

Officer Report on Planning Application: 17/04328/OUT**

Proposal :	Erection of 10 dwellings and associated works including the formation of 2 No. accesses (outline)
Site Address:	Land West Of School Lane, Ashill
Parish:	Ashill
NEROCHE Ward (SSDC Member)	Cllr Linda Vjeh
Recommending Case Officer:	Linda Hayden
Target date :	1st February 2018
Applicant :	Ian, Clifford & Sandra House, House & Vaux
Agent: (no agent if blank)	Mrs Claire Alers-Hankey Winchester House Deane Gate Avenue TAUNTON TA1 2UH
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

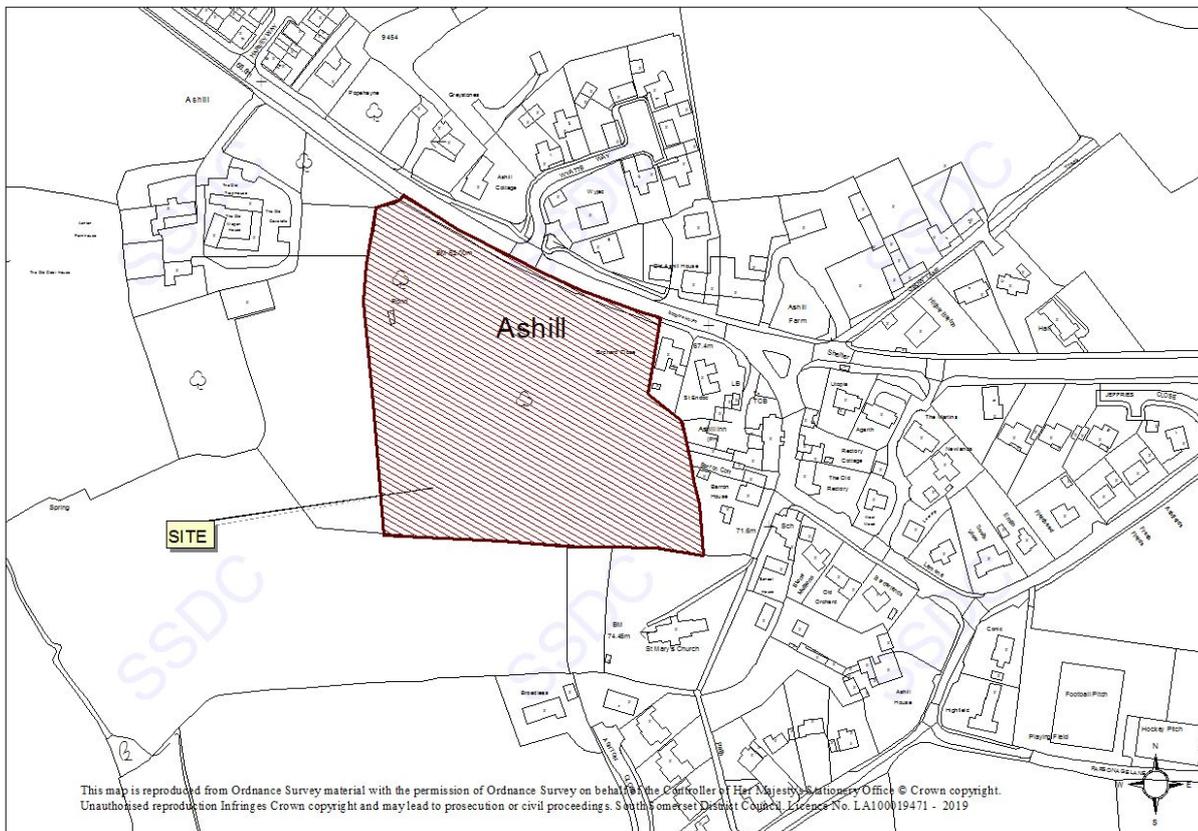
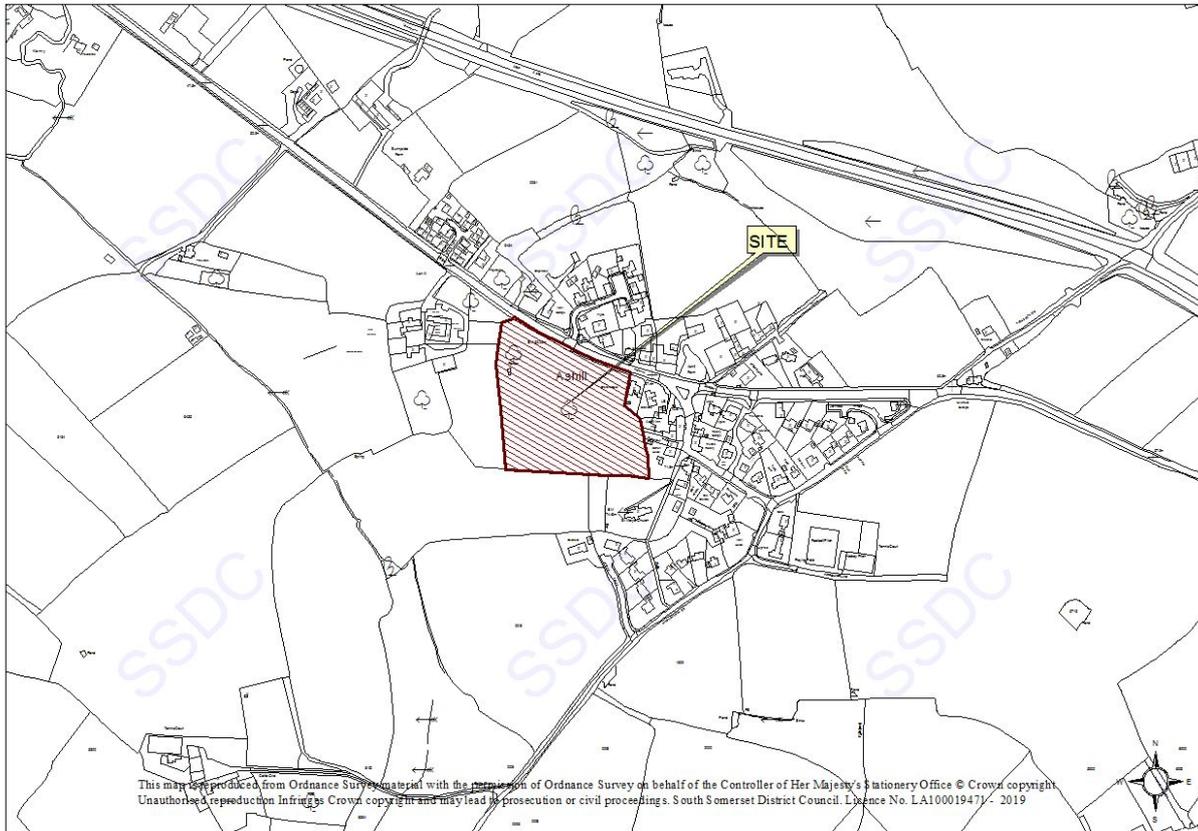
REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Committee by the Ward Member with the agreement of the Area Chair to allow discussion of the planning issues.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2-starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION



The site, which is around 1.2 hectares, is located on the western side of the village of Ashill, and is bounded by the main road through Ashill on the northern boundary, residential development to the east, the Grade II* listed Church of the Blessed Virgin Mary to the southeast and agricultural land to the south and west. The topography of the site slopes gently downwards from the eastern side of the site closest to the village centre, to the west away from the village.

The site comprises agricultural land used for grazing and is an old apple orchard which is covered by an area Tree Preservation Order (TPO).

The site is served by a vehicular access into the site off the old A358 that passes through the village. There is a public footpath which runs just to the south of the southern boundary hedgerow of the site in an east/west direction Ref: CH1/11.

PROPOSAL

This is an outline application for the erection of 10 dwellings to the east of the site to be served via a new access. The matters of access and layout are for consideration at the outline stage, with the matters of appearance, scale and landscaping saved for the reserved matters stage.

The proposed dwellings would be located along the eastern side of the site with the estate road running north to south to the west of the dwellings. The remainder of the site would be left undeveloped but an access is proposed off the new estate road to provide access to the orchard.

This is an amended application from that originally proposed. The original plans proposed a larger development for 26 dwellings that extended further to the west of the site along the road frontage. The original plans also included a car park for use by the church and school with a link to the public footpath (these elements have been withdrawn from the amended scheme.)

HISTORY

830042 - Outline: Residential development of land adjoining 'Orchard Close', Main Road, Ashill, Ilminster. Refused 1983.

