

## Officer Report on Planning Application: 19/01604/OUT

<b>Proposal :</b>	Outline application with all matters reserved save for access for residential development for up to 49 dwellings including landscaping, drainage and new vehicle access from West Street BA8 0LG
<b>Site Address:</b>	Land At Coombe Farm Os Plots 4300 Part And 4613 Part West Street Templecombe
<b>Parish:</b>	Abbas/Templecombe
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr William Wallace Cllr Hayward Burt
<b>Recommending Case Officer:</b>	David Kenyon Tel: 01935 462091 Email: david.kenyon@southsomerset.gov.uk
<b>Target date :</b>	3rd October 2019
<b>Applicant :</b>	Mr C Woodhead
<b>Agent: (no agent if blank)</b>	Greenslade Taylor Hunt Winchester House Deane Gate Avenue TAUNTON, TA1 2UH
<b>Application Type :</b>	Major Dwlgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO REGULATION COMMITTEE

The Area East Planning Committee considered this application at its meeting held on the 12th February 2020. It was resolved to reject the officer's recommendation to approve the application and instead refer the application to Regulation Committee with a recommendation of refusal for the following reasons:

*1. Templecombe is defined as a rural settlement and, as such, Policy SS2 of the South Somerset Local Plan (2006-2028) is a material consideration in the determination of this proposed development. It is considered that the numbers of dwellings proposed, taken cumulatively with other dwellings in Templecombe completed or with permissions within the Plan period (2006-2028), would result in a level of growth commensurate with the higher tier of Rural Centres. This would be inconsistent with the distribution of development as set out within the Rural Settlements tier in Policy SS5 of the Local Plan. Overall, the proposal would not accord with Policy SS2 and, on this basis, would not accord with Policies SS1 and SS5 of the Local Plan. Whilst the Council acknowledges that it cannot currently demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), and thus paragraph 11 d) of the NPPF is a material consideration, nevertheless the Council is of the opinion that the adverse impacts that would result from the granting of permission for this proposed development would, for the reasons set out above, significantly and demonstrably outweigh the benefits of the proposal.*

*2. The development would result in an increase in traffic along narrow approach roads, including certain sections with no pavements and poor visibility. This would prejudice the safety of highway users both on foot and cycle. As such the proposed development would be contrary to the aims set out in Policy TA5ii of the South Somerset Local Plan (2006-2028) and paragraph 109 of the National Planning Policy Framework.*

The original report considered by the Area East Committee is set out in full below, subject to a couple of amendments. Since the meeting of that Committee, further research has been carried out regarding housing commitments in the settlement. The report presented to the Area East Committee stated that, since 2006 to March 2019, there is the potential for **294 dwellings** to be delivered (i.e. 63 been delivered, 93 existing permissions, 70 at Slades Hill (subject to the completion of a S106 Agreement) and 19 at

Throop Road (also subject to a S106 Agreement)), including the 49 dwellings the subject of this current application.

However, there are currently commitments (extant planning permissions) for a further 88 dwellings *not 93 dwellings* within or adjacent to the settlement as at 31st October 2019. As a result, there is potentially a total of **289 dwellings not 294 dwellings** to be delivered within the Plan period (2006 - 2028). In addition, it should be noted that, since the meeting of the Area East Planning Committee, the Section 106 Agreement relating to the Slades Hill development has been signed and completed and the planning permission was issued on 20th February 2020. All this is expanded upon in the report below under the sub-heading "Housing Land Supply."

In addition, since the meeting of the Area East Committee, further research has been carried out in respect of the potential percentage increase in the number of dwellings in the village from 2011. This too is referred to in the "Housing Land Supply" sub-heading.

