhanced with the exception of the new access. The proposal includes 67no. new trees, 1,033no. new shrubs and 1,161m of new native hedging, and 243 sqm of wildflower planting, as detailed in the submitted Planting Plan and Schedule, Rev.G.

In addition to the soft landscaping provided in the private gardens and boundary treatments, the scheme would involve the 3no. POS noted above.

Assessment of visual impact

The scheme will introduce built form and associated infrastructure and domestic paraphernalia into a greenfield site, together with a substantial intensification of activity over the existing use. However, the site lies, to all intents and purposes, within the envelope of Horton village and reads as if it had been set aside for residential development. As such, the infilling of this wedge-shaped parcel of land would not be considered visually incongruous with the existing settlement form.

Given the physical relationship between this parcel of land and the village settlement pattern, the site is not considered to form open countryside but rather appears an incongruous insertion into the built envelope. As such, the proposed change of use would not be considered out of character with the surrounding area and the appearance would remain that of a small, rural village.

The change to outlook for occupants of neighbouring dwellings will be assessed in the following section.

In terms of density, the submitted Design and Access Statement (DAS) notes that the site identified under ref. W/HORT/0004 measures 1.4ha and was considered suitable for 42no. dwellings, while the application under consideration measures approx. 2.28ha. As such, site, W/HORT/0004, would yield a housing density of 30 dph (dwellings per hectare) while the amended scheme under consideration would yield 21.5 dph.

The residential plot sizes adjacent to the site are relatively large, with Neroche measuring approx. 1,076 sqm. However, there is a wide variety of plot sizes in the village, with smaller examples, such as at no.4 Broadoak, which measures approx. 150 sqm.

With the NPPF's objective to make efficient use of land in mind, it is not realistic to develop at density standards that informed the earlier expansion of communities. Whilst plot sizes are overall smaller than those providing local context, the scheme includes a large number of detached units and uses a high proportion of chalet designs to reflect the lower density context. For these reasons, the proposed dwellings would not be considered out of character in terms of plot size or density.

It is recognised that the proposed dwellings would generally be taller than the existing dwellings in the immediate vicinity and this would be exacerbated by the higher land levels in the north-eastern parts of the site.

However, there would be a reasonable separation gap between the closest proposed dwellings and those existing, of over 25m between Bushgarth and Plot 17 and over 21m between Banklands and Plot 10. This, together with the retained and enhanced intervening hedges would reduce the appearance of the higher ridge heights in the north-eastern part of the site.

Notwithstanding the difference in ridge heights, it must also be recognised that the majority of dwellings in the surrounding area are taller, having two-storeys. The modest bungalows to the north-east and east of the site, could be viewed as

providing a transition between the taller buildings towards the main core of the village, including the church, and the open countryside beyond.

However, it is the Officer's view that the example of Neroche, undermines that rationale and it is more likely that the modest bungalows were designed in response to popular thinking at the time of construction, swathes of which can be seen in settlements across the South West.

In this case, the proposed layout has been designed with bungalows on the south side of Forest Mill Lane, adjacent to those existing and at Plot 9. As such, the scheme does respond in some way to its context with the taller dwellings generally sited at the lower ground levels. While the proposed chalet bungalows would be taller than the existing bungalows, it is acknowledged that the existing dwellings are particularly modest in scale and relatively inefficient in terms of land use.

The siting of two-storey buildings at Plots 10-17 would be somewhat out of scale with the immediate surroundings and would be considered to result in an adverse impact. However, it is the Officer's view that siting the blocks of flats closer to the existing built form would be justified by reason that:

- The higher density element of the development would be better sited closer to the core of the settlement, with lower density towards the periphery, allowing a transition towards the open countryside;
- The inclusion of this higher density element would make the scheme more efficient in terms of land use in line with NPPF paragraph 124;
- It would also improve the range of housing types to be delivered in response to local need, as noted above, including AH.

As such, this disbenefit alone is not considered grounds for refusal in this case.

Cumulative impact

Representations have been received regarding the cumulative impact of the current applications under consideration when taken together with recently approved development in Horton and Broadway.

It is the Officer's view that no other housing developments would be sited within the immediate vicinity of the current application site. As such, no cumulative impact on the visual amenity would result in this case.

The impact on infrastructure is discussed later in this report.

Landscape impact

A Landscape and Visual Impact Assessment (LVIA) dated November 2020 has been submitted in support of this application. This notes that:

- *...there will be an immediate change in the character of the existing site as the proposed development and associated infrastructure are introduced. There is potential for any identified adverse effects being reduced over time as the planting and landscape framework within the site matures.*
- *The proposed development is likely to have an imperceptible effect on the broad landscape character.*
- *...the long term residual effects of the development are not likely to exceed moderate, but mostly minor in terms of significance to the overall landscape and visual amenity. Potential adverse effects that have been identified to be present at the operational stage, especially on the site and its setting will be reduced and offset by the mitigation provided in the potential planting scheme described within the landscape strategy.*

It is noted that views of the Blackdown Hills AONB are available from the site. However, given the distance from the AONB; the edge of village site; and the retention and enhancement of the existing boundary hedges; it is not considered that the visual change resulting from the proposed introduction of housing into this field would have a significant impact on the setting of the AONB or views to and from the protected landscape.

By reason of the appearance of this parcel of land as lying within the existing settlement area, together with the proposed soft landscaping and the sloping site that reduces the visual impact of the proposed dwellings further away from the village core, the scheme would not be considered to give rise to unacceptable visual harm to the surrounding landscape.

Conclusion on visual impact

The proposed quantum of dwellings would not be out of scale with the village by reason of the relationship of the land parcel to the settlement form and the proposed density, which is considered generally in keeping with that of Horton as a whole. This is considered to accord with policy SS2 and NPPF para. 124.

Overall, the proposed layout, design and appearance would be considered to integrate well with the surrounding area and no harmful landscape impact is considered to ensue. As such, this would accord with policy EQ2 and NPPF para.174 b).

The scheme would retain and enhance the existing hedgerows with the exception of the proposed new access point. While it would replace an area of existing grassland, it would result in a net gain in terms of tree and hedge planting, and would retain green infrastructure by way of the 3no. POSs and private gardens, with one per dwelling, including the flats. This is considered overall to accord with policy EQ5.

Should the Council be minded to approve this application then it would be considered reasonable to impose conditions in this regard.

For the above reasons, the proposed development is considered, subject to conditions, 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 rural views and overlooking.
[Officer note: English law does not protect private views.]