53326/A - Erection of dwelling and formation of vehicular access. Refused 1974.

53326 - Development of land for residential purposes, construction of service road and turning spaces and formation of vehicular access. Refused 1961.

42325 - Formation of vehicular access. Approved 1958

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 Sustainable Development

SS1 Settlement Strategy

SS2 Development in Rural Settlements
SS5 Delivering New Housing Growth
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

Policies HG3 (and HG4) of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore it is not possible to seek an affordable housing obligation from this development. In addition, it is also no longer appropriate to seek any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 8 - Promoting Healthy and Safe Communities

Chapter 12 - Achieving well-designed Places

Chapter 14 - Meeting the challenge of Climate Change, flooding and coastal change

Chapter 15 Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) in relation to decision taking is engaged, this states:-

"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."*

Footnote 7 to Paragraph 11 explains that:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.")

Somerset County Council adopted Parking Standards

CONSULTATIONS

Ashill Parish Council:

(First response, 30 November 2017):

Principal

The site is historically an ancient orchard and is situated in a rural location at the edge of the centre of the Ashill settlement. Ashill is predominately made up of individual properties and small scale housing developments located around the Parish. The Parish Council has concerns regarding the size, design and access of the proposed development which is considered to be out of character, unneighbourly and overbearing in the context of the rural settlement, grade II listed church and adjacent properties - some of which are single storey. There is another significant development proposal in the Parish which is currently being considered by South Somerset District Council - 17/03800/OUT - Windmill Hill Lane - but the Parish of Ashill has no demonstrable need for the proposed number and mix of dwellings to be delivered in either or both of these proposed developments. A drop-in session was held by the Planning Agent in order to engage with the community regarding this proposal but the Parish Council is disappointed that the Agent has not engaged with the members of the Council as a corporate body.

Sustainability

The site is remote from local key services - the Parish did have a limited bus service but this has now been terminated, there is no shop, no youth facilities, children have to be transported to senior school and there are few employment opportunities - these are needs on a daily basis which means it would be necessary for the development to be constantly served by private and commercial vehicles and therefore Ashill cannot be considered to be a sustainable location in transport terms. It is considered that the temporary employment opportunities which would be generated by the planning and construction of this development would be of little, or no, benefit to the residents of Ashill. There are also concerns as to whether the current broadband and electricity infrastructure actually has the capacity to service the requirements of an additional 26 dwellings (which could be up to 56 - in the event of planning permission also being granted for 17/03800/OUT - Windmill Hill Lane). The Parish Council therefore wish to make the request for the utility companies to be fully consulted regarding this infrastructure provision.

Landscape / Wildlife Impact

The Parish Council considers the proposed development - which would extend the development line of the settlement of Ashill along this side of the old A358 - would adversely affect the setting of the grade II listed church and identity of the rural village. There are concerns regarding the loss of an ancient orchard and as a consequence the impact this would have on the flora and fauna. The site is considered to be of significant interest with regard to wildlife - including newts, toads and grass snakes - and bats and barn owls during the night time/darkness hours. The Parish Council is pleased to note an additional wildlife survey is to be requested by SSDC and wish to make the request that this survey is also carried out during night time/darkness hours.

Highway Safety / Parking

The existing road network is considered to be not adequate enough to accommodate the additional residential traffic. There are also uncertainties regarding the future of the local road network due to the proposed upgrading of the A358 which could create a further increase in vehicle movements along the old A358 carriageway. Neither the proposal to create a new footpath at the back of the proposed development, nor the existing footpath adjacent to the old A358 / proposed development, addresses highway safety concerns for all users of the road network in the area of the church/school/playing field where there are no footways and limited visibility. It is considered that insufficient provision has been made for parking within the proposed development and along with the proposed design - i.e. some garages and driveways to be at the rear of the properties - it could encourage parking adjacent to the old A358 carriageway. The Parish Council therefore wish to make the request that Highways are fully consulted regarding these highway safety concerns and this should include a projection of how the road

network could be affected by the A358 upgrading proposals.

Drainage

There are concerns regarding whether the surface water drainage could be managed in a sustainable way whilst not creating an adverse impact on existing properties and elsewhere. It is understood the geology of Ashill is made up of impermeable clay and - along with the sloping topography - there are concerns about introducing another built area which could cause more surface water flooding. There was an incident of flooding - which caused significant damage to properties located at Kenny during 2008 - due to surface water running down to the river and causing it to overflow. There are also concerns regarding the sustainable management of foul drainage and sewage treatment which is already an issue in the Parish. The Parish Council therefore wish to make the request that Wessex Water is fully consulted regarding these drainage concerns.

Environmental / Historical / Archaeological Impact

It is considered that the proposal would have an adverse impact on the residential amenity and privacy of the surrounding properties. There are concerns regarding the environmental impact due to the increased noise, light and air pollution which would be caused by this development. The site is also considered to be of interest in the context of history and archaeology. The Parish Council therefore wish to make the request that full surveys are carried out with regard to these issues.

Planning Policy

SSDC is currently reviewing the South Somerset Local Plan - adopted in March 2015 - to cover the period 2014-2034. The current Local Plan Policy SS2 deals with development in rural settlements but this policy appears to be having little, or no, weight which it is understood is due to the lack of a five year housing land supply. The policy requires that development should be commensurate with the scale and character of the settlement, provide employment opportunities, community facilities, meet identified housing need and increase the sustainability of a settlement in general. This policy should be a key part of the spatial distribution strategy for housing in South Somerset but more housing has been delivered during the first 11 years of the Local Plan period in rural settlements than had been envisaged. The question of housing developments was raised during the Prime Minister's question time in the House of Commons on Wednesday 22 November 2017 and one of the answers Mrs May gave was that "we need to have right infrastructure in place before large housing developments can take place".

Conclusion

Ashill Parish Council is of the opinion that Ashill does not meet the criteria for the SSDC Local Plan Policy SS2 and it does not have the infrastructure in place to support a large housing development. Having given consideration to material planning considerations the Parish Council resolved that the level of development is not appropriate for Ashill and unanimously **objects** to this proposal.'

In response to amended plans showing a revised layout plan and reduction in number of units to 21, and submission of a drainage strategy (5/6/2018), the Parish Council maintained their objection advising:

Drainage Strategy

Ashill Parish already has critical drainage problems and the proposed Drainage Strategy does not consider how the proposed water surface management of the site could impact downstream and elsewhere. The Drainage Strategy states the existing site is classified as greenfield which is currently 100% permeable and this proposed development would create an impermeable area of 23%. The Environment Agency (EA) flood map indicates the site is deemed to lie within Flood Zone 1 - low probability of flooding in any year - but the hamlet of Kenny which is designated by the EA as Flood Zone 3 - high probability of flooding in any year - lies within a distance of 500 metres away and is located on lower ground than the proposed development. There have been incidents of serious damage being caused to properties in Kenny after being flooded due to surface water from higher ground running down to the watercourse known as Venners Water and causing it to overflow. The Drainage Strategy suggests

it should be possible to achieve an attenuation scheme for the site with levels of the proposed new development designed to fall away from buildings and storm water being stored for gradual discharge to the local watercourse. However it is not made clear how this could be achieved by the proposed Drainage Strategy with a pond being located higher up than approximately half of the new development. The Drainage Strategy also acknowledges that a failure to have in place a programme of maintenance work could lead to a failure of the system but it is not made clear how the scheme could be sustainably maintained. The topography of the site slopes towards the Old A358 which in turn slopes down towards the dip of Kenny and already - at times of heavy rainfall - surface water flows down the Old A358 carriageway and accumulates in the dip. The Parish Council is of the opinion that a detailed and robust surface water drainage strategy should form part of the outline planning application to ensure that not only is the drainage strategy sustainably viable for the site itself but also for the properties which are located downstream and elsewhere.

Revised Layout

It has been noted that it is proposed to reduce the number of units from 26 to 21 but the revised layout has not changed with regard to the original proposed layout of the row of properties adjacent to existing properties and the original proposed layout of some garages and driveways being at the rear of some of the properties. It has also been noted the amended plans still show the development joining into the public footpath through the Church to the School which causes concern with regard to the potential increase of use and the implications of the wear on and adjacent to the footway. The Parish Council is of the opinion that the proposed revised layout and the drainage strategy fails to address the principle concerns raised in the response made by the Parish Council dated 30 November 2017, those raised by members of the community at meetings of the Parish Council and submitted to SSDC.'

The Parish Council also requested that consideration be given to a Section 106 agreement being in place for the eventuality if planning permission for this proposal is granted.