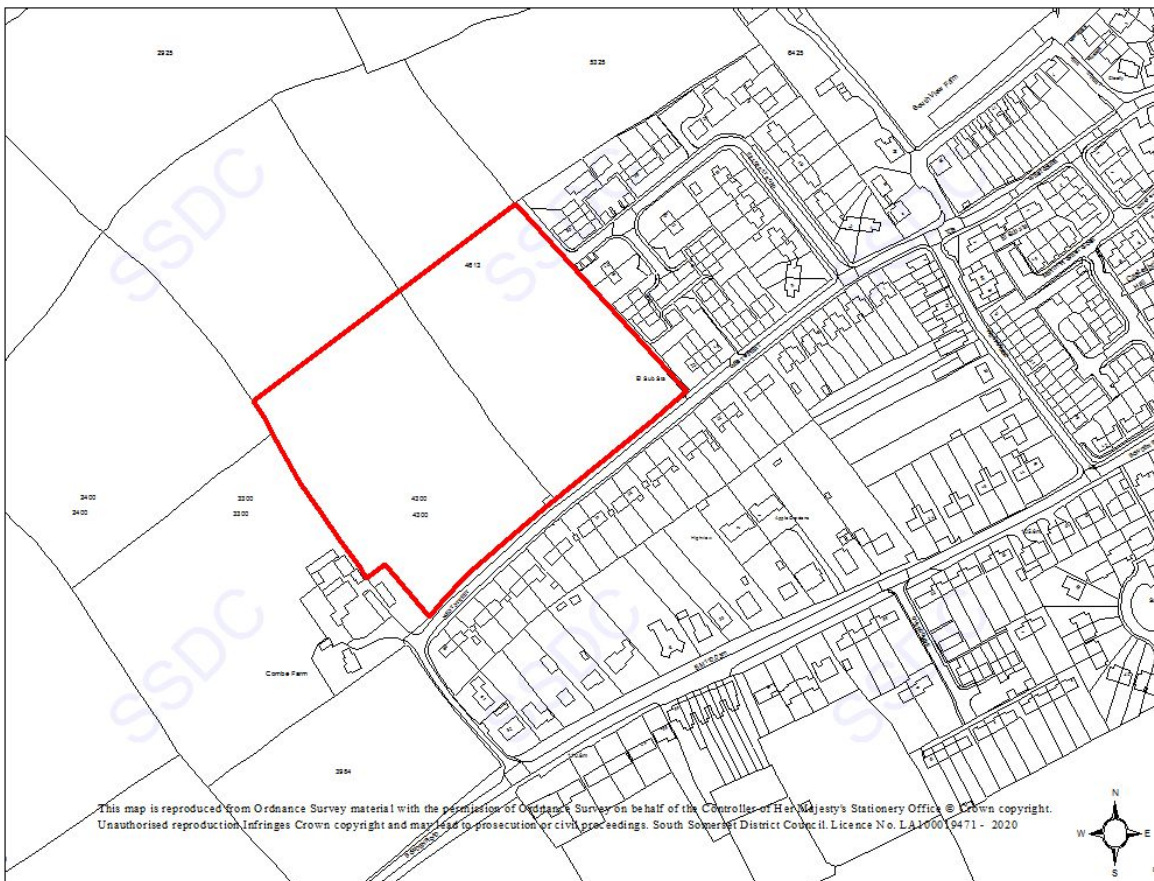
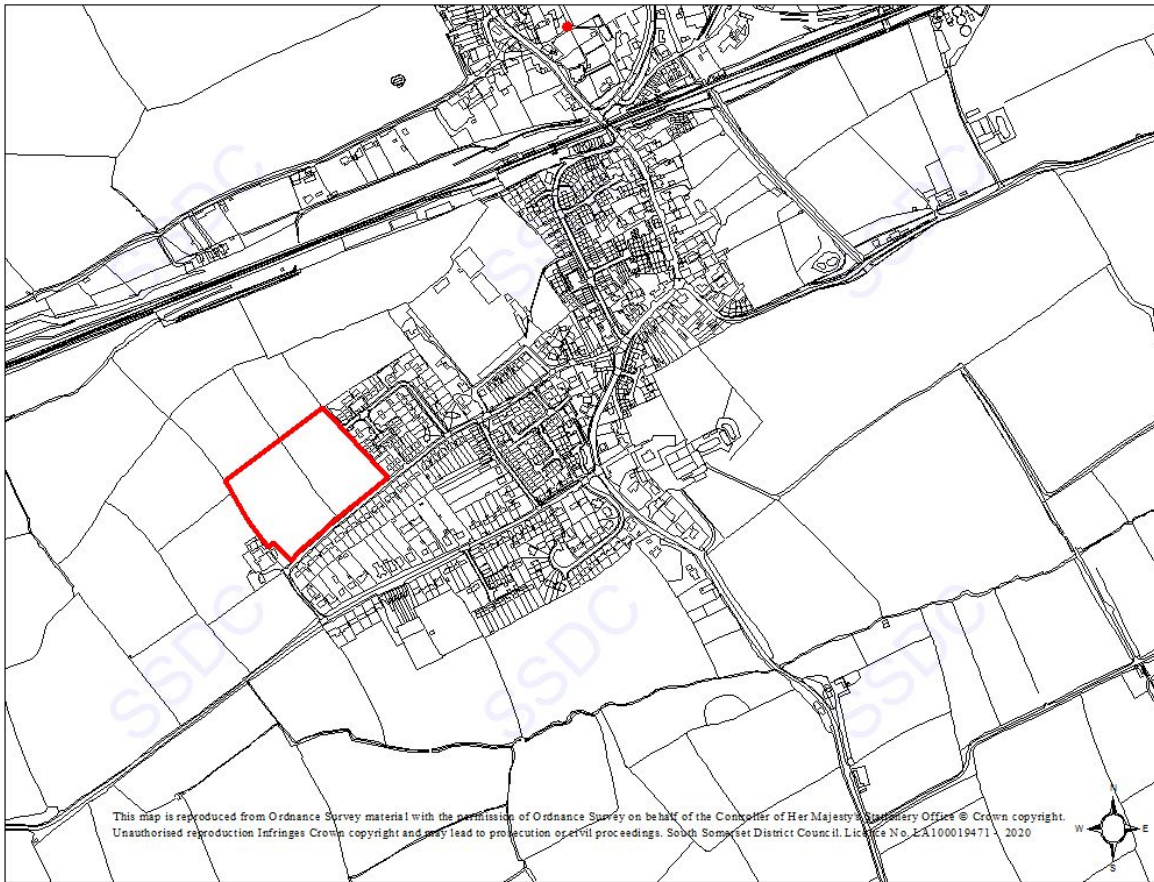
## **REASON FOR COMMITTEE REFERRAL**

Both Ward Members have exercised their rights to call the application into Committee, prior to any formal consultation under the scheme of delegation. They consider the scheme to be of such significance to the settlement as to warrant discussion at Area East Committee. The Chair concurs with this course of action.

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 AND PROPOSAL



The application site comprises agricultural land (classified as being Grade 3) extending to approximately 2.5 hectares and is located at the western edge of the village of Templecombe. Residential development adjoins the site to the north east with further residential development adjacent to the site on the southern side of West Street. Open farmland lies to the north-west and west of the site. Combe Farm, consisting of a collection of disused farm buildings and a dwelling, adjoins the western boundary of the site. Planning permission has been granted on 27th November 2018 to demolish the farm buildings and to erect four new dwellings on that site (reference 18/02084/FUL).

The site is bounded by well-trimmed low hedgerows on its north-east, south-east and south-west and open to the north-west. The two fields are divided by a native species hedgerow running from the south-east to the north-west. There are no trees within any of the hedgerows. The ground slopes gently to the north and east from a small ridge of higher ground to the west. There are no rivers or streams within the site.