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 Bushgarth and Home Dene on the south side of Forest Mill Lane; Rosaria, Banklands, Camellias and Hamstones on the west side of Pound Road; and Neroche on the north side of Broadway Hill.

The following dwellings are separated by a road from the site: Fairfield Farm and Barn and Gingerbread Cottage on the south side of Broadway Hill; and Lympool, Kingsbury Cottage and Kimberley on the north side of Forest Mill Lane. Given that the separation gaps between the existing and proposed new dwellings would be min. 20m, and the intervening features include the highway and two rows of mature hedging, no harm to the residential amenity of these dwellings would be considered

to result.

In terms of the access off Pound Road, the amended scheme proposes this serve a single new residential unit at Plot 9 and be bounded by new hedging adjacent Camellias and Hamstone. As such, this would not be considered to over intensify the use as compared with the residential use of the neighbouring dwellings and would be considered acceptable.

In terms of the new access proposed off Broadway Hill, this would serve the remainder of the proposed dwellings, that is to say, 48no. The highways impact is discussed later in this report. However, it is not considered this would result in harm to any neighbouring amenity by reason that it would be sited opposite an area classified in agricultural use and would be separated from Neroche, the nearest dwelling, by approx. 41.5m, with intervening residential units proposed.

By reason of the separation distances involved and respective layout, no overshadowing or overbearing impact would be considered to ensue regarding the residential properties abutting the application site.

Outlook/privacy: Camellias and Hamstones

With regard to loss of privacy, the front elevation of Plot 9 would be sited approx. 15m from the rear elevation of Camellias. The proposed dwelling, type B4, would be a bungalow with windows in the front (north-east) elevation at ground floor level only and its boundaries would be aligned with a proposed new hedge in front of the existing 1.8m high fence at Camellias. It would have small windows at first floor level in the side elevations serving a landing and ensuite. As such, no overlooking of Camellias would result.

Hamstones has a very small setback from its side (north-west) boundary, which is aligned with an open mesh fence from the side elevation up to Pound Road, and a close-boarded fence from the rear of the dwelling to the rear (south-east) boundary. The bungalow has 2no. small windows and 1no. full height window in its side (north-west) elevation.

The proposed side (south-east) elevation of Plot 9 would face towards the back of the rear garden of Hamstones and not towards the dwelling itself by reason of the respective orientations.

As shown in the submitted Planting Plan Sheet 3 Rev. H, a new hedge is proposed for the boundary of Plot 9 with Camellias and Hamstones and reinforcement of the

existing hedge to the rear/side of Hamstones is also proposed. As confirmed by email, dated 01/11/2022, the new hedge when first planted would have a height of 0.6-0.9m and would be of a fast growing native species mix. The hedge would then be maintained by the future occupiers.

For the above reasons, and given the respective orientations of Hamstones and the proposed dwelling at Plot 9 which would avoid direct intervisibility between windows, no unacceptable loss of privacy for the occupiers of Hamstones would be considered to arise.

As noted above, Camellias and Hamstones are modest single storey dwellings with boundaries abutting Plot 9 as proposed. The existing outlook from the rear of Hamstones faces towards existing properties to the south, namely Neroche and Avon House. As such, no harm is considered to result from the proposed development with regard to loss of outlook for the occupants of Hamstones.

Camellias has a relatively short rear garden (3.5m at the shortest), which faces towards the proposed new dwelling in Plot 9. The new dwelling would be relatively well set back (south-westwards) within its plot, with a 9m setback to the rear elevation of Camellias, and would be orientated with a north-east facing front elevation and south-west facing rear elevation.

It is acknowledged that there would be a change in the rear outlook from Camellias. However, it is also recognised that the two-storey dwelling of Neroche is visible from Camellias and that the proposed new dwelling would infill the gap between Camellias and Neroche.

While the rear outlook from Camellias would involve built form at a closer proximity than existing, it is the Officer's view that this would not amount to harm for the following reasons: the proposed separation gap; the existing approx. 1.8m high closeboarded fencing along the boundary, which is proposed to be aligned with a new hedge; and the relatively low roof height (one and a half storey) of the proposed new dwelling.

Outlook/privacy: Bushgarth and Homedene

Plot 17 would be adjacent to the rear boundary of Bushgarth and a parking area would be adjacent to the rear boundary of Homedene. Plots 14-17 would comprise two-storey building type A3, of which the side (north) elevation, facing the neighbouring dwellings, would not contain any windows. As such, no overlooking would arise.

It is acknowledged that the proposal would involve the introduction of new built form to the rear of Bushgarth and Homedene and that this would alter the outlook from the rear of those dwellings. The gable end of the two storey A3 building type would be visible above the existing mature hedge aligning the rear boundary of the neighbouring dwellings, with the gable end of the two-storey A2 building type visible in the distance further south.

While this would change the existing rear outlook, it is not considered that this would amount to harm by reason of the separation gap retained, of approx. 25m to the side (north) elevation in Plot 17, and the perpendicular orientation of the proposed new dwellings that would substantially reduce the visual impact of mass and bulk. As such, no overbearing impact would ensue in this regard.

Plots 19 and 20 would back on to the side (west) boundary of Bushgarth. This boundary is aligned with a 1.8m high beech hedge within the curtilage of Bushgarth. The proposed dwelling at plot 19 would back onto the rear (south) of the back garden of Bushgarth while that at plot 20 would back onto a portion of the garden adjacent to the rear (south) elevation of Bushgarth.

The proposed dwellings would comprise chalet bungalows with dormer windows in the rear roof slope and 2no. roof lights in the case of plot 19, as well as a number of windows and French doors at ground floor. It is acknowledged that the side (east) elevation of Bushgarth contains 2no. windows at ground floor.

The proposed ground floor fenestration would not be considered to give rise to loss of privacy in respect of Bushgarth by reason of the ground floor nature, intervening 1.8m hedge and mature beech tree, together with an approx. 10.7m setback from the proposed rear (east) boundary.

The proposed roof lights and dormer windows would not be considered to result in unacceptable overlooking by reason of the respective layout of the dwellings, with those in plots 19 and 20 sited further south of Bushgarth, such that no upper floor windows would overlook the neighbouring dwelling.

Outlook/privacy: Rosaria and Banklands

The rear elevation, building type A0, of plots 12 and 13 would face towards Rosaria while that of plots 10 and 11, building type A5, would face towards the rear of Banklands. A0 would have two storeys and windows serving a bedroom and kitchen-diner in the rear (north) first-floor elevation. A5 would have two storeys and windows serving a bedroom in the rear (north) first-floor elevation.