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

I refer to my emails of 30 November 2017 and 18 July 2018 and can confirm that these concerns raised on behalf of Ashill Parish Council with regard to the development of this site still apply.

The Parish Council objects to this amended proposal and wishes for the following additional observations to be also taken into account:

Layout & Design

The linear design of the proposed two storey dwellings will directly back on to the neighbouring properties - which are predominately bungalows - and are considered to be unneighbourly, overbearing and out of scale in the context of the neighbouring properties and the landscape. The revised layout still does not address the issue of the setting and uninterrupted views of the Church of the Blessed Virgin Mary which is a Grade II* listed building and these concerns are reflected by Historic England.

Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Sustainability & Infrastructure - the SSDC Area West Committee turned down a proposed development - 17/03800/OUT Part Windmill Hill Lane - for 25 houses on the grounds of landscape and sustainability. The Committee considered Ashill to be not a sustainable location for this scale of development - given its limited services and facilities - but this decision was subsequently overturned by the SSDC Regulation

Committee. The Parish Council therefore considers that the small village of Ashill is now already making a disproportionate contribution to the delivery of housing based on District need and not needs based on the sustainability of the location and local demand. The Parish Council also considers that Ashill does not meet the criteria for the SSDC Local Plan Policy SS2 and it does not have the infrastructure in place to support yet another significant housing development around the corner from the one which has now been approved.

Carbon Footprint - with the push of Central Government to reduce carbon to meet with the required standards - it is questioned how SSDC can consider allowing more development in a small rural village without any transport infrastructure/shops/doctors etc. - which will further increase this carbon footprint with even more vehicle movements necessary?

Water & Drainage - the amended plans show no provision for the way in which surface water drainage will be managed from a site that already regularly floods onto and runs down the Highway. The question of this run-off impacting on Kenny's flooding problems/concerns has still not been addressed.

Wildlife - the orchard has been there for many years and has attracted many types of wildlife - which the Ecological Report identified previously - and this still needs to be considered before any planning consent is agreed. The question has to be 'what will happen to all this wildlife once its habitat has been disrupted'? The Parish Council wishes to request that this is carefully taken into consideration before the determination of this planning proposal.

Community Infrastructure Levy/Section 106 - the Parish Council seeks clarification as to whether this proposed development would incur Community Infrastructure Levy/Section 106 payments. If the applicant does not have to make any contribution towards improving the Parish facilities and - if approved - the Parish would receive no help towards sustainability or infrastructure.

County Highway Authority:

Summary of response to original plans:

- Advised that the rural nature of the location meant there would be a high reliance on private motor vehicles and it would be for the Local Planning Authority to determine if this was a suitable location for the development proposed.
- Impact of the development was not considered to be 'severe' although there would be likely to be some minor additional delays at the A358 junctions.
- Travel Plan considered to be of an acceptable standard (some amendments were required)
- Parking - broadly in line with the relevant standards, concern expressed regarding visitor parking provision
- Query the rationale for the church and school parking as part of the development
- Highway works - Required greater visibility splays.
- Pedestrian access - welcomed access to church and school, legal agreement may be required
- Estate Roads - Advanced Payment Code regime would be applicable. General layout appears suitable for adoption.
- Drainage - advise that detailed drainage proposals will need to be agreed with the County Highway Authority's Drainage Engineer. Developer advised to establish that a suitable outfall could be provided to discharge surface water run-off.

As such the County Highway Authority did not object to the principle of the development subject to the imposition of conditions.

2nd response following submission of amended plans showing a revised layout plan and reduction in number of units to 21, and submission of a drainage strategy (5/6/2018) (summary):

- Drainage Strategy - no objections to the surface water management strategy but provided advice

regarding interface with the public highway.

- Visibility splays - repeated concerns that visibility splays needed to be increased.
- In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised (summary):
- Traffic Impact - the impact to the road network is slightly lessened as a result of the amended plans
- Access - Visibility should be in accordance with DMRB standards as opposed to MfS standards. There is a net benefit to the safety of the site through the removal of the additional accesses.
- Permeability of site has decreased as there is no longer a link to the footpath but it does not seem proportionate to reject the proposals on this basis.
- Parking - are roughly in line with the optimum parking standards, there may be some interference with visibility on Plots 1 - 4 from proposed planting
- Internal layout - appears generally suitable for adoption but a speed reducing feature will be required. Any planting scheme needs to be checked with highways.

The County Highway Authority did not therefore object to the application subject to the imposition of various highways conditions.

Landscape Officer (now retired):

In response to the original scheme:

The application site is a pasture field with orchard trees, defined by native hedgerow boundaries to the south and west, with the main village street (the former A358) forming its north boundary, whilst to its east and southeast side the site abuts the core of the main village of Ashill, with the churchyard immediately alongside the southern boundary, and the pub and local residences backing onto the site along its eastern boundary. Thus the site has an immediate and bounding relationship with the historic core of the village, and occupies the same low hilltop as the village centre. I also note that it lays within an area of 'probable medieval occupation', though its use as an orchard is indicated on both the 1888 OS map, and the 1830's tithe map for the parish.

The proposal intends 26 new houses; a community car park adjacent the school and church, and the offer of the remaining orchard area to the village as public open space. A landscape statement has been submitted in support of the application, which acknowledges that development will impact upon the character and extent of the current orchard, but intends replanting and appropriate management to renew the feature. It considers that the visual effects of development will be high when viewed from its immediate surroundings only, but when viewed from the wider rural surround, is low. I would not dispute this summary.

It is clear that a development of 26 houses will project built form west toward open countryside, well beyond the current edge, yet there is a correspondence with residential development to both the north and east sides of the site, to provide a settled context into which this proposal would tie. Development will result in the loss of part of the traditional orchard, and this orchard plot has been long-established and is a distinctive component of the village edge. However, a number of the orchard trees have already been lost, and many more are over-mature and un-managed, such that the feature does not project a strength of character. Additional apple tree planting is intended, along with the dedication of the land as open space, to ensure that orchard trees maintain a presence on the site. There is also the loss of local views across the open field toward the church, though this is limited to a short length of roadside, and properties, facing the proposed frontage plots.

The application proposes a substantial development quantum for this small settlement, which will be a challenge for the integrity of the village's character to absorb without undue impact. However, whilst I consider the above landscape impacts to be minor/moderate adverse, once balanced against the positives of the renewed orchard, and open space provision, and acknowledging the tie with the adjoining built pattern, I would conclude the weight of landscape impact to be insufficient on its own to

provide a case for refusal.'

Historic England:

Response to original application:

The application proposes the construction of 26 houses and provision of public open space on land currently used as an orchard in Ashill, Somerset. The village of Ashill grew from an agricultural hamlet to a small village in the post-war era, when several small housing estates around the edge of the settlement.

At the centre of the village is the Church of the Blessed Virgin Mary, a Grade II* listed building of medieval origin with various later alterations. The setting of the church contributes to its significance; though the two-stage tower is not particularly high in the context of Somerset's celebrated churches, the church has a direct relationship with its agricultural hinterland and its prominence is enhanced by the positioning on a low hilltop.

The visual role of the church tower, signposting the centre of the village, will be diminished by the construction of the proposed housing development. It will block views of the tower from the main road through the village, which for centuries was the principal thoroughfare between Taunton and Ilminster until the bypass was constructed in the early 1990s. The reduced visibility of the tower, and the diminishing of its relationship with open agricultural land, will cause harm to its setting and thus significance.

We also note that there is a Grade II listed Cider House to the West of the site. The existing orchard makes an important illustrative contribution to the setting of the cider house. Orchards are, of course, an important component of local distinctiveness in South Somerset, and your authority will need to carefully consider whether in reducing the size of orchard and screening it from the road, the proposals "respond to local character and history" as required by NPPF paragraph 58.

We understand that this is not an allocated site for housing in your current local plan, but that South Somerset cannot demonstrate a 5-year supply of housing as required by central government. However, we do not believe this means your authority should immediately proceed to the 'planning balance' exercise of weighing the harm we have identified to a highly-graded heritage asset against the public benefit of a contribution towards your housing supply figures.

NPPF 132 notes that great weight should be given to the conservation of a heritage asset, and the more important the asset the greater the weight should be. In this case, the asset affected is a II* listed church; a heritage asset 'of the highest significance'. Paragraph 132 also notes that any harm requires 'clear and convincing justification'. Even if you are minded to accept the principle of development at this location in order to meet housing supply targets, alterations should be made to the scheme to reduce or mitigate the harm to the setting of the church. The proposed layout of the housing will block key views of the listed church tower from the main road, but an alternative housing layout could better reveal it - and therefore, in our view, the justification for the proposals fails to be 'clear and convincing'.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

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

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

In response to the first set of amendments (revised layout and reduction in number of units to 21, (5/6/2018)):

'The additional information submitted by the Planning agent and Heritage Consultant confirms our assessment that the scheme will result in harm. Historic England views therefore has not changed and we consider that the proposal will result in harm to the grade II* listed Church of the Blessed Virgin Mary.