Templecombe has a range of local services and facilities within it, including a Primary School, a convenience store, takeaway, health service, employment opportunities, train station, sports facilities and places of worship.

The existing large employer, Thales UK Ltd, employs in the region of 700-750 on site at any one time, of which 51 people live in the Templecombe BA8 postcode. It is estimated that employment numbers will increase by approximately 30 once the new manufacturing building granted planning permission in December 2018 (ref. 18/02738/FUL) has been constructed and in operation.

In 2018, population estimates for the built-up area of Templecombe was 1,572 people.

The site is not subject to any specific protective designations, such as SSSI, SAC, Wildlife Site, Green Belt, AONB, Flood Zone, Conservation Area, Special Landscape Area, nor are there any listed buildings in close proximity. No public right of way directly links the site to any adjoining land.

The proposal seeks outline planning permission for residential development of up to 49 dwellings including landscaping, drainage and new vehicle access from West Street. All details in relation to appearance, landscaping, layout and scale are reserved for consideration at the detailed application stage and are not to be considered as part of this outline application. Details are sought to be agreed for access as part of this application, and this is proposed to be achieved by a single point of vehicular access off West Street to the southern boundary. Pedestrian connectivity would be provided across the site, with connections to where the existing footway along West Street terminates at the eastern corner of the site and also to the adjoining residential development at Hillcrest Road.

The following documents are included within the application submission:

- Planning, Design and Access Statement,
- Affordable Housing Statement,
- Agricultural land Classification Appraisal,
- Ecological Appraisal (May 2019) prepared by Quantock Ecology,
- Landscape Statement (May 2019) prepared by Clark Landscape Design,
- Plant Schedule, Maintenance and Management prepared by Clark Landscape Design,
- Transport Statement (May 2019) prepared by IMA Transport Planning,
- Highways Technical Note 1 : Points Raised in LHA Consultation Response (October 2019) prepared by IMA Transport Planning,
- Travel Plan Statement (January 2020) prepared by IMA Transport Planning,
- Site Specific Flood Risk Assessment and Drainage Strategy (October 2019) prepared by IMA Transport Planning,
- Draft heads of Terms for Section 106 Planning Obligation, and
- Summary of draft conditions recommended by consultees.

The following drawings have been submitted:

Drawing no. 2607-DR-A-050-003 Rev A: Location Plan,

Drawing no. 2607-DR-A-080-004 Rev A: Illustrative Site Frontage Detail, and

Drawing no. 2607-DR-A-080-005: Access Detail.

In addition, plans have been submitted showing an Illustrative layout of the proposed development:

Drawing no. 2607-DR-A-050-001 Rev A: Indicative Site Layout, and

Drawing no. 2607-DR-A-050-002 Rev A: Illustrative Site Plan.

The indicative site layout plans indicate a landscape buffer zone running along large parts of the north western and south western boundaries. Surface water would be attenuated on-site by means of an attenuation basin shown at the northern boundary for on-site storage and subsequent disposal at greenfield run-off rates.

## **RELEVANT HISTORY**

Planning permission was refused in 1972 for residential development on the site and a subsequent appeal was dismissed in April 1974 (LPA ref. 15294C; Department of the Environment ref. SW/APP/2502/A/69474).

00/01366/OUT. Outline application for residential development of land comprising thirteen dwellings. Refused 14.07.2000 on grounds that the proposal constituted undesirable ribbon development along West Street outside existing development limits which would be harmful to the character and appearance of the locality contrary to policies contained in the then extant Structure and Local plans.

A subsequent appeal was dismissed on 14th November 2000, the appeal Inspector concluding that the proposed development would be contrary to the statutory development plan that existed at that date and would be harmful to the area.

18/03918/PREAPP. Pre application enquiry for residential development.

Pre application "without prejudice" opinion from case officer on 24th January 2019 as follows (in italics):

*I have consulted with several of my colleagues and, for the sake of completeness, please find their comments in full below:*

*SSDC Environmental Health Officer*

*"I have considered the pre-app information provided by the applicant and I do not have any specific comments to make concerning the proposed application."*

*SCC Highway Officer*

*"I have had a look through the details provided and would offer the following comments.*

*The proposal aims to provide up to 70 new residential dwellings accessed via two routes; West Street and Hillcrest Road. In principle I have no objection to the proposal as this level of development will not create a severe impact on the highway. However, I would need any application for planning consent to include the following details in a Transport Statement;*

*1) Trip generation figures*

*2) Potential impact on the following junctions; West Street/Westcombe Westcombe/Bowden Road West Street/Bowden Road Bowden Road/A357 High Street*

*3) Potential destination assignments to north, south, and west*

*4) Availability of public transport modes*

*I also note the applicant has advised the layout will accord with current policy standards and should therefore show the following;*

*1) The main access onto West Street provided with 2.4m x 43m vehicle visibility splays*

*2) 5.5m wide carriageway with 2x 1.8m footways throughout*

3) All parking and turning facilities in accordance with standards (Full technical details including materials, geometry, lighting, and drainage can be agreed at a later date).

The proposal includes a through access onto Hillcrest. Whilst a pedestrian/cycling-only link would increase permeability, Hillcrest appears to be less than 5m wide and is known to be subject to on-street parking and is therefore not ideal for a secondary vehicle access."

#### *SSDC Specialist - Strategic Planning*

"The development plan for South Somerset consists of the South Somerset Local Plan 2006-2028, adopted in March 2015. Abbas and Templecombe is a Rural Settlement and Policy SS2: Development in Rural Settlements applies.

As at 31st March 2018 there had been 58 completions in Abbas and Templecombe over the plan period so far (2006-2018) and as of 22nd August there were 96 net dwelling commitments, giving a total of 154 dwellings.

As you are aware a significant material consideration is the fact that the Council cannot currently demonstrate a five-year supply of housing sites and can only demonstrate a supply equivalent to about 4 years.