The separation gap from the proposed new dwellings to the rear elevation of Rosaria would measure over 26m and over 21m to that of Banklands.

It is acknowledged that the future occupiers of the proposed new dwellings would have sight into the rear gardens and onto the rear elevations of Rosaria and Banklands, which would have an adverse impact. However, it is considered that this would not amount to unacceptable harm by reason of the location of these dwellings within a settlement, rather than isolated within open countryside; the separation gaps involved, which would mitigate the impact; and the respective orientations whereby the outlook from the proposed new dwellings would not be directly into the neighbouring dwellings, (the neighbouring dwellings having south-south-west-facing rear elevations and the proposed having north-north-west-facing rear elevations).

In terms of outlook, it is acknowledged that the proposed two-storey dwellings in plots 10-11 and 12-13 would be visible above the boundary hedge from the rear of Rosaria and Banklands. However, the new dwellings would be set back from the rear (north) boundary by over 7m and the neighbouring dwellings are set back from their rear (south) boundary by min. 13.8m. Both the separation gap and mature boundary hedge would mitigate the appearance of the new dwellings and this would be further reduced by the skewed angle of the respective buildings.

It is acknowledged that the outlook from Rosaria and Banklands would become less open as compared to the existing situation. However, the change is not considered to represent an overbearing impact for the above reasons and would not, therefore, amount to unacceptable harm to the neighbouring amenity.

Outlook/privacy: Neroche

Plot 9 would adjoin the rear boundary of Neroche but the rear-facing first floor window of that bungalow would be screened from the neighbouring dwelling by the gable-ended ground floor bay.

The rear garden of Plot 1 to the south and a parking area to the north would adjoin the side boundary of Neroche. Plots 1-3 would contain two-storey building type A1, which would have no windows in the side elevations and would not, therefore, allow overlooking.

Plots 7 and 8 would not abut Neroche but would face eastwards towards the side elevation of that property, which does contain windows at first floor, including 1no. serving the bathroom and 1no. serving a bedroom that has a primary window facing

southwards. Plots 7 and 9 would contain a two-storey building of type A2, which would have first floor windows in the front (east) elevation serving bedrooms.

Notwithstanding the direct overlooking potential between Plot 7 and the side elevation of Neroche, it is the Officer's view that no unacceptable loss of privacy would result by reason of the substantial separation gap of approx. 40m.

The dwelling at Neroche is sited in the rear half of the plot with a larger area to the front than the rear. As such, the outdoor amenity space with the greatest outlook would be considered that to the front (south) given the relatively small rear garden and high hedges along its boundaries as existing. The separation distance from the rear elevation of Neroche to the proposed new dwelling to the rear (north) would measure over 13m, while the new dwelling would be oriented at an almost 45 degree angle from Neroche, such that the outer corner (south) of the rear/side of the projecting bay would be closest to the neighbour. As such, this would reduce the mass and bulk in proximity to Neroche. This impact would be further reduced by the single storey nature of the projection closest to Neroche and the chalet bungalow building type proposed.

For these reasons, and given that the first floor bedroom window in the side elevation of Neroche is a secondary window, it is not considered that the proposed scheme would result in an unacceptable loss of outlook for the occupiers of the neighbouring dwelling.

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

It is considered reasonable to impose conditions limiting the hours of construction in the interests of neighbouring amenity.

For these reasons, the 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.

Noise

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

Representations have been received regarding proximity of some proposed dwellings to the village hall where loud events can take place at evenings and weekends.

Plots 39-45 would be sited closest to the village hall and would include 3no. market housing units and 4no. affordable units. The shortest separation gap would be over 40m.

The closest existing dwellings to the village hall lie approx. 37m to the south-east at Gingerbread Cottage and Whitegate Farm. As such, it is not considered that the proposed dwellings would be more susceptible to noise pollution from the village hall than the existing dwellings on the south side of Broadway Hill opposite the hall.

In addition, the proposed new dwellings would be built to min. building regulations standards and would incorporate double glazing, which is considered satisfactory in this case with regard to potential noise from the village hall and nearby highway.

For these reasons, it is not considered that noise impact on future occupiers would provide sufficient grounds for refusal in this case.

Internal space

In terms of the internal space proposed, this is set out in the submitted Plot Schedule, ref. HTN-WBR-ZZ-ZZ-RP-A_13601, dated 04/01/2023, the proposed dwellings and room sizes are considered acceptable.

External space

In terms of outdoor amenity space, each proposed dwelling would have its own garden, with the smallest measuring approx. 7m long by 6m wide. Given that the

Council does not have any minimum standards for outdoor amenity space and that each dwelling would have their own private outdoor garden, the proposed scheme is considered acceptable in this regard.

Interrelationships

In terms of residential amenity for future occupiers, the layout has been designed to avoid overlooking with the majority of the proposed dwellings orientated to be perpendicular or with a substantial separation gap of over 23m between those opposite each other. As such, the proposal would not be considered to result in overbearing impact, loss of privacy or light for future occupiers.

Designing out crime

The Crime Prevention Design Advisor has been consulted on this application and has raised concerns on the amended scheme regarding lack of 1.8m protective boundary fencing around plots and buffer zone, also how vehicular access to public open space would be prevented.

As confirmed by email from the agent dated 22/07/22, all plot boundaries would be protected by 1.8m high fences or walls; the protective fence aligning the site boundary hedges would be 1.5m high and the proposed and retained hedges would be maintained at min.1.8m height; two of the POSs would be bounded by bollards to prevent vehicular access while that in the north-west corner would be addressed via condition.

As noted above, the proposed boundary treatments would be addressed via condition. As such, this element is considered capable of compliance with NPPF paragraph 130 f).

Overall, the proposed scheme is considered capable of policy compliance regarding future occupiers' 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.

There are no listed buildings or conservation areas near to the site. However, it does lie in proximity to 2no. non-designated sites of archaeological significance, namely, Pottery site, Broadway Hill, Horton, that lies on the south side of Broadway Hill and the east side of Pottery Road, and Eighteenth-century Turnpike road, Petherton Bridge, Martock to Grange Farm, Combe St Nicholas, which borders the site on the southern boundary along Broadway Hill road.