We maintain that the choice of site or the proposed development has not been sufficiently justified in line with the NPPF and consequently the LPA should not jump immediately to the planning balance as set out in our letter (22nd Nov 2017) -

We understand that this is not an allocated site for housing in your current local plan, but that South Somerset cannot demonstrate a 5-year supply of housing as required by central government. However, we do not believe this means your authority should immediately proceed to the 'planning balance' exercise of weighing the harm we have identified to a highly-graded heritage asset against the public benefit of a contribution towards your housing supply figures.

NPPF 132 notes that great weight should be given to the conservation of a heritage asset, and the more important the asset the greater the weight should be. In this case, the asset affected is a II* listed church; a heritage asset 'of the highest significance'. Paragraph 132 also notes that any harm requires 'clear and convincing justification'. Even if you are minded to accept the principle of development at this location in order to meet housing supply targets, alterations should be made to the scheme to reduce or mitigate the harm to the setting of the church. The proposed layout of the housing will block key views of the listed church tower from the main road, but an alternative housing layout could better reveal it - and therefore, in our view, the justification for the proposals fails to be 'clear and convincing'.

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

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

'The revised application reduces the number of units on site from 21 to 10. This has reduced the development to the eastern boundary of the site limiting the projection into views of the Grade II* listed Church of the Blessed Virgin Mary. The removal of additional infrastructure such as the additional car-parking is also a benefit in reducing the overall impact of development within the current open field. There is an opportunity by which planting along the boundary of the proposed site could be used more effectively to soften the transition of the former orchard into the proposed development. There is further opportunity to enhance the setting of the church by using the landscaping and planting strategy to enhance the relationship between the church to its surrounding rural setting.

The site is not allocated although; we understand that South Somerset cannot demonstrate a 5-year supply of housing. The council need to be confident that there is sufficient justification for development on the site even with the reduced number of units (Para 194, revised NPPF). Any harm will need to be considered within the wider planning balance against the public benefits offered by the scheme to ensure

that they outweigh any harm identified (Para 196, NPPF).

If the council is minded to approve the application, as this is at outline only, steps should be taken to secure through the planning process any potential benefits the scheme can offer, such as the landscaping strategy for the site as well as minimise those aspects identified as having the potential to cause harm, such as the layout of the development.

Recommendation

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

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

Conservation Officer:

In response to original plans:

'The main issue for me relates to the grade II* listed Church. There are views of the Church tower from the old A358 across the entire frontage of the site.

By their nature, Church towers are prospects. Historically they are the tallest building in the parish, the Church asserting its authority and presence: a constant reminder. This tower would appear to be 15th Century.

I do not agree with the assessment that this proposal causes no harm to the setting and appreciation of the heritage asset with regard to the historic views. I can see that there was once housing at the east of the site, and indeed that may well be the way forward, but as shown the view of the tower from the old A358 would be lost.

In my view there is a loss of the views of this highly graded church and this is damaging to the consciously designed aesthetic, historic and communal significance of the building, resulting in moderate adverse harm.

I can see some merit in development at the east end of the site, where there was development historically, but not along the frontage onto the old A358.'

In response to the first set of amendments (revised layout and reduction in number of units to 21, (5/6/2018)):

'This document does not change my views. Indeed I note the final paragraph accepts a minor adverse impact on the setting of the Church but takes a view that this is neutralised by the public benefits.

At the risk of repeating myself, Paragraphs 48 to 51 of the Forge Field High Court case, rehearse the presumption against planning permission being granted and the considerable weight and importance must be given. It emphasises that the public benefit must be powerful and as decision maker you and the Council must be conscious of statutory presumption in favour of preservation and this must be demonstrably applied.

I would also refer you to compare this proposal with that recently dismissed at appeal on the edge of Broadway where the setting of the Church was a main issue.

I do not see the public benefit here to outweigh the harm which the applicant accepts.'

(Officer Note: The Conservation Officer has now left the authority and so it will be necessary to rely upon the advice of Historic England)

Planning Policy, in response to original application:

'The development plan for South Somerset is the adopted South Somerset Local Plan 2006-2028, March 2015. Policy SD1 supports the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) and expects that where proposals accord with the policies in the adopted Local Plan they will be approved without delay, unless material considerations indicate otherwise.

The adopted Local Plan defines Ashill as a Rural Settlement (Policy SS1: Settlement Strategy). The settlement has a number of basic facilities, such as a public house, primary school, village hall, faith facility and play area/sports pitch. Currently, as a result of Nippy Bus no longer operating, bus services for Ashill are very limited with only a demand responsive service available. Policy SS2 strictly controls and limits development in such locations to that which provides employment opportunities; and/or creates or enhances community facilities to serve the settlement; and/or meets identified housing need, particularly for affordable housing. Policy SS2 also makes it clear that development should be commensurate with the scale and character of the settlement, be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

This proposal is for 26 residential units, including affordable housing and includes a range of house types and sizes. Although community support is not a pre-requisite for development proposals, this should be sought through robust engagement and consultation in line with Policy SS2. Pre-application consultation has taken place, including with the Parish Council and the consultation statement summarizes the issues raised during that process, overall there is a mix of support for and objection to the proposal, with marginally more objection.

The parish of Ashill comprises 250 dwellings and 529 people (Census 2011), therefore this proposal represents a potential 10% increase in the number of dwellings and an 11% increase in the population (based upon the ONS 2019 average household population projection of 2.22 people per household) . SSDC monitoring shows that there have been six dwellings completed in the parish since the beginning of the plan period (2006) and as at 15/11/17 there are four dwellings committed. I am aware that there is a proposal pending for 30 dwellings on land Os 3727 Part, Windmill Hill Lane, Ashill (17/03800/OUT). If both this proposal and the Windmill Hill proposal were to be approved and delivered this could result in a 22% increase in the number of dwellings and a 23% increase in the population of the parish.

The impact of development on the historic environment (Policy EQ3) and the character and appearance of the settlement (Policy EQ2) are of particular relevance in the consideration of this proposal and I will leave it to colleagues in the Conservation Team to respond on these aspects of the proposal.

With regards to other material considerations, in September 2017 the Council accepted that it cannot demonstrate a five-year housing land supply, having 4.2 years
https://www.southsomerset.gov.uk/media/895891/ssdc_five-year_housing_land_supply_paper_finalwith_tweak2017.pdf.

Paragraph 49 of the National Planning Policy Framework (NPPF) states that when this occurs relevant policies for the supply of housing are considered to be out of date. Consequently, this proposal should be considered in the context of the presumption in favour of sustainable development (Policy SD1 and NPPF, paragraph 14). Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicate development should be restricted.

In conclusion, based upon the specialist advice from colleagues with regards to the historic environment and impact on the character and appearance of the settlement you will need to determine whether any adverse impacts would significantly and demonstrably outweigh the benefits of granting planning permission where the Council is unable to demonstrate a five-year housing land supply.'

(Officer Note: It should be noted that there has been a new report (August 2018) with regard to the five-year land supply confirming that SSDC is still unable to demonstrate a five-year housing land supply. In addition, a new NPPF was issued in 2019, the relevant policies are described in the Policy section above.)

Ecologist:

In response to original plans:

I've noted the Protected Species Surveys report (Country Contracts, October 2017). I note quite a few objectors raise concern about orchard loss and/or impacts on wildlife species.

I suggest these concerns can be broadly categorised into three main areas:

1. Orchard/habitat loss.
2. Legally protected species (e.g. badger, dormice, bats).
3. Other species (e.g. dragonflies, birds of prey, deer).

There is also some concern expressed about the timing and adequacy of the surveys.

I address each of these areas of concern in turn.

1. Orchard/habitat loss

Historic mapping (19th century) suggests a long history of orchard use on this site. The term 'ancient' isn't officially applied to orchards as it can be to woodland (ancient woodland pre-dates 1600). It's possible that the orchard could have increased biodiversity value if there has been a long and continuous history of orchard use on the site and nearby. However, this will also be heavily influenced by current and recent farming and management practices, so historic presence is no guarantee of increased biodiversity value.

The orchard and application site is not subject to any nature conservation designation.