In conclusion, whilst this proposal would result in an overall level of growth that would be out of kilter with the settlement hierarchy set out in Policy SS1 and be contrary to Policies SS2 and SS5 given the current lack of a five year land supply paragraph 11 d) of the NPPF applies as a significant material consideration and the tilted balance should be applied."

*I hope you find the above commentary useful.*

#### *Principle of Development*

As discussed on site, it is my opinion that, given the tilted balance discussed above, the principle of the proposed residential development is likely to be considered acceptable by this department. That said, I should warn you that, in my opinion, you are likely to encounter considerable local opposition to a residential development of this scale, which could lead to a refusal at committee, whatever the officer recommendation.

In order to counter this local opposition, you should consider approaching the Parish Council, to see whether there are any local needs which the proposal could provide for. You may also consider reducing the total number of units and/or considering a phasing scheme to ensure that the development comes forwards in small blocks of perhaps 20 dwellings at a time.

#### *Visual Amenity*

In terms of visual amenity, the site is clearly bookmarked by the existing development to the east and the recently approved development to the west. As such, I would agree that development in this location is unlikely to cause significant harm to the character of the area or to the wider landscape. I would argue that the development as illustrated on the submitted drawing is too dense, and should taper to the west in terms of density and scale to reflect the 'edge of settlement' character of the locality. I would suggest that built form is entirely avoided in the northwest portion of the site, so that development tapers from the edge of the existing built form to the east down to the edge of the approved development to the west.

#### *Residential Amenity*

I can see no reason why the development cannot be accommodated on site without causing harm to the residential amenity of adjoining occupiers. A proper assessment of this element will have to be made at the detailed or reserved matters stage.

#### *Validation*

I would expect any application to contain all of the usual plans and reports (ecology, landscape, drainage, etc).

The advice I have given is based upon the information before me and my own professional view. I trust you will understand that it should not be taken as prejudicing any future decision made by South

*Somerset District Council in respect of any subsequent application.*

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraphs 2, 11 and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

### **Policies of the South Somerset Local Plan (2006-2028)**

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Affordable 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

EQ4 - Biodiversity

EQ5 - Green Infrastructure

### **National Planning Policy Framework - February 2019**

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

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

### **National Planning Practice Guidance, including National Design Guide - September 2019**

#### **Other Relevant Documents**

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017)

South Somerset Landscape Character Assessment

## **CONSULTATIONS**

### **Abbas and Templecombe Parish Council**

A detailed response has been received from the Parish Council and is set out in full below.

*As there is no material change the comments made on the 22nd May 2019, to Greenslade Taylor Hunt, still stood. Members were in agreement. The comments were as follows:-*

- *The development principles refers to a public house - there has been no public house in Templecombe for at least 18 months*
- *Policy SS1 identifies Templecombe as a Rural Settlement. It was questioned whether the proposed development meets the terms of Policy SS2 - Development in a Rural Settlement*
- *It was felt that the Village should be consulted. It was considered not good enough to just consult the Parish Council and the views of the community should be sought, responsibility for this fell to the developer, it was not the responsibility of the Parish Council*
- *It was strongly felt that the access to the proposed development site, via the current road, is not suitable.*
- *The proposed number of properties would put more pressure on the infrastructure of the Village. In particular the School and sewage system. It was noted that recently improvements had been made to the sewage works.*
- *It is anticipated that the proposed affordable housing would not meet the local need.*

*The following conclusion was reached:-*

- *The proposed development was not acceptable and there is no perceivable need for a development of this nature*
- *Access from West Street is unsafe and unsuitable*
- *It is felt the consultation is not considered as a robust consultation*
- *It was proposed that there would be no benefit from the proposed development and it should not go ahead. The Members present were in agreement with this statement and opposed the application with one Member against the decision.*

*In addition the following comments were made on the accompanying documents:-*

*Planning, Access and Design Statement, Page 2 of 6*

*Policy SS2 "the development meets an identified need" - However as there has been no housing needs survey in the Village the need is only at South Somerset District Council (SSDC) not at local level.*

*Point 4.11-4.13. It is not acceptable at this level to refer to the Local Plan review as justification of sustainability of the document is still under consultation.*

*Point 5.11 the document acknowledges that the concerns of the Parish Council have not been met.*

*Affordable Housing Statement*

*Point 2.0 - the mix shows no bungalows or one bed accommodation.*

*Point 4.0 - no up to date housing need survey so no justification of meeting a need that is unidentified.*

*Point 5.0 - the Design Statement indicates that the design should meet needs of disabled but it seems unlikely if all properties are two floors.*

*Transport Statement*

*Page 6 - Route 34 Charlton Horethorne - Bruton 2.3.11. This school services runs to Bruton via Wincanton - This statement is queried by the Parish Council.*

*Page 14 - Quotes the Village as having a pub even though the document is dated May 2019. As a Parish Council we should give no credibility to any planning documents where the developer/agent shows no local knowledge or understanding of the Village.*

*Westcombe/Bowden Road is identified as having a substandard junction due to substandard visibility. The one way track makes this unsustainable for build and number of houses planned.*

*In addition the following points were made:-*

- *Village also has at least 91 houses pending (Slades Hill - 70/Throop Road - 21). This level of development would be grossly harmful to the preservation of the rural character of Templecombe. The Parish Council did not approve three previous developments in the Village.*
- *Access to the doctors surgery is not DDA compliant.*
- *The site is a Greenfield site.*
- *Access on to West Street is a single track due to the flow of traffic/parked vehicles. It is felt that the traffic flow route included will not be adhered to.*



- *There is a substantial amount of wildlife and established hedging on the development site, including bats.*

**County Highway Authority**

No objections subject to various requirements to be included within a Section 106 agreement relating to implementation of an approved Travel Plan, manner of construction of the access road, and provision of pedestrian / cycle access provision in the eastern and western corners of the site and linking to Hillcrest Road. In addition highways related conditions and informatives are recommended.