The Council's Archaeology Consultant has been consulted on this application and notes that the site lies adjacent to an area known to be associated with the manufacture of Donyatt pottery and that there is consequently some potential for the presence of associated features and kilns. As such, a field evaluation (comprising a geophysical survey, and depending on the results a trial trench evaluation) are required to assess the impact on potential heritage assets.

Given that the application site has not been identified as having archaeological significance or potential itself, it is considered reasonable, in this case, to impose an appropriate condition in this regard.

As such, the 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 Travel Statement be provided for schemes of between 3--49no. 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 subject to conditions and legal agreement.

Somerset Waste Partnership has been consulted on this application and has no objections following the receipt of additional information.

The site lies within a rural settlement comprising limited local amenities. A bus stop lies within 200m of the site, served by the S1 route between Ashill and Ilminster with one service per day in each direction on weekdays only. This service would not be useful for school or office commuting due to the extremely limited timetable.

While there are two churches, a pub and a village hall within walking distance of the site, occupiers would be reliant on the private car to access day to day amenities such as schools, supermarkets and train stations.

As such, the site cannot be considered sustainable in transport terms. Notwithstanding this, the site is considered acceptable in principle for residential development, as detailed earlier in this report.

A Transport Statement (TS) dated 16/10/20 has been submitted in support of this application, which satisfies policy TA4.

An Interim Travel Plan, (TP), dated 09/09/20, has been submitted in support of this application, which notes car sharing, walking, cycling and use of public transport by future occupiers would be encouraged, and, also, that a Final Travel Plan and Travel Plan Coordinator would be provided as part of the scheme. This satisfies policy TA5.

With regard to the proposed access points for the site, following amendments, the existing access off Pound Road would serve only 1no. new dwelling. The main site access would comprise a new gap in the hedge on the southern boundary off Broadway Hill. Following the receipt of requested information detailing refuse vehicle swept path analysis, this arrangement is considered acceptable in terms of highways safety.

The Parish Council commissioned a speed survey which indicated that speeds close to the proposed site access were in excess of the speed limit. As such the Highways

Authority requested that visibility splays were increase. An updated plan was submitted and the suggested condition amended to secure this.

The Transport Statement notes the trip generation resulting from the previously proposed 50no. new dwellings (now amended to 49no.) would be 46no. two-way trips in peak hours daily. This has not been considered by Highways as leading to an unacceptable impact on highway safety, or severe residual cumulative impact on the road network.

As such, the scheme is considered acceptable with regard to highways safety and 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;
- 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 such, the proposal would require 156no. car parking spaces including garages and visitor spaces.

In addition, the scheme would require:

- 147no. secure cycle storage spaces;
- 49no. electric vehicle charging points; and
- 10no. motorcycle parking spaces.

Drawing ref. HTN-WBR-ZZ-ZZ-DR-A-14701, Rev.P03, Layout Parking strategy, and Parking Schedule, received 13/12/22, indicate 167no. parking spaces including the proposed garages. As such, the proposed parking provision is acceptable in regard to policy TA6, subject to an appropriate condition.

With regard to policy TA1, it is considered that the following criteria would be satisfied by the scheme, subject to conditions and s106 agreement:

- The submitted Interim Travel Plan notes that the scheme would include the provision of Travel Information Packs, a Green Travel Voucher for each occupier/employee, requisite cycle parking
- Proposed sustainable transport measures include Travel Plans, travel information packs, cycle parking and electric vehicle charging points
- Given the scale of the proposed scheme, that 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 expected provision of 1no. external charging point of at least 16 amps adjacent to each parking space and garage. This target would equate to 156no. However, the Somerset County Council Parking Strategy (to accord with policy TA6) requires 1no. per dwelling, which would total 49no.

The agent has confirmed by email dated 12/10/22, that 1no. active 16amp minimum EV charging point would be provided to each dwelling, totalling 49no. It is the Officer's view that the scheme would, therefore, be acceptable in this regard, subject to a condition securing implementation.

Moving to the TA1 expectation for all new residential dwellings to provide a designed in specific work area with broadband connections to allow working from home. As confirmed by email dated 20/09/22, the proposal would include residential FTTP (fibre to the premises) such that all dwellings would have broadband connections to allow working from home.

It is acknowledged that not all the proposed new dwellings would provide a dedicated work area. However, the policy wording does not constitute a requirement. As such, the scheme is considered acceptable in this regard, subject to a condition securing the implementation of the proposed broadband provision.

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 regarding biodiversity subject to conditions. The Ecologist's original concerns have been overcome following the receipt of additional information and amended plans.

The site comprises a field of improved grassland surrounded by hedges. Drakes Meadows and Weir Local Wildlife Site lies approx. 32m to the north-west of the site.

The submitted Ecological Impact Assessment (EIA), dated January 2021, notes:

- *The proposed development will result in adverse impacts upon a number of ecological features ranging from International to Site importance.*
- *Avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced both within the Site and on adjacent ecological features.*

- *Measures to reduce the impact on local ecology include the retention and protection of the boundary habitats, as well as the enhancement of the hedgerows and retained grassland buffer.*
- *The retention of the hedgerows and the grassland buffer, creation of wildflower meadow and planting of trees in the POS will reduce the impact of the removal of the central improved grassland and short sections of hedgerow on the protected and notable species identified.*

The EIA also notes that measures would also be required to prevent air, water and litter pollution to the nearby LWS and recommends a Construction Environmental Management Plan (CEMP) (Biodiversity) to address this during the construction phase together with an information pack for each proposed dwelling to reduce recreational pressure on this LWS by providing viable alternative recreation spaces.

As noted above, the existing mature hedgerows along the site boundaries, with the exception of the new site access, would be retained and enhanced, and protected via an approx. 1.2m wide buffer and fencing. The buffer would remain under the ownership of the management company and retained for biodiversity interest. This would be included in the s106 agreement.

The submitted DAS notes:

Biodiversity gain at a rate to be agreed will be provided either on the site or will be off set elsewhere.

However, the updated Biodiversity Net Gain (BNG) calculation submitted on 30/01/23 shows a habitat unit loss of 44% and a hedgerow unit gain of 12%. Overall, this would equate to a loss of 16% net loss.

Notwithstanding the above, it is the Officer's view after further consultation with Somerset Ecology that the scheme would be capable of achieving net gains in biodiversity through appropriate mitigation measures implemented either on site or off site. As such, a condition would be applied in this regard.

For the above reasons, the scheme is considered, subject to conditions and S106 agreement, 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 Somerset Levels and Moors Ramsar Site Parrett 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).