'Priority habitat'

Traditional orchards are listed as a 'priority habitat' for the conservation of biodiversity (Natural Environment and Rural Communities Act 2006). Planning policies seek to conserve priority habitats.

Planning policy, assessment and conclusion

Remaining traditional orchards are most frequently sited on the edges of villages, often on the same sites where potential new developments are more likely to satisfy planning policies. This conflict between conserving a priority habitat and other planning policies is therefore not uncommon for village applications.

I note the density of orchard trees is low compared to 'traditional' orchard tree densities (and 2001 aerial photos also suggest medium to low density). The commercial value of the fruit is low, and it appears this orchard is gradually changing to predominantly pasture land. In the absence of any intervention, the site may no longer be an orchard in the next few decades.

I note the proposal includes retention and improvement of approximately half of the orchard. I suggest it would be reasonable to give this favourable weight, given the gradual decline of the existing orchard, when considering the proposal against planning policies.

Consideration will need to be given to how and who will own and manage the orchard.

2. Legally protected species

Objectors have raised concern in respect of the following:

- bats
- badgers
- dormice
- newts

The protected species survey included assessments and surveys for the following species groups. In some cases I've added to the assessment using records from the Somerset Environmental Records Centre, general awareness of species occurrence in the area, GIS maps and aerial photos.

Bats

Orchard trees were visually inspected for the possibility of bat roosts. None of the trees were identified as being likely to be used for roosting by bats. Bats are therefore unlikely to be roosting on site.

It is likely there will be some foraging by bats over the site. Foraging habitat isn't specifically protected. Although some loss of bat foraging habitat is likely, the area of loss is relatively small in comparison to the typical 'home range' of foraging bats, and is unlikely to constitute a significant impact. Furthermore, improvements to the retained orchard and new hedge planting would compensate for some of the loss of bat foraging habitat.

Reptiles

Grass snake has been quoted by an objector as being present, and the site contains some habitat, particularly around the fringes, that could be used by slow worm. 'Rare' reptile species aren't thought to occur in the district. The common reptile species that could be present on site wouldn't normally be a reason for refusal, but would require translocation out of harm's way. The retention of approximately half of the site as orchard gives plenty of scope for a receptor area for translocated reptiles (plus any amphibians that are encountered).

Further survey and mitigation proposals should be made the requirement of a condition:

The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of reptiles, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

Amphibians

Whilst newts have been cited as being present in the area, it is only great crested newt (gcn) that is legally protected. There are no records of gcn within 1km of the site (Somerset Environmental Records Centre check). It is most likely that newts observed in the area are common newt or palmate newt (there is a nearby record of the latter) which are more commonly associated with smaller garden ponds (great crested newt is rarely found in garden ponds).

The OS map base marks a pond on the application site. However, it's uncertain that this still exists and it wasn't identified in the protected species survey. Other ponds are marked over 200m away to the south east. If any of these ponds are breeding ponds for great crested newt, I consider it unlikely any greater crested newt would be present on the application site due to distance and poor habitat

connectivity to the ponds.

Common toad has also been observed by neighbour(s). This is a 'priority species', but not legally protected. It is likely that mitigation measures for reptiles would also cover toads and possibly common/palmate newt.

Nesting birds

Some of the orchard trees, hedges, and bramble scrub provide potential nesting sites for birds. I recommend a condition:

No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

Badgers

The protected species survey didn't find any badger setts on the site. Badgers are active in the area and may be active (e.g. foraging) on the application site. Precautionary mitigation measures are recommended in section 6.4.1 and 6.4.2 of the report. I recommend this is endorsed by a condition or informative.

Dormouse

Dormice have been stated to be present by neighbour(s) and are known to be present in hedges in the wider area (but may not be present in all hedges). Dormice are arboreal and are reluctant to cross open ground. The hedges bordering the site aren't well connected to hedges in the wider landscape, which reduces the likelihood of dormice on site. However, even if dormice are present in the boundary hedges, the hedges are being mostly retained and the development will have minimal impact on them.

I therefore conclude it's very unlikely that dormice will be adversely affected.

3. Other species

A number of objectors include observations and raise concern about impacts upon species with either limited protection (e.g. protection only against direct harm that applies to all wild birds and reptiles), or no legal protection.

Species quoted include:

- dragonflies
- birds of prey, including barn owl
- deer
- toads
- grass snake
- bees

These species all contribute to the biodiversity of the site. However, they are not normally considered significant constraints to development for the following reasons:

- a) Lower conservation importance - widespread and relatively common species, for which a small amount of habitat loss is very unlikely to significantly affect population levels.
- b) Wide ranging - these species usually have territories or home ranges that far exceed the size of the

application site, so will still be able to survive on similar surrounding land and habitats.

- c) High mobility - these species are generally quite capable of moving out of harm's way, or avoiding potentially harmful construction sites in the first place.

I have no reason to consider this proposed development to be particularly harmful to the above listed species.

Adequacy of wildlife surveys

The adequacy of the protected species survey has been challenged by objectors. I agree the survey wasn't as extensive or thorough as surveys for some planning applications.

Guidance on, and justification for, wildlife surveys is given in Circular 06/2005, and Natural England Standing Advice. Where a proposed development could give rise to significant impacts on protected species or biodiversity, then the surveys should be completed in full before any planning decision is made. However, if protected species are either unlikely to be present, or if present are unlikely to be significantly affected (e.g. if the development layout has minimal impact), then detailed surveys may not be necessary.

For the reasons detailed in the above sections (low risks of presence or adverse impact), I don't consider there is justification to delay the application for further surveys.

Other comments

Biodiversity enhancement

NPPF (para.118) expects development to deliver some enhancement for biodiversity, through taking opportunities to incorporate features beneficial for wildlife (e.g. native species planting, bird and bat boxes) within new developments. I therefore recommend that any consent should include a condition requiring details of measures for the enhancement of biodiversity to be submitted either

- a) as part of any subsequent full or reserved matters application, or
- b) prior to commencement.

The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

OR

Prior to the commencement of development, details of measures for the enhancement of biodiversity (e.g. bat and bird boxes, wildflower sowing and management) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised that he had no further comments in respect of the amended plans and his original response remained valid.

Tree Officer:

'In the past, it was considered prudent Orchard husbandry to promote the growth of tall, dense hedgerows to both shelter the Orchard trees and to increase the presence of pollinating insects - thereby boosting the overall productivity of the Orchard.

This orchard site currently appears rather too exposed to the prevailing winds. The heavy, wet clay-soil environment may have discouraged the existing orchard trees from developing deep-root systems, which might partially explain why so many of the trees have become wind-thrown. The choice of root-

stock that the trees have been grafted onto and the staking techniques employed, also has a significant impact upon their ability to withstand the wind.

This outline proposal shows a significant portion of the orchard retained and restored. Furthermore, the surrounding hedgerow and hedgerow trees are also shown as retained.

The proposal would benefit from a carefully detailed scheme of tree and hedgerow planting. I would recommend that the surrounding hedgerows are "gapped-up" and supplemented with an edge-structure shelter-belt planting to increase the density and screening values of the hedgerow.

Rather than planting yet another vulnerable mono-crop of Apple trees, I would recommend ensuring a more robust diversity of species that include an "Orchard theme".

Trees planted in close-proximity to car-parks and dwellings could include tough, long-lived flowering species such as *Pyrus calleryana* 'Chanticleer'; *Amelanchier lamarckii* 'Robin Hill' and *Prunus* 'Sunset Boulevard'. I would recommend UK-provenance, sized at 12-14's and container-grown (45 litre).

Species to improve the surrounding hedgerow could include Hazel (60%), Field Maple (20%), and Hornbeam (20%) as UK-provenance Cell-Grown '40-60's' planted within 800mm Tubex Shelterguards supported by 25mm x 25mm tantalised stakes with 500mm coir-based mulch-mats.

The hedgerow would also benefit from some more hedgerow trees, so worth including some larger-growing species at 10 metre spacings - such as Oak, Sycamore and Italian Alder. For these, I would recommend UK-provenance 'feathered' trees sized 175 cms height grown in 10 litre containers.

As for the 'Orchard' trees, I'd recommend the use of traditional non-dwarfing root-stocks, e.g. "M25" for Apples. To improve the robustness and bio-diversity of the Orchard component, other fruiting tree species could include Pears, Walnuts, Mulberry, Cobnuts, Filberts, Plums, Damsons and Gages.'

If outline consent is granted, the Tree Officer has requested conditions in relation to tree and hedgerow protection; and tree and shrub planting.