**County Education Authority**

Requests financial contributions towards early years and primary school infrastructure.

**Lead Local Flood Authority**

No objections subject to surface water drainage condition and the inclusion of an informative.

**Environment Agency**

Does not wish to offer any comments.

**Wessex Water**

No objections

**National Health Service**

No comments offered.

**SDDC Environmental Protection**

No objections subject to conditions relating to the submission of a Construction Environmental Management Plan, and a noise mitigation scheme. Also relating to action to be taken should unexpected contamination be found.

**SDDC Tree Officer**

No objection subject to conditions relating to the submission of new landscaping and tree and hedgerow protection details.

**SDDC Strategy and Commissioning Team**

Requests off-site financial contribution towards the enhancement of the existing equipped play area and youth facilities at Templecombe Recreation Ground and associated maintenance commuted sums.

**Avon & Somerset Constabulary - Designing Out Crime Officer**

The National Planning Policy Framework February 2019 refer to the importance of considering crime & disorder at the planning stage. Paragraph 127(f) states; "create places that are safe, inclusive and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." Various comments are offered in response to the illustrative layout which are reflected in recommended conditions and informative.

**Somerset Waste**

No objections in principle. Comment made about access into and out of the development and the issues of car parking on West Street in terms of manoeuvrability of large vehicles.

**South West Heritage Trust**

There are limited or no archaeological implications to this proposal and therefore no objections are raised.

**County Ecologist**

No objections subject to conditions.

**Natural England**

Does not wish to make any comments.

**Royal Society for the Protection of Birds**

No objections subject to conditions to enhance biodiversity interests post-development.

**REPRESENTATIONS**

There have been over 30 representations from third parties raising objections to the proposed development, which have been placed on the website for consideration prior to the determination of this application. These objections can be summarised as follows, in no particular order:

- The site is a 'greenfield' site outside the boundary of the village and not designated for development in the Local Plan.
- Loss of productive agricultural land.
- Unacceptable encroachment into the countryside which should be protected for its own sake, irrespective that it does not enjoy any special landscape protection designation.
- Not sustainable development.
- Planning permission has already been granted for a large number of dwellings in the village. The village is already over its quota of new dwellings.
- No demand for further new dwellings in Templecombe. Existing houses are not selling.
- Concerns that large planning applications in Templecombe appear to be treated as isolated developments rather than taking their cumulative effect into account. Templecombe already has outline applications for 70 houses at Slade's Hill and 21 at Templar's Court, together with 49 now potentially at West Street and another 80 dwellings subject of an application for land at Manor Farm. The combined effect of all these developments will overwhelm the village and adversely affect the quality of life for existing residents.
- Infrastructure cannot cope with the scale of residential development that has already been approved, together with this current proposal and other large scale residential developments in the offing.
- Inadequate school capacity to cater for the increased influx of children.
- Doctors surgery at capacity.
- Very little employment opportunities available in the village for increased number of residents. Negligible benefit to the village in terms of direct economic contribution to its economy.
- Increased car travel to places of work resulting from the increases in residential development.
- Negative impact on nearby residents in West Street. Loss of views of countryside.
- Inadequate pedestrian access facilities.
- Poor public transport system. Most journeys would be by car. Unsustainable.
- Inadequate approach roads to the site and serving Templecombe as a whole to serve the extent of increased residential development being proposed.
- Flooding of site and surrounds - surface water drainage from the agricultural fields is inadequate.
- Detriment to wildlife interests.

**CONSIDERATIONS****Planning History**

The planning history of the site has been referred to in submitted third party representations and this is an important material planning consideration when determining this current application; the more recent

the history the more material is the consideration. As set out earlier in this report, two outline applications for residential development on part of the current application site were refused permissions in 1972 and 2000, and both were subject to dismissed appeals. However, nearly 20 years have passed since the last appeal decision and policies contained in the current Local Plan and planning guidance set out by the Government in the National Planning Policy Framework (NPPF) have changed since then. Therefore, whilst a material consideration, it is considered that those previous decisions carry very little weight when determining this current application proposal.

### **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### Planning Policy

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

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

*Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.*

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

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

The overall spatial strategy and settlement hierarchy for the District in relation to housing growth is contained within Local Plan Policies SS1, SS2, SS4 and SS5.

Policy SS1: 'Settlement Strategy' highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which Policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)". In effect the policy places each settlement a tier within the 'settlement hierarchy', based on their role and function within the district. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy.

Templecombe is a rural village that benefits from a range of local services and facilities within it, including a primary school, a convenience store, takeaway, health service, train station, sports facilities and places of worship. On the basis of this range of facilities and because of its role and function within the district, Abbas and Templecombe is categorised in the lowest tier of the settlement hierarchy, as a 'Rural Settlement'. Development in the settlement should therefore be commensurate with the Rural Settlement tier, and should not compete with the higher tier of 'Rural Centres'. Development within the Rural Settlements should be consistent with Policy SS2: 'Development in Rural Settlements', where development is strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or*
- Creates or enhances community facilities and services to serve the settlement; and/or*
- Meets an identified housing need, particularly for affordable housing.*

Policy SS2 also sets out that development should be commensurate with the scale and character of the

settlement, be consistent with community-led plans, and generally have the support of the local community following robust engagement and consultation.

The proposal does not provide employment opportunities or necessarily meet an identified housing need in the community. In addition, it does not create community facilities and services in terms of such on-site provision. Nevertheless, it can be argued that it would indirectly enhance existing community facilities by means of provision of financial contributions towards such facilities.