The proposal involves the creation of 49no. 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 Phosphate Mitigation Strategy, Rev.D, received 27/01/23, a revised Fallow Land Management Plan and revised Woodland Management Plan, both received 30/01/23, have been submitted in support of this application.

These documents were amended during the course of the application since the land originally proposed for the off-site phosphate mitigation was shown on some maps (although not others) as outside the requisite river catchment areas.

Subsequently, Somerset Ecology have confirmed by email dated 30/01/23 that the off-site mitigation land would be located within the Parrett River catchment area.

The Phosphate Mitigation Strategy notes that:

- The waste water treatment facility at Broadway is to be updated during the AMP7 Wessex Water upgrade programme and the delayed completion is now expected by December 2024;
- Once the upgrade has taken place, the phosphate mitigation required to offset the proposed development will be significantly reduced;
- As such, a temporary element to the mitigation is proposed that would cease on completion of the waste water treatment upgrade - this would comprise 52.213 ha

- of land currently in use for cereal farming to be fallowed;
- Following the upgrade, the fallowing would cease and a new 6.649 ha. woodland would be planted with support from FWAG SouthWest (Farming and Wildlife Advisory Group South West) and maintained as such thereafter;
 - The temporary fallowed area and permanent new woodland would be sited on land owned by Higher Hill Farm to the south of Manor Farm, West Lydford, Somerset TA11 7BT;
 - Both the applicant, Galion Ltd, and Higher Hill Farm are under the same ownership and located at the same address;
 - The implementation of the proposed phosphate mitigation would be secured by a Section 106 legal agreement.

As confirmed by email dated 18/02/22 from FWAG SouthWest, no fertilisers would be involved in the woodland planting during the planting or maintenance stages.

In addition to the above, a revised Shadow Habitats Regulations Assessment (SHRA), dated 12/12/22, has been submitted in support of this application.

Natural England has been consulted on this application and finds the proposal acceptable in terms of phosphate mitigation subject to conditions and S106 agreement.

The County Ecologist has been consulted on this application and finds the proposal acceptable in terms of phosphate mitigation subject to conditions and S106 agreement.

For these reasons, it is considered that the proposal would not be to the detriment of the Ramsar Site, subject to the S106 legal agreement ensuring the implementation and maintenance in perpetuity of the off-site woodland and implementation of the temporary fallowed land 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. 2.28 ha and the proposal and, accordingly, a Flood Risk Assessment and Drainage Strategy (FRA), dated 26/10/20, has been submitted in support of this application.

The FRA notes that:

- The existing septic tank serving the 5no. adjacent dwellings to the north-east would be removed and the dwellings would be connected to the proposed foul network of the development. Should the owners not consent then the septic tank would be relocated.
- Foul drainage would be via gravity to a pumping station in the east of the site, connecting into public sewers on Forest Mill Lane - Highways agreeable in

principle

- The site would increase non-permeable surface area and therefore increase surface water flood risk
- Surface water would discharge into nearby watercourse with attenuation tanks and oversized pipes to slow rate of discharge to that of greenfield run off
- Permeable paving is recommended
- Pollution protection prior to discharge of surface water run off from hard surfaces is recommended to be agreed with the Environment Agency
- Climate change has informed the calculations.

The Lead Local Flood Authority (LLFA) has been consulted on this application and has no objections subject to conditions.

Wessex Water has been consulted on this application and has no objections subject to conditions regarding the relocation and ongoing maintenance of the septic tank serving the 5no. existing dwellings adjacent to the site should the occupiers not consent to the proposed connection to the new network; and informatives regarding the proposed pumping station and prohibition of surface water to flow into foul network.

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.

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 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 Planning Statement, dated 3/11/20, notes that:

- *The development will be built to Future Homes standards and Galion and Wienerberger always use sustainable materials on the basis of Fabric First with the use of energy saving detailing, carbon neutral designs and achieving the A rated BRE specification on all their housing schemes.*
- *Electric charging points are fitted to all dwellings, smart metering is now compulsory.*
- *Water saving equipment, renewable energy sources and energy solutions all form part of the package of measures with solar heating roof tiles to an acceptable design.*

Confirmation has been received by email dated 12/10/22 that the originally proposed solar heating roof tiles have been removed from the scheme by reason of the following:

following the .. improvements in construction methods, solar heating is no longer a key element in sustainable construction. The dwellings will all be built through the fabric first approach which involves maximising performance of the components and materials that make up the fabric itself before considering the use of mechanical or electrical building services systems. This approach maximises the use of:

- a) High quality insulation
- b) Increased air tightness
- c) Avoidance of thermal bridging
- d) Maximising solar gain through location and orientation of windows, triple glazing
- e) Maximise natural ventilation.

By using this approach the need for solar heating is removed as heat loss is minimised and the need for internal heating is substantially reduced.

An Energy Statement dated October 2022 has been submitted, which notes that:

- The Future Homes standards 2025 would require an 80% reduction in carbon emissions from the 2013 baseline;
- However, the scheme would implement a strategy combining moderate improvements to fabric and the installation of renewable energy technology to achieve a 31% reduction;
- This would include air/ground source heat pumps but not solar panels.

Notwithstanding the confirmation in the submitted Planning Statement, it is clear from the Energy Statement that the scheme would not, in fact, achieve the Future Homes Standard and that the proposed scheme would meet but not exceed the current Building Regulations.

However, it is recognised that the current application was submitted prior to the latest updates, of June 2022, to Building Regulations Approved Document Part L, which requires 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.

By reason that the scheme would deliver the energy efficiency and carbon reduction measures as required by the current Building Regulations Approved Document Part L, which are over and above those set out in the Local Plan, the scheme would be considered acceptable in this regard, subject to conditions.

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

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 development would result in the creation of 49no. new dwellings within an existing rural settlement that contains some local amenities.

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

Developer contributions for education would be secured via S106 agreement.

Economic benefits would also ensue from the construction phase of the development in terms of job opportunities.

NPPF paragraph 174 states that decisions should:

should recognise the economic and other benefits of the best and most versatile

agricultural land...

The site lies with agricultural land classified as partially Grade 3 (Good to Moderate) and partially Grade 4 (Poor). The field is understood to be used for grazing and haylage.

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.

For these reasons, it is considered that the proposal would result in benefits to the rural economy in the short and long term and would comply with Local Plan policy SD1 and NPPF paragraphs 8 a), 38 and 174 in this regard.

s106 Agreement/ Planning Obligations

The following contributions have been sought, which will be secured through a s106 agreement:

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 initially raised concerns regarding the failure to "pepperpot" the AH units across the site, the failure to ensure tenure blindness, and the tenure mix.