Housing Development Officer: (summary)

As part of the original application, the Housing Development Officer provided details of what would be required for affordable housing as part of a 26 dwelling scheme. However, as the scheme has now been reduced to 10 units Ministerial advice (as shown in the Policy Section above) advises that it is longer possible for Local Authorities to seek such contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

Play and Youth Facilities Officer:

As part of the original application, the Senior Play and Youth Facilities Officer provided details of what sports/play facilities or contributions would be required for of a 26 dwelling scheme. However, as the scheme has now been reduced to 10 units Ministerial advice (as shown in the Policy Section above) advises that it is longer possible for Local Authorities to seek such contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

Somerset Wildlife Trust: (summary of response to original plans)

Fully support the proposals for ecological mitigation and enhancements outlined in the Protected Species Survey. Wish to see more details of the proposed planting and a further bat survey.

County Education:

In response to the original application advised that the current education capacity is sufficient at this time so no education contributions are sought.

County Rights of Way:

In response to the original application, the Rights of Officer advised that they have no objections to the proposal, but it should be noted that

- Assuming that the applicant is the neighbouring landowner, then the footpath link can be captured within a S.38 agreement. However if not, then a legal agreement would be required with the neighbouring landowner with a condition to secure this. The Rights of Way Team would require a contribution of £10,000, refundable if unused after 10 years of completion, for the path surfacing between the footpath link and the school. This would need to be captured in a S.106 agreement.
- Any proposed works must not encroach on to the width of the public right of way (PROW).

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) withdraw their comments regarding the link to the right of way and reiterate advice that proposed works must not encroach on to the width of the PROW.

Local Lead Floor Authority:

Objected to the original application as:

'The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has not submitted any proposed drainage designs for the capture and removal of surface water from the development. It is noted that geology in the area is not conducive to soakaway and that Wessex Water have no surface water drainage sewers within the area. The applicant has not submitted any proposed drainage designs for the capture and removal of surface water from the development; this gives rise to concerns that there may not be a viable solution for surface water drainage at this location.'

In response to the submission of drainage strategy (5/6/2018):

Maintained their objection as the submitted was still considered to be insufficient, advising:

'The existing site was formally an orchard and is now predominantly agricultural grazing. The proposed development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The Drainage Strategy suggests attenuation using a detention basin and restricting flow to the receiving watercourse to Q_{bar} . These general principles are acceptable, however there is insufficient detail provided to ascertain if this scheme is deliverable.

There is no topographic information to substantiate the claim that all flows currently drain to the watercourse indicated. In fact, a recent site visit would suggest that not all of the site drains to the watercourse, some drains towards the road. A more detailed assessment of land levels and flow directions should be undertaken. This is particularly important given that the proposed watercourse has a high risk of surface water flooding (in accordance with the Surface Water Flood Mapping). This is not something that has been identified within the drainage strategy and does need to be considered to ensure that no additional flow gets into this watercourse to exacerbate an existing flooding issue downstream.

With regards to the proposals for the detention basin, the location proposed does not appear to allow for full gravity flow from the site to the basin. We would not accept a proposal for surface water drainage that requires pumping. Again, a topographic survey would be beneficial in order to review the existing natural landscape and determine the most effective strategy based on the natural drainage system.

Given the size of the site we would also like to see more consideration given to the multi-use of SUDS

across the site. SUDS are not simply about storage and attenuation but about improvements to the environment and water quality. These smaller features are particularly beneficial during the smaller order events. This would aid in further softening the impact of the development on the landscape with more source control features proposed across the site. For example, the applicant might consider land drains or swales instead of pipes.

There also remains a question over whether there is capacity for additional foul flows within the village. Initial indications suggest that capacity is limited and that upgrades to the existing pumping station may be required. There are no plans to do this within Wessex Capital programme at present. Any proposed new connections would therefore need to be agreed with Wessex Water and we would not recommend approval until such a connection can be verified to ensure that there is a solution possible for the discharge of foul water.'

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

'We note that the density of development has been reduced to 10 dwellings.

The drainage strategy (Sands), whilst revised in August, seems to still show the original layout for the site and refers to 21 dwellings within the text. It is not clear whether the overall drainage strategy for the development has changed, or whether it is still proposed to provide a piped network conveying surface water to a single attenuation pond, with connection to watercourse? Existing flows from the development drain to the main road to the north west (where I believe there are known problems with flooding downstream?), and therefore the drainage would need to be carefully designed to ensure that the site could gravity drain to the pond, and that this could be designed to drain towards the watercourse to the west.

Due to the lack of certainty over the drainage provision for the revised site layout, I would have to maintain our objection.'

In response to the submission of an updated drainage strategy (1/2/2019) commented:

'I am now satisfied with the general principles of the outline planning application and feel that this can move forward to condition. The development will be restricting runoff to Qbar which is appropriate given the local flooding problems and we note that the pond has moved closer to the proposed development.

Condition:

The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme in accordance with the submitted Drainage Strategy (Sands, May 2018 Rev 4) have been submitted to the LPA and approved in writing by the LPA.

Those details shall include:

- a. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c. Flood water exceedance routes, both on and off site;
- d. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the

lifetime of the development.

Reason: To secure a working drainage system to the he approved details shall thereafter be implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development

Informative: We actively promote the use of sustainable drainage systems (SUDS) as they provide flood risk benefit but also enhance biodiversity, amenity value and water quality .Any opportunities to incorporate a range of SUDS should be fully explored.

Informative: There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.'

Wessex Water:

In response to the original application:

Foul Drainage & Sewage Treatment

The settlement at Ashill is served by a public foul water system draining north to Ashill STW for treatment before discharge to the local watercourse. We have recently undertaken an appraisal of capacity at the treatment works as development proposals represent a significant increase in population when compared to the existing catchment. The treatment works can currently accommodate flows from this site, but is approaching capacity and the additional flows from cumulative development is predicted to exceed the current limits.

The treatment planning team has indicated that if catchment development exceeds capacity we will meet our obligations with a scheme of works. In the short term this may require temporary treatment capacity. In the longer term and subject to the level of future demand this may trigger extensions to the sewage works. We note that Ashill is defined as one of the rural settlements within South Somerset and we note that development within these areas will need to be justified to meet a number of criteria. Previous reviews carried out by Wessex Water have not identified development on this scale at this location, hence we have not currently identified the works for capital investment

There are no public foul sewers in close proximity of the site boundary and the applicant will need to install an off site sewer to connect to the existing foul network. Existing ground levels indicate that a 75m off site connection to the foul manhole adjacent to Ashill Farm may not be achievable by gravity. The developer may need to consider the installation of a sewage pumping station (SPS) within the site with a 15m buffer zone from the nearest dwelling to protect the amenity of the residents.

Connection to the public network is by application and agreement with Wessex Water who will adopt sewers and SPS through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. For further information the developer should contact development.west@wessexwater.co.uk or visit our website for guidance <http://www.wessexwater.co.uk/Sewer-adoptions/>

Surface Water Drainage

There are no public surface water sewers in the vicinity of this site. The application indicates surface water discharge to a sustainable drainage system which must be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines and will require the approval of the Lead Local Flood Authority. Therefore proposals will be subject to approval by the LLFA as required. It is critical that the site is developed with a satisfactory surface water outfall via infiltration systems or to the local land drainage system. Failure to demonstrate that this can be achieved is a material consideration and we requested that we are re-consulted if these proposals are amended.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Water Infrastructure

There is currently sufficient capacity in the network for a connection off the 4" AC main opposite the site entrance. New water mains can be installed under a Section 41 requisition arrangement and the applicant should consult the Wessex Water website for further information: www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections.

Environmental Health Officer:

No objections or comments on this application.

Senior Historic Environment Officer:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Somerset Waste Partnership:

Response to original plans following clarification from agent on areas of concern raised by the Waste Partnership:

'Whilst it is not ideal that waste and recycling containers are a distance away from people's properties, if those properties fronting on to the main road are encouraged to place their containers out on the main road for collection, it should reduce the numbers of containers being clustered in the same place and thus minimising problems with local management of waste once the properties are occupied.'

Crime Prevention Design Adviser:

Had no objection in response to the original plans subject to there being no blank gable ends to units 1, 8, 9, 10, 14, 20, 21, 22 & 24.

In response to the first set of amendments (revised layout and reduction in number of units to 21(5/6./2018) had no objection subject to:

- The new hedgerow created as indicated will need to be supported by a post and rail fence to allow the hedgerow to mature, offering some protection to the dwellings that abut the orchard
- As in my earlier response please avoid any blank gable ends especially any that overlook parking i.e. units 7, 9, 11, 15 & 19

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) had no objection or comments.