The Council's Strategy and Commissioning Team has advised that the proposed development would generate a need for 218.54 square metres of space for equipped play and 54.64 square metres of space for youth facilities. It is considered that the best way to mitigate the generated need would be to increase the provision of equipped play at Templecombe Recreation Ground through the replacement of the toddler multi-unit to a large model, improvements to or replacement of the junior climbing frame, replacement of toddler swings and agility trail, the addition of a swing tyre and a new hydraulic self-closing gate. For youth facilities at the site, enhancement of facilities would include a hard court or wheeled play area

In accordance with Local Plan Policies HW1 and SS6, the best solution to mitigate additional demand is to provide a contribution towards enhancing the existing equipped play area and youth facilities at the Templecombe Recreation Ground. An appropriate financial contribution should be sought from the developer towards the delivery of 218.54 sq.m (equipped play area) and 54.64 sq.m (youth facilities) stemming from the proposed development towards off-site provision of improvements to these types of facilities at the Templecombe Recreation Ground along with a commuted sum payment for maintenance over a 10 year period to be secured.

No contributions are required for playing pitch/changing room provision.

Appropriate financial contributions for off-site equipped play area provision would be £41,591 and for off-site youth facilities would be £8,167. Total contribution £49,758 (total cost per dwelling of £1,015).

Commuted sums for equipped play areas would be £24,024 and for youth facilities would be £3,019. Total contribution £27,043 (total cost per dwelling of £552).

Overall contribution total (including service administration fee) would be £77,569 (or £1,583 per dwelling). This would be secured within a Section 106 Agreement, including the payment of relevant legal fees and administration costs.

Having regard to other considerations within Policy SS2, the proposal is not necessarily commensurate with the scale and character of the settlement as 49 dwellings would represent a significant increase to the size of the village in absolute terms. It also does not generally have the support of the local community. As such, the scheme does not fully comply with Policy SS2.

### Local Plan Review

#### Housing and Economic Land Availability Assessment (HELAA):

The site of the proposed development is identified as a suitable, available and developable site in the HELAA, which is part of the evidence base to support the emerging Local Plan Review. The HELAA site E/ABTE/0007 has been assessed as a suitable site for up to 30 dwellings, with a qualification that development should encroach no further to the north-west than Hillcrest Road, with a similar density. However, the identification of potential sites within the HELAA does not imply that planning permission would be granted if an application were to be submitted. The HELAA is a high level assessment. All planning applications must therefore continue to be considered against the appropriate policies within the adopted Development Plan, having regard to any other material considerations.

The Local Plan Review (2106-2036):

The emerging Local Plan Review is currently in preparation and two consultations have taken place under Regulation 18 of the Town & Country (Local Planning) (England) Regulations 2012, with the most recent consultation on Preferred Options ending in September 2019. The Local Plan Review Preferred Options document proposes that Abbas & Templecombe is elevated into a higher tier of the settlement hierarchy termed as 'Villages'. This category elevates a number of the larger Rural Settlements due to their scale, development capacity, role and function. Consequently, the Preferred Options document reflects that 'Villages' are capable of accepting a higher level of development than the remaining Rural Settlements. However, the emerging Local Plan Review is still at an early stage in its preparation and therefore only extremely limited weight can be attached to it, as reflected in the guidance in paragraph 48 of the NPPF.

#### National Planning Policy Framework

Paragraph 11 of the NPPF notes that the relevant policies for the supply of housing should not be considered up-to-date if a local planning authority cannot demonstrate a five-year housing land supply:

For **decision-taking** this means:

- a. *approving development proposals that accord with an up-to-date development plan without delay; or*
- b. *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.*

The associated footnote in the NPPF states that the above policies are out of date in "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)".

However, the fact that policies relevant to the supply of housing are deemed "out-of-date" by reference to the NPPF does not mean they should be ignored. As confirmed by several judgments the NPPF does not displace the statutory framework for the determination of planning applications and does not prescribe that little or no weight be given to housing supply policies, that is a matter for the judgement of the decision-maker dealing with a particular application and the facts of each individual case. There are various Supreme Court judgements and High Court judgements in this respect and makes it clear that *"the absence of a five-year supply of housing land is not necessarily conclusive in favour of the grant of planning permission. Furthermore, and for the avoidance of doubt, Paragraph 11 of the NPPF is not irrefutable, and the analysis of material considerations may indeed move the decision-maker away from the presumption in favour of the grant of planning permission."*

#### Housing Land Supply

Policy SS5; 'Delivering New Housing Growth' sets housing delivery targets for each of the 14 named settlements in the hierarchy and sets a delivery target for all Rural Settlements collectively (2,242 dwellings). Abbas & Templecombe is not within the top 14 settlements identified within the hierarchy, which means it has no individual housing target. The housing targets for each Rural Centre are listed below:

- Bruton - 203 dwellings
- Ilchester - 141 dwellings
- Martock - 230 dwellings
- Milborne Port - 279 dwellings
- South Petherton - 229 dwellings
- Stoke sub Hamdon - 51 dwellings

References have been made in various representations to the unacceptably large increase in the number of new dwellings in the settlement, both in terms of this proposal and previous decisions;

housing land supply; and that rural settlements within South Somerset have met their housing allocation targets.

With that in mind further advice has been sought from the Council's Strategic Planning Team.

Monitoring demonstrates that from the beginning of the adopted Local Plan period (April 2006) to 31st March 2019, 63 dwellings have been delivered within Abbas and Templecombe. There are commitments (extant planning permissions) for a further 88 dwellings within or adjacent to the settlement as at 31st October 2019. As a result, there is potentially a total of 151 dwellings to be delivered within the Plan period (2006 - 2028). This figure would rise to 200 dwellings should this application be granted.