Following amendments received during the course of this application, the above concerns have now been overcome and the Affordable Housing Officer finds the scheme acceptable in this regard.

The proposal would provide 17 affordable housing units amounting to 35%, when rounded to the nearest whole number. As such, this is considered policy compliant as a percentage of the quantum of new dwellings proposed.

As noted in the Principle section above, the amended scheme would provide 5 First Homes, representing 29.4% of the proposed AH quantum, and 10.2% of the total quantum of dwellings proposed.

As such, this would accord with the SSDC Policy HG3 First Homes Position Statement and NPPF paragraph 65 and is, therefore, considered acceptable.

The amended scheme would provide the affordable housing mix shown below, which has been agreed in liaison with the Affordable Housing team.

- 3no. 2 bed First Homes;
- 2no. 3 bed First Homes;
- 2no. 1 bed Social Rent units;
- 4no. 2 bed Social Rent units;
- 5no. 3 bed Social Rent units;
- 1no. 4 bed Social Rent units;

The amended drawing Layout Tenure Plan Rev.P10, ref. HTN-WBR-ZZ-ZZ-DR-A-13303C, shows that the affordable housing units would be distributed in two approximate groups across the site with one cluster to the east and one to the south-west. This is considered satisfactory.

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

Education

The Council's Education Team has advised that 50 dwellings in this location will generate the following number of children for each education setting:

- 5 early years pupils
- 16 pupils for Neroche primary
- 7 pupils for Holyrood Academy

The Holyrood secondary has reached capacity, therefore the education authority has commissioned a new extension to accommodate all the children from new developments in this area, including this development. As such the following contribution towards the cost of the extension is required, to ensure that there will be capacity for the children from this development. $7 \times £24,861.00 = £174,027.00$

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 proposed scheme involves 3no. Public Open Spaces (POSs) totalling 1,349 sqm as detailed in the Visual Amenity section.

The SSDC Open Space Officer has been consulted on this application and has no objections subject to S106 agreement for public access to and ongoing maintenance of the proposed Public Open Space. Their previous concerns regarding insufficient open space and inadequate layout have been overcome by the amended plans and layout and reduction in quantum to 49no. new dwellings.

In addition contributions are sought towards the following:

- Off-site contribution towards enhancement of equipped play area within Horton Channells Lane and Child Play area at the Village Hall: £39,045, with £22,553 towards ongoing maintenance
- Off site contribution towards provision of piece of equipment in play area for older children: £7,667, with £2,834 towards maintenance
- Off-site contribution towards the play pitches at Channells Lane: £18,945, with £11,499 toward maintenance
- Total: £103,568 (£2,114 per dwelling)

This would be secured through a s106 agreement.

Travel Plan

Final Travel Plan to include

- Travel Information Packs
- Green Travel Voucher for each occupier/employee
- Travel Plan Coordinator

Phosphates Mitigation

Appropriate phosphates mitigation as set out within the sHRA (to include 52.51 ha of

phosphate mitigation habitat of fallow land, 6.65ha of native deciduous woodland, programme of implementation and land management plan.

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 49no. 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.

Planning Balance:

The proposed development would result in 49no. 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.

It is acknowledged that more than 100no. letters of objection have been received including CPRE Somerset and Somerset Wildlife Trust and the Broadway Parish Council also objects. This lack of community support for the proposed development conflicts with one aspect of Local Plan policy SS2 however this part of Policy SS2 was dismissed as being a relevant factor by planning appeal decisions soon after adoption given that popularity is not of itself a material consideration.

Notwithstanding the above, the provision of 49no. new dwellings including 17no. 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 such as shops and restaurants and employment opportunities during the construction phase.

Subject to conditions, the 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 proposed future occupiers' amenity would be acceptable.

The majority of the mature hedges within the application site would be retained and protected. Subject to conditions and S106 agreement, it is considered that the scheme is capable of achieving acceptable mitigation for the loss of habitats and overall biodiversity net gains through the proposed new planting, bird and bee boxes, and the proposed off-site c.6 ha. woodland.

The development would also be considered acceptable in terms of phosphates. This would result from the replacement of the existing septic tank serving 5no. dwellings with a connection to the foul network that would be off-set by the mitigation strategy for the wider scheme.

The proposed sustainable drainage scheme and sustainable construction methods would also be considered 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

That the application be **approved** subject to:-

- A) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- i) Provision of affordable housing
- ii) Education contribution
- iii) Contribution towards the provision of play playing pitches
- iv) Management of public open spaces
- v) Phosphate mitigation strategy

B) and the following conditions:

01. The proposal, by reason of size, scale and materials, is acceptable with regard to the character of the site and its surroundings, and, subject to conditions and S106 agreement, would have no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies of the South Somerset Local Plan and the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

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

Site Location HTN-WBR-ZZ-ZZ-DR-A-11101 Rev.P02
 Topo Survey HTN-WBR-XX-ZZ-DR-A-11701 Rev.P01
 Site Sections HTN-WBR-XX-XX-DR-A-14301 Rev.P08
 Site Layout Plan HTN-WBR-XX-ZZ-DR-A-13302C Rev.P10
 Tenure Plan HTN-WBR-XX-ZZ-DR-A-13303C P12
 Boundary Condition Plan HTN-WBR-ZZ-ZZ-DR-A-13304C Rev.P07
 Plot Schedule HTN-WBR-ZZ-ZZ-RP-A-13601 Rev.P01
 Parking Strategy HTN-WBR-ZZ-ZZ-DR-A-14701 Rev.P03
 Parking Layout - Plot 9 Access Visibility Splay HTN-WBR-ZZ-ZZ-DR-A-14702 Rev.P01

Housetype A0 Plans HTN-WBR-A0-XX-DR-A-21102 Rev.P02
 HousetypeA1 Plans HTN-WBR-A1-XX-DR-A-21102 Rev.P03
 Housetype A2 Plans HTN-WBR-A2-XX-DR-A-21102 Rev.P02
 Housetype A3 Plans HTN-WBR-A3-XX-DR-A-21102 Rev.P03
 Housetype A4 Plans HTN-WBR-A4-XX-DR-A-21102 Rev.P03