REPRESENTATIONS

68 letters/emails were received in regard to the original submission raising the following objections:

- Concerns regarding privacy as houses will be metres from existing property and be overbearing on a single storey dwelling
- Concerns regarding safety with more traffic and no pavements
- Concerned about impact upon wildlife that uses the site; destruction of habitat
- Extra housing would impact the flooding risk, properties in Kenny already flood. Lack of appropriate information on this issue.
- Unsuitable and inadequate sewerage system
- Insufficient infrastructure with no essential services in the villages (no public transport, shops, doctors, post office etc.) so future residents will be dependent upon private cars. Village is not in a sustainable location.

- School has limited capacity and has no room to expand
- Lighting of development will affect neighbouring gardens and cause light pollution
- Concerned about loss of greenfield and impact upon the setting of the historic village and the Grade II* listed Church
- Concerned about level of development in Ashill (there was a separate application for 25 dwellings on the opposite side of the village (now approved)). Proposal represents a 32.5% increase.
- There are already problems accessing the A358 at peak times. Concerned about pollution from additional traffic which will be exacerbated by proposed improvements to A358 and the impact on climate change.
- There will be parking problems as occupiers do not use garages
- Concerned about future occupants of affordable housing
- Development is out of character with existing village and contrary to Policy EQ2 of the Local Plan
- Proposal is for new residential development in the open countryside for which no overriding essential need has been justified.
- Wessex Water have previously said that the existing sewerage plant would be unable to safely process additional sewerage and improvement works could take up to three years.
- Devaluation of existing properties
- An application for residential development in Wood Lane, Ashill (16/04454/OUT) was refused; similar issues apply to the application site.
- Proposal is contrary to settlement strategy (Policy SS1) and Policy SS2 of the Local Plan.
- Archaeological assessment is inadequate
- Arboricultural assessment is inadequate, protected trees have not been kept in a healthy state
- Construction of the development will cause disruption
- Development could be in other parts of the site
- Question the stated outcomes of the public consultation event
- No need for the proposed church/school car park
- No guarantee that the s.106 money would be spent in the village
- There is a problem with water pressure in the village
- Current broadband speeds are low and would need to be addressed.
- Development will adversely affect views from adjacent properties
- Development will not bring additional services or employment to the village
- Application shouldn't be considered until the impact of the development of 400 homes in Ilminster is assessed.

The Campaign for the Protection of Rural England (CPRE) object to the application on the following grounds (summarised):

- Sustainability of settlement
- Cumulative impact of both residential developments proposed in the village must be assessed.
- Support the views of the Parish Council that the settlement is not a sustainable location for the level of development proposed.
- Refer to Historic England's concerns about the impact of the proposal on the significance of the church.
- Despite the lack of a five year housing land supply we still have a plan led system and the sustainability principle of the adopted local plan settlement strategy should not always be overridden due to the housing land supply situation.

34 letters/emails were received in regard to the first amended scheme (drainage strategy, revised layout and reduction in number of units to 21) which reiterate the various concerns /objections outlined above and make the following additional comments (summarised):

- Drainage details do not include sufficient details or address the concerns regarding in flooding in

Kenny. There should be a more details and considered surface water drainage strategy.

- Query the proposed location of the drainage system.
- Refer to High Court decisions: Forge Field, Barnwell Manor, South Lakelands which refer to setting of listed buildings.
- Photos provided of site to show lack of drainage two weeks following snowfall on 1 March 2018 and the flooding that occurred in 2008 and 2014.
- The site is an Ancient Orchard and therefore greater weight now needs to be given to this in line with updates to the NPPF (July 2018)
- Query the provision of open space
- Disappointed to discover that the revised plans for the orchard seem to have been confirmed as a token gesture to get plans approved to make way for further development.
- The objections put forward from all concerned individuals do not seem to have been taken into account, rather, the applicants have reduced units with the eye on the end gain of making this orchard into a bigger development
- Query the need for further access to the orchard as this leads to concern about potential of future development
- Query the removal of an email from the website from the agent raising potential for future development at the site
- Proposed drainage provision would serve a large number of dwellings than that proposed.

36 letters/emails were received in regard to the second set of amendments (showing a reduction in the number of units to 10 with two new accesses (13/11/2018)) which reiterate the various concerns /objections outlined above and make the following additional comments (summarised):

- Plans are deceptive as they have omitted to show the church
- Young deer have been seen using the site
- The benefits to the local community have now been removed.
- Single storey dwellings should be proposed instead of two storey as a number of adjoining properties are bungalows.
- Other nearby planning applications have now been granted.
- The number of applications/approvals and the proposed dualling of the A358 are causing much anxiety for the villagers

Marcus Fysh MP has written requesting that the views of his constituents are taken into account before a decision is made on the application.

CONSIDERATIONS

Principle

Ashill is classed as a rural settlement in the adopted South Somerset Local Plan where development is strictly controlled. Development should be limited to that which provides one or more of the following (Policy SS2): employment opportunities, community facilities and/or meets housing need, particularly housing need. The Local Plan seeks to direct most of the housing growth towards Yeovil, market towns and rural centres. However, it does expect housing to be delivered within the rural settlements and provides a target of 2,242 homes across all the rural settlements. It is accepted that the Council's settlement hierarchy forms the basis of the Local Plan and is designed to take advantage of employment and service opportunities in the larger settlements.

It is accepted that Ashill has minimal employment opportunities. Moreover, due to the loss of bus services, there is a low level of opportunity to travel to work by alternative modes of transport other than by car. However, whilst the village only benefits from limited services and facilities, it does have a church, village hall, primary school and a pub. The village does therefore meet the criteria as outlined under

Policy SS2 of the local plan, and is therefore considered to be a settlement as being a relatively sustainable location in a rural area. On this basis, and taking account of a number of appeal decisions in other similar rural settlements within the district where Inspectors have accepted residential development, the principle of residential development is considered to be acceptable.

It should also be noted that whilst Policy SS2 has to be taken into account, insofar as parts of the policy are considered to be a housing constraint policy, due to the Council's current lack of a 5 year supply of housing, only limited weight can be attached to Policy SS2.

As the principle is accepted, an assessment therefore now has to be made as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. In this case, the benefits of the scheme would be the provision of housing and monies from the Community Infrastructure levy, of which 15% will go to Ashill PC.

Housing Need/Local Plan Housing Strategy

Objections have been received to the application on the basis that there is no proven housing need for this development in Ashill. As outlined above, Policy SS2 of the South Somerset Local Plan strictly controls development. However, rural settlements are expected to contribute to meeting the district's overall housing needs. It is not considered that it would be reasonable to refuse this application simply on the basis that there is no housing need. There is clearly a housing need in the district and the Council are currently not able to demonstrate that it is meeting its housing targets.

Ashill has had some new residential development, albeit limited development, in recent years. However, outline approval has recently been granted for 25 dwellings at Windmill Hill Lane (17/03800/OUT). However, it is not considered that this proposal along with the total of all other approved development /pending applications in the village would undermine the settlement strategy of the local plan. The next tier of settlements above rural settlements in the local plan are the 6 rural centres and these generally have a target of 200 plus dwellings. Other than Stoke sub Hamdon, which due to its greater range of services and facilities is included as a rural centre but with a housing figure of 51 to reflect its smaller scale and nature, the total combined developments in Ashill are well below 200 dwellings. Therefore, it is not considered that the hierarchical strategy of the local plan would be harmed by this proposed development.

Highways/Parking

Whilst this is an outline application, planning approval is being sought for access and the layout of the scheme. A new vehicular access will be created from the old A358, the Highway Authority are satisfied with the number of parking spaces and do not consider that the scheme will create a severe highway impact warranting refusal. The Highway Authority have recommended a number of conditions to secure a number of detailed matters including access details, visibility, street lighting and a Construction Management Plan.

The proposal is therefore considered to accord with Policy TA5 and TA6 of the South Somerset Local Plan 2006-2028.

Landscape/ Character of Village

The site is currently an agricultural field on the western edge of Ashill. The landscape officer assessed the original scheme for 26 dwellings and concluded that the weight of the landscape impact from the proposal to be insufficient in its own to provide a case for refusal. As the proposal has now been reduced to 10 dwellings it is considered that the given the original advice it would not be possible to sustain a reason for refusal on landscape grounds.

In terms of the potential impact upon the character of the village, it is considered that the amended scheme will relate appropriately to the existing village. The proposal is for an informal layout of relatively low density development that sits along the western edge of the village. There are three dwellings that will face the road with linear development behind running along the edge of the site. This is reflective of the village character and considered to be an appropriate design response that respects the surroundings.