Further planning applications for additional new dwellings within the settlement have also been considered by Committee where decisions to grant planning permissions have been resolved, subject to the prior completion of Section 106 Agreements. Recently, an Agreement relating to residential development at Slades Hill has been completed and a grant of planning permission issued on 20th February 2020. In addition, to date, an Agreement relating to residential development at Throop Road has not been completed and thus no decision notice has been formally issued. Nevertheless such decision and resolution should be taken into account, and these include:

18/02739/OUT. Outline application for residential development comprising up to 70 dwellings and associated open space, landscaping works and area for school expansion, together with new access and drainage infrastructure. Land at Slades Hill.  
Outline planning permission granted 20.02.2020.

18/00650/OUT. Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application). Knights Templar Court Nursing Home, Throop Road.  
Committee resolution to approve. Decision pending, awaiting completion of S106 Agreement.

19/00123/OUT. Demolition of the existing buildings and the erection of up to 21 dwellings with associated access and parking (Outline application). Knights Templar Court Nursing Home, Throop Road.  
Decision pending. Awaiting decision on 18/00650/OUT.

The approved development for up to 70 dwellings at Slades Hill must be added to the total dwellings tally.

Both 18/00650/OUT and 19/00123/OUT relate to the same site. Only one of the developments can be implemented should both applications be approved. The scheme for 19 dwellings at Knights Templar Court Nursing Home in Throop Road, having been resolved to be approved by Committee, should be added to the total dwellings tally.

As stated above, there is potentially a total of 151 dwellings to be delivered within the Plan period (2006-2028). Together with approved 70 dwellings at Slades Hill and the potential for 19 dwellings at Throop Road, this gives a potential of 240 new dwellings in Templecombe. This figure would rise to up to potentially 289 dwellings should this current application at West Street be granted.

The 2011 census statistics show that the built-up area (BUA) for Templecombe comprised 746 dwellings. From April 2011 to March 2019 there have been a further 28 completions that has led to a 4% increase in the number of dwellings in the village. Together with the 88 dwellings committed, the village will potentially increase in size by 15.5% from 2011. Should this application be approved for a further 49 dwellings, this would potentially result in a 22% increase in the number of dwellings in the village since 2011, without accounting for the other applications at Slades Hill and Throop Road where decisions are pending.

Granting permission for this application would result in a level of growth commensurate with the higher tier of Rural Centres and therefore would not be consistent with the Rural Settlements tier. The proposal would result in development that would be contrary with the Local Plan's defined settlement hierarchy in Policy SS1.

However, at present, the Council cannot demonstrate a five year supply of housing sites. The Council's Five Year Housing Supply Statement (October 2019) has concluded that it is only possible to demonstrate a supply equivalent to about 4.5 years based upon the assessment of future housing land supply for the period 2019/2020 to 2023/2024, (this equates to 4,711 dwellings).

The Council accepts that it is unable to demonstrate a five year housing land supply and that a presumption in favour of sustainable development exists. As referred to above, paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development and grant permission when decision taking where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites with the appropriate buffer), and therefore less weight can be afforded to policies that affect the supply of housing. Paragraph 11 is therefore a significant material consideration with regard to the tilted balance in favour presumption of sustainable development.

#### Planning Balance

According to evidence in the Local Plan Review document "The Potential for Rural Settlements to be Designated 'Villages' (November 2018), Abbas & Templecombe is the fourth largest Rural Settlement with a good level of local service provision, including a primary school, local convenience shop/Post Office, village hall, faith facility, doctor's surgery and children's play area. The former pub is currently being converted to a convenience store on the High Street. There is also employment provision within the settlement, reinforced by a recent permission for an industrial building (Use Class B2) opposite Thales. Abbas & Templecombe also has a train station (on the Exeter/Waterloo line) and the A357 passes through the settlement to join the A303 at Wincanton, 5 miles to the north. There is also bus service 58 (Wincanton-Sherborne-Yeovil) every 1-2 hours, Monday to Saturday.

A concern has been raised locally regarding the inherent unsustainability of the location. However, mindful of the variety of services and facilities referred to above, the settlement is considered to be a sustainable location that can support a reasonable level of housing growth. This weighs in favour of the application, having regard to Policy SD1.

Additionally, granting permission would contribute positively to the Council's supply of market and affordable housing, with the accompanying social and economic benefits. The residents of the new dwellings would support local businesses through their expenditure. The application proposes affordable housing at 35% for Templecombe and is therefore compliant with the required provisions for Policy SS2 and Policy HG3. In addition, there would be temporary economic benefits during the construction phase in that construction jobs would be generated together with associated expenditure in the local economy. Although these economic benefits that would arise during the construction period would be temporary, nevertheless it is considered that such material considerations should be given great weight.

Nevertheless, in coming to a decision on this application, these benefits should be considered with, inter alia, any other impacts (positive or negative) identified, against the harm to the settlement hierarchy defined in Policy SS1, and Policy SS2.

It is arguable whether the proposed development would be commensurate with the scale and character of the settlement, when considered in the context of the completions and commitments already granted within the plan period, together with those approvals that are imminent subject to the completion of Section 106 Agreements. In addition, it also does not generally have the support of the local community. As such, the scheme does not fully comply with Local Plan.

However, as SSDC cannot currently demonstrate a five year supply of housing land, elements of the housing policy must be considered out of date. As such, it is considered that the LPA cannot rely on the proscriptions of that policy in regard to scale and character and general community support, but must accept that the settlement is broadly sustainable and capable of supporting some residential development. As such, although the proposal is contrary to Policy SS2 of the Local Plan, only limited weight can be applied to this adverse impact in the planning balance.

Local concern has been raised that there is no need for any new dwellings in the settlement. However, there is a district wide shortage of housing, and this proposal will potentially contribute up to 49 dwellings towards the supply of housing. A perceived lack of a local requirement for the housing does not outweigh the district wide requirement for housing.