Housetype A5 Plans HTN-WBR-A5-XX-DR-A-21102 Rev.P02
Housetype A6 Plans HTN-WBR-A6-XX-DR-A-21102 Rev.P02
Housetype B1 Plans HTN-WBR-B1-XX-DR-A-21102 Rev.P05
Housetype B2 Plans HTN-WBR-B2-XX-DR-A-21102 Rev.P02
Housetype B3 Plans HTN-WBR-B3-XX-DR-A-21102 Rev.P04
Housetype B4 Plans HTN-WBR-B4-XX-DR-A-21102 Rev.P01
Housetype GG Plans HTN-WBR-GG-XX-DR-A-21102 Rev.P02
Housetype H2 Plans HTN-WBR-H2-XX-DR-A-21102 Rev.P01
Housetype H3 Plans HTN-WBR-H3-XX-DR-A-21102 Rev.P02
Housetype HH Plans HTN-WBR-HH-XX-DR-A-21102 Rev.P02
Housetype II Plans HTN-WBR-II-XX-DR-A-21102 Rev.P05
Housetype JJ Plans HTN-WBR-JJ-XX-DR-A-21102 Rev.P02
Housetype J2 Plans HTN-WBR-J2-XX-DR-A-21102 Rev.P01
Housetype LL Plans HTN-WBR-LL-XX-DR-A-21102 Rev.P02
Housetype MM Plans HTN-WBR-MM-XX-DR-A-21102 Rev.P02
Housetype NN Plans HTN-WBR-NN-XX-DR-A-21102 Rev.P02
Housetype OO Plans HTN-WBR-OO-XX-DR-A-21102 Rev.P02

Housetype A0 Elevations HTN-WBR-A0-XX-DR-A-21111 Rev.P02
HousetypeA1 Elevations HTN-WBR-A1-XX-DR-A-21111 Rev.P03
Housetype A2 Elevations HTN-WBR-A2-XX-DR-A-21111 Rev.P02
Housetype A3 Elevations HTN-WBR-A3-XX-DR-A-21111 Rev.P03
Housetype A4 Elevations HTN-WBR-A4-XX-DR-A-21111 Rev.P04
Housetype A5 Elevations HTN-WBR-A5-XX-DR-A-21111 Rev.P04
Housetype A6 Elevations HTN-WBR-A6-XX-DR-A-21111 Rev.P02
Housetype B1 Elevations HTN-WBR-B1-XX-DR-A-21111 Rev.P05
Housetype B2 Elevations HTN-WBR-B2-XX-DR-A-21111 Rev.P02
Housetype B3 Elevations HTN-WBR-B3-XX-DR-A-21111 Rev.P04
Housetype B4 Elevations HTN-WBR-B4-XX-DR-A-21111 Rev.P01
Housetype GG Elevations HTN-WBR-GG-XX-DR-A-21111 Rev.P05
Housetype H2 Elevations HTN-WBR-H2-XX-DR-A-21111 Rev.P01
Housetype H3 Elevations HTN-WBR-H3-XX-DR-A-21111 Rev.P02
Housetype HH Elevations HTN-WBR-HH-XX-DR-A-21111 Rev.P03
Housetype II Elevations HTN-WBR-II-XX-DR-A-21111 Rev.P05
Housetype JJ Elevations HTN-WBR-JJ-XX-DR-A-21111 Rev.P03
Housetype J2 Elevations HTN-WBR-J2-XX-DR-A-21111 Rev.P01

Housetype A0 Sections HTN-WBR-A0-XX-DR-A-21121 Rev.P02
HousetypeA1 Sections HTN-WBR-A1-XX-DR-A-21121 Rev.P02
Housetype A2 Sections HTN-WBR-A2-XX-DR-A-21121 Rev.P01
Housetype A3 Sections HTN-WBR-A3-XX-DR-A-21121 Rev.P02

Housetype A4 Sections HTN-WBR-A4-XX-DR-A-21121 Rev.P02
 Housetype A5 Sections HTN-WBR-A5-XX-DR-A-21121 Rev.P02
 Housetype A6 Sections HTN-WBR-A6-XX-DR-A-21121 Rev.P02
 Housetype B1 Sections HTN-WBR-B1-XX-DR-A-21121 Rev.P04
 Housetype B2 Sections HTN-WBR-B2-XX-DR-A-21121 Rev.P01
 Housetype B3 Sections HTN-WBR-B3-XX-DR-A-21121 Rev.P04
 Housetype B4 Sections HTN-WBR-B4-XX-DR-A-21121 Rev.P01
 Housetype GG Sections HTN-WBR-GG-XX-DR-A-21121 Rev.P01
 Housetype H2 Sections HTN-WBR-H2-XX-DR-A-21121 Rev.P01
 Housetype H3 Sections HTN-WBR-H3-XX-DR-A-21121 Rev.P02
 Housetype HH Sections HTN-WBR-HH-XX-DR-A-21121 Rev.P01
 Housetype II Sections HTN-WBR-II-XX-DR-A-21121 Rev.P03
 Housetype JJ Sections HTN-WBR-JJ-XX-DR-A-21121 Rev.P01
 Housetype J2 Sections HTN-WBR-J2-XX-DR-A-21121 Rev.P01

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

03. Before any above ground works commence, details of the materials and finishes to be used in the construction of the 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. Prior to commencement of the development hereby permitted, details of the pumping station including the compound layout and boundary treatment, and dimensions, appearance and materials of the above ground infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The pumping station shall be implemented in accordance with the approved details and maintained thereafter.

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

05. Before any above ground works commence, details of the refuse and recycling storage facilities serving the dwellings hereby permitted shall be submitted to

and approved in writing by the Local Planning Authority. The refuse and recycling storage facilities shall be implemented in accordance with the approved details and maintained thereafter.

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

06. Before any above ground works commence, details of any external heat pumps serving the dwellings hereby permitted, including position, appearance, noise and manufacturer's specification, shall be submitted to and approved in writing by the Local Planning Authority. The heat pumps shall be implemented in accordance with the approved details and maintained thereafter.

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

07. Before any above ground works commence, details including design and materials of all boundary treatments within the application site, as set out in Layout Boundary Condition Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13304C, Rev.P07, shall be submitted to and approved in writing by the Local Planning Authority.

All boundary treatments adjoining neighbouring properties, Bushgarth, Home Dean, Rosaria, Banklands, Camellias, Hamstones and Neroche, shall have a min. height of 1.8m and shall comprise enhanced hedgerows or closeboarded fencing with hedgehog gaps.