The proposal therefore accords with Policy EQ2 of the South Somerset Local Plan 2006-2028 which regard to landscape impact.

Flooding/Drainage

The site is located within Flood Zone 1 which means that there is a low risk of flooding from sea or river. Local concern has been raised about surface water flooding with particular concern about the flooding difficulties that have been experienced at Kenny.

Following the original concerns of the Local Lead Flood Authority about the lack of information in regard to surface water drainage details and potential in flood risk posed by the development, the applicant prepared a Drainage Report for the development (that was updated through the course of the application). On the basis of a lack of objection from the Local Lead Flood Authority and the options available to deal with surface water drainage, it is considered that conditions can secure full details of the drainage scheme and that this will need to be agreed prior to any development commencing on site. Details can be secured via condition to be submitted at any subsequent reserved matters stage.

In terms of foul drainage, Wessex Water have advised that the local sewage pumping station has the capacity to accommodate this development. In regard to water supply, Wessex Water have confirmed that there is sufficient capacity in the network to accommodate the development.

Heritage Assets

The application has been amended from that originally proposed in order to respond to the concerns expressed by both Historic England and the Conservation Officer about the potential harm to the setting of the Grade II* listed Church. The NPPF advises that in the case of a development proposal leading to less than substantial harm to the significance of a designated heritage asset (paragraph 196), this harm should be weighed against the public benefits of the proposal. In this case, the layout of the site has been redesigned in order to reduce the potential impact upon the setting of the listed church as the dwellings are now sited on the eastern part of the site which will allow for a greater view of the church from the north. Historic England has withdrawn its previous concerns about the application noting *'This has reduced the development to the eastern boundary of the site limiting the projection into views of the Grade II* listed Church of the Blessed Virgin Mary. The removal of additional infrastructure such as the additional car-parking is also a benefit in reducing the overall impact of development within the current open field.'*

Historic England do repeat their advice that the council needs to be confident that there is sufficient justification for development on the site even with the reduced number of units (Para 194, revised NPPF). And that any harm will need to be considered within the wider planning balance against the public benefits offered by the scheme to ensure that they outweigh any harm identified (Para 196, NPPF).

As advised by Historic England, the lack of a five year supply of housing land has to be weighed in the balance and as such appropriate weight has to be given to the provision of housing on a sustainable site. In this case, the proposal would provide 10 dwellings in a sustainable location and, therefore, it is considered there are public benefits to the scheme that weigh in the schemes favour. This benefit allows for a favourable recommendation despite the harm (less than substantial) caused to the heritage asset. This is due to the significant reduction in the size of the scheme which has allowed for the views to the

Church to be respected.

It is therefore considered the site can be developed in a manner to safeguard the setting of the listed building and the wider landscape in general in accordance with the NPPF and Local Policies EQ2 and EQ3.

Residential Amenity

This is an outline scheme but layout is a matter to be considered at this stage. It is considered that the proposed location of the dwellings ensures that there are appropriate 'back-to-back' distances (over 21m) to protect neighbouring privacy. In addition, the distances between the proposed and existing dwellings ensures that the development will not be overbearing or result in an unacceptable loss of light. The proposal therefore accords with Policy EQ2 of the South Somerset Local Plan 2006-2028 in relation to impact upon neighbouring amenity.

Ecology

The Ecologist has thoroughly assessed the submitted biodiversity report along with the concerns of local residents (reported in full above). He had no overall objections to the scheme subject to the imposition of conditions to secure a further survey, protect nesting birds and mitigation/enhancement measures.

The proposal is therefore considered to accord with Policy EQ4 of the South Somerset Local Plan 2006-2028.

Other issues

- Impact on school - County Education have advised that the current education capacity is sufficient at this time and therefore no education contributions are sought
- Lighting - A condition can be imposed to secure details of proposed street lighting
- Devaluation of neighbouring properties- This is not an issue that can be given significant weight in the determination of a planning application.
- Appeal at Wood Lane, Ashill - The Inspector for this appeal determined that Ashill was a sustainable location for additional housing growth (the appeal was dismissed on the grounds of harm to the character and appearance of the area and the loss of employment land and premises).
- Archaeology - the submitted report has been assessed by the archaeologist at South West Heritage Trust who was satisfied with the information submitted and does not consider that it is necessary to carry out any further work at the site.
- Trees - The Tree Report has been assessed by the Tree Officer who is satisfied with the proposal subject to the imposition of conditions.
- Disruption during construction - It is recognised that there is likely to be some disruption during the course of the development however this will be temporary and it is not considered that it would be appropriate to refuse the application on this basis. A condition can be imposed to require a construction traffic management plan that will include delivery and working hours.
- Broadband - Whilst it is recognised that there may be some impact upon broadband speeds in the vicinity, it is not reasonable to refuse the application on this basis.
- Loss of views - The loss of a view over private property is not an issue that can be given significant weight in the consideration of a planning application. The setting of the listed building has been considered above.
- Open space - The retention of the orchard is no longer part of the application as an open space requirement is not required on a scheme of this size. However, the trees on the site will continue to be protected by the Tree Preservation Order.
- Potential for future development - This scheme has been assessed and determined on the basis of the amended plans for 10 dwellings. Any application for future development would have to be

assessed on its own individual merits in the full knowledge of the previous advice from Historic England.

Conclusion

It is considered that the village of Ashill is a reasonably sustainable location and thus the principle of residential development is acceptable in the village. The scheme will make a valuable contribution towards meeting the Council's housing needs. Whilst it is accepted that there are local concerns regarding the development, for the reasons outlined above in the report, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits of the scheme.

COMMUNITY INFRASTRUCTURE LEVY

The application is CIL liable at the reserved matters stage.

RECOMMENDATION

Grant Permission

01. The Council cannot demonstrate a 5-year housing land supply. Ashill is an appropriate location for this level of development and the site is suitable in terms of its services. By reason of its juxtaposition with existing built form and its scale, the proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area. The proposal would result in less than substantial harm to the setting of the heritage asset and the public benefits of the proposal outweigh this harm. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015

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

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

03. The development hereby approved shall be carried out in accordance with the following approved plans: Drawing numbers: 2479-sk-15, 2479-PL-04 Rev A and 247 - PL-01

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

04. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of reptiles, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

05. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

06. Any steep sided construction excavations over 1 metre deep and left open overnight must be covered plated or have a means of escape should an animal fall in. (A suitable means of escape is a rough wood plank inclined from the base of the excavation to the surrounding ground surface).

Any voids or openings over 100mm in diameter, or equivalent, beneath new structures must be blocked over night to deter badger entry.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

07. The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

Reason: For the enhancement of biodiversity in accordance with NPPF.

08. The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme in accordance with the submitted Drainage Strategy (Sands, May 2018 Rev 4) have been submitted to the LPA and approved in writing by the LPA.

Those details shall include:

- a. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c. Flood water exceedance routes, both on and off site;
- d. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To secure a working drainage system to the he approved details shall thereafter be implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development

09. The reserved matters application shall include foul water drainage details to serve the development. Before any development commences on site, these drainage details shall have been approved by the Local Planning Authority and shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter in accordance with details submitted and approved.

Reason: To ensure that the site is adequately drained in accordance with the National Planning Policy Framework.

10. 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 construction, and thereafter maintained until construction works is completed.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. The proposed estate roads, footways, footpaths, tactile paving, 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.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. 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.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. 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 highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

15. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

16. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the development site in accordance with a design and specification to be approved in writing by the Local Planning Authority

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

17. 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 access and extending to points on the nearside carriageway edge 120 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

18. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- 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 highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

19. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a detailed scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development. The

approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

20. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include the details of provenance, planting locations, numbers of individual species, and sizes at the time of planting, details of root-types/grafting and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding, weed-suppression and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of fifteen years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in 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: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

21. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

22. The development hereby permitted shall not exceed 1000m² (combined gross floor space).

Reason: Otherwise the development would be required to make contributions towards affordable housing and sports/leisure facilities in accordance with Policies HW1, SS6 and EQ2 of the South Somerset Local Plan 2006-2028.

Informatives:

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

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

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

02. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
03. Any proposed works must not encroach on to the width of the PROW.

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

- If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:
 - A PROW being made less convenient for continued public use.
 - New furniture being needed along a PROW.
 - Changes to the surface of a PROW being needed.
 - Changes to the existing drainage arrangements associated with the PROW.
 - If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.
04. The LLFA actively promote the use of sustainable drainage systems (SUDS) as they provide flood risk benefit but also enhance biodiversity, amenity value and water quality. Any opportunities to incorporate a range of SUDS should be fully explored.
 05. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively
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