A 1.2m gap shall be maintained between the existing hedges bounding the site periphery and the proposed protective mesh fencing.

The boundary treatments shall be implemented in accordance with the approved details prior to the first occupation of the development and permanently retained as such.

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

08. All hedgerows and trees on site to be retained shall be maintained in accordance with Layout Boundary Condition Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13304C, Rev.P07, and shall not be cut down, uprooted, destroyed or damaged in

any manner at any time without the prior written approval of the local planning authority.

REASON: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-2028.

09. Prior to commencement of the development hereby permitted, including demolition of existing structures, 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.

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 - 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.

10. 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.

11. 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.
 - 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) The scheme shall also detail measures to deliver biodiversity net gains, such as bird or bat boxes and log piles, and incorporate the planting of native species of trees, shrubs, herbaceous plants and areas to be grassed, with a focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.
 - c) 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.
 - d) 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.
 - e) 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.
 - f) If any trees or shrubs which within a period of 5 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 neighbouring amenity, to provide screening of the development and mitigate its visual impact, and to ensure compliance with policies EQ2 and EQ5 of the Local Plan and the NPPF.

12. 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.

13. 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 a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 62 metres either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Note: 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.

14. 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.

15. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.

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

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.

16. 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.

17. The Development hereby permitted shall not be commenced until a detailed parking scheme, to include a minimum of 155 parking spaces including visitor spaces, and associated consolidated turning spaces (no loose stone or gravel) has been submitted to and agreed in writing by the Local Planning Authority. The dwellings hereby permitted shall not be 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.

18. The car ports shown on the approved plans must be maintained and available for the purpose of parking a motor vehicle, shall have minimum internal dimensions of 5.5 metres long by 3.0 metres wide, and shall not be converted to use as a garage by the provision of external doors and walled enclosure.

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

19. 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.

20. 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/ 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.

21. 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.

22. 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.

23. 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.

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

REASON: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

- 25. 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
- j) Measures to protect the habitats in and around the site including the Drakes Meadow and Weir Local Wildlife Site from air, water and litter pollution, as detailed in the Ecological Impact Assessment (EIA) by Clarkson and Woods, dated January 2021.

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 policies EQ4, EQ5 and EQ6, Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

26. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan, have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the

CEMP and that Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

27. All habitat features to be lost (including trees and hedgerows) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. 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) Management objectives specifically relating to the compensatory habitat for dormice (outlined in the BEMP)
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) 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 policies EQ4, EQ5 and EQ6, Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

28. Prior to commencement of the development hereby approved, a Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by the Local Planning Authority. The content of the BEMP shall include the following:
- A) Specific measures in place to ensure any lost habitat features important to dormice (including trees, shrubs, and hedgerows) are proportionately replaced in relation to what will be lost, at a minimum ratio of 2:1. Replacement habitat should comprise of species important for dormice, including (but not limited to) blackthorn, hawthorn, oak, hazel, honeysuckle, bramble, gorse, and holly.
 - B) A Habitat 001 bat box or similar will be built into the structure of 50% of the proposed dwellings, positioned at least four metres above ground level and away from windows of the west or south facing elevation
 - C) Schwegler 1SP Sparrow terraces or similar will be built into the structure of 30% of the proposed dwellings, at least one metre apart directly under the eaves and away from windows on the north elevations
 - D) A cluster of three Schwegler 1a swift bricks or similar will be built into the structure of 10% of the proposed dwellings, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation, ensuring unobstructed access for the birds to leave/enter the nests.
 - E) A bee brick built into the structure of all proposed dwellings, located 1 metre above ground level on the south or southeast elevation.
 - F) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
 - G) Area of rough grassland should be created and retained along the hedgerows (within the buffer zone) as an enhancement for reptiles, as well as a foraging habitat for other protected species
 - H) Tree and native shrub planting; 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" provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

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 and Local Plan policy EQ4.

29. Prior to commencement of the development hereby permitted, a Foul Water Drainage Strategy must be submitted to and approved by the Local Planning Authority that shall include details of:
- a) the replacement of the existing septic tank serving Bushgarth, Home Dean, Rosaria, Banklands and Camellias with a connection to the proposed new network on site;
 - b) the proposed replacement and relocation of the septic tank serving Bushgarth, Home Dean, Rosaria, Banklands and Camellias in the case where consent for the proposed connection is not obtained from the owners/occupants of said properties;
 - c) the proposed pumping station that shall be constructed in accordance with the sewerage sector guidance in order to be adopted by Wessex Water and that shall provide the required 160 litres of storage per dwelling;
 - d) the connection to the public sewers on Forest Mill Lane;
 - e) the prevention of surface water drainage into the foul water network.

The drainage strategy shall be implemented in accordance with the approved documents prior to the first occupation of the development hereby permitted and maintained as such thereafter.

REASON: To ensure the development is properly drained in accordance with Local Plan policy EQ1 and the NPPF.

30. The development hereby permitted shall not commence until details of the design of a Surface Water Drainage Scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF 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.

- 31. Prior to the first occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

REASON: To ensure the development is properly drained in accordance with Local Plan policy EQ1 and the NPPF.

- 32. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the proper investigation and, where necessary, remediation of the site in the interests of the amenity, health and safety of the locality and the future occupants of the site in accordance with Local Plan policy EQ7 and the NPPF.

33. Prior to the first occupation of the development hereby permitted, the carbon reduction and energy efficiency measures detailed in the approved document, Energy Statement, dated October 2022, ref. HTN-WBR-XX-XX-RP-F-23751, Rev.P01, shall be fully implemented in accordance with Building Regulations Approved Document Part L as amended in June 2022.

REASON: To optimise renewable energy and its conservation, in accordance with policy EQ1 of the Local Plan and the NPPF.

34. Prior to commencement of above ground works for the development hereby permitted, a phased scheme of implementation for the 3no. areas of public open space in accordance with the Site Layout Plan, HTN-WBR-XX-ZZ-DR-A-13302C, Rev.P09, shall be submitted to and approved by the Local Planning Authority. The public open spaces shall be implemented in accordance with the approved scheme and access to these areas shall be retained for open access public use in perpetuity.

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 developer is advised to submit an application to <https://www.securedbydesign.com/guidance/design-guides> prior to commencement 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.
04. 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.
05. 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.
06. The application site is within 250 metres of a suspected landfill site. The developer's attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health service will make available to you, free of charge, any information or data that it has in relation to the land to which the application applies.
07. 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/planning-buildings-and-land/south-somerset-cil/>