There has been concern expressed locally about the level of development proposed and the impact on the provision of local infrastructure. In particular in relation to the primary school and medical facilities.

The County Education Authority advises that the Abbas and Templecombe Primary School is over capacity and has a proposed extension required due to the various housing developments coming forward. This development of up to 49 dwellings would generate 3 early years pupils, 16 primary pupils and 7 secondary pupils. In accordance with current build costs, the Education Authority seeks financial contributions to achieve the necessary build to accommodate the extra children from this development. This would amount to £51,222 for early years and £273,184 for the primary school, to be secured within a Section 106 Agreement. King Arthurs secondary school currently has capacity and therefore no funding is required for that school at present.

Other than this, such concerns are not supported by other technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. healthcare, sewers etc.) have been identified in Templecombe by the providers in relation to the currently proposed development. As such, even when taking potential cumulative impacts into account, the concerns are not sufficient reason to warrant refusal of the scheme.

As stated above, the Council acknowledges its current lack of a 5 year housing land supply at which point policies relating to housing constraint are considered not to be 'up-to-date'. In these circumstances, the provisions of NPPF paragraph 11(d) are engaged and the presumption in favour of sustainable development applies, where it is expected that planning permission will be granted unless *"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"*.

The provisions of NPPF paragraph 11(d) do not preclude the emphasis within the NPPF to promote a plan-led approach. Therefore, whilst there is a tilted balance in favour of development due to the provision of paragraph 11(d), an assessment must be made of the application's conformity with the Local Plan when read as a whole. Where any conflicts with individual policies occur, this must be balanced against the merits of the specific proposals applying the test set out in NPPF paragraph 11(d).

### **Visual Impact**

Local Plan Policy EQ2 refers to development in general and requires development proposals to preserve and enhance the character of the district. Development proposals must, amongst other criteria, seek to conserve and enhance the landscape character of the area, reinforce local distinctiveness and respect local context and have due regard to site specific considerations.

There has been local concern expressed as to the position of the proposed development, and the impact it will have on the character of the area and the wider landscape. Such concern acknowledges that the site is not subject to any special landscape protection designations but, irrespective of that, argues that the countryside which should be protected for its own sake.



During the pre-application process, the issue of visual amenity was commented upon. The case officer noted that the site adjoins existing residential development to the east and the recently approved development of 4 houses to the west. As such, he opined that development in this location would unlikely cause significant harm to the character of the area or to the wider landscape. He advised that any development should be reduced in density and scale towards the western part of the site to reflect the 'edge of settlement' character of the locality and that built form should be entirely avoided in the northwest portion of the site, so that development tapers from the edge of the existing built form to the east down to the edge of the approved development to the west.

Accompanying this application is a Landscape Statement and a Plant Schedule, Maintenance and Management document, both prepared by Clark Landscape Design. The Landscape Statement describes the area as falling within the 'Yeovil Scarplands' as defined in the National Character Area, Profile 140, within the 'East Somerset Hills' as defined in the South Somerset Landscape Character Assessment and the edge of the 'Blackmore Vale' which lies to the east of Templecombe. The key characteristics relevant to these landscape character areas include:

- Rural, agricultural character across the majority of the area, with distinct pastoral, mixed and arable areas.
- Several rivers draining east to west and a network of tributary streams, sometimes in gorges.
- Winding rural lanes, bounded by verges and hedgerows, connecting villages and hamlets cut across by busy 'A' roads linking larger towns and neighbouring National Character Areas.

The Landscape Statement goes on to state that *The landscape character of the area around Templecombe is fairly typical of the Yeovil Scarplands, however, the site lies on the south west edge of the built up area and therefore has a strong urban fringe character. Through careful consideration of the site and its characteristics and establishment of a strong landscape buffer it should be possible to provide a much softer edge to this part of the village.*

Views towards the site from local roads are limited to West Street, Hillcrest Road and Bowden Road which lies to the south-west of the site and Lily Lane which runs to the north of the railway track. Views beyond them are limited by topography and intervening buildings, trees and hedgerows. Views from public rights of way are limited to WN29/16 and Lily Lane to the north of the railway track. There may be longer distance views to the site but they are very limited at over 5km distance. Other than the direct views onto the site from West Street the visual impact of the proposed development has been assessed as low. However, from West Street, there will be a clear visual impact when travelling along the road and there will also be a visual impact on the dwellings located on the opposite side of West Street which will lose their views across open countryside.

Various mitigation measures are suggested within the Landscape Statement. Any new development should be well screened, should fit within the landscape character of the area and, if possible, should restore features of local distinctiveness such as orchards, hedgerow and ponds. Mitigation proposals to add to the wildlife and landscape value of the site would include the establishment of a strong north-western and south-western woodland edge boundary to help assimilate buildings into the local landscape; the use of slate grey roofing rather than tiled roofing to help soften any wider visual impacts; the retention of the existing hedgerows and their on-going management and maintenance to help break up the form of development and provide useful screening for the housing opposite along West Street; tree and shrub planting within the development to provide a high quality urban space; the creation of the flood attenuation pond to create additional wildlife interest and potential for further tree planting; and the introduction of new trees into the existing hedgerows.

The Council's Tree officer has raised no objections to the proposal and offers detailed comments about hedgerow protection and retention and their future treatment and future planting based on the submitted layout drawings. Conditions are recommended to reflect such comments.

Whilst noting the Tree Officer's comments, such drawings have been submitted for illustrative purposes

only. This is an outline application which seeks to establish the principle of development and access. All other matters of appearance, landscaping, layout and scale are reserved for future submission, consideration and determination. It is considered that the proposed development can be comfortably accommodated in the wider landscape. Landscaping is a reserved matter and, as such, appropriate landscaping can be achieved at the detailed application stage. Nevertheless, the sentiments expressed by the Tree Officer are acknowledged and conditions are recommended relating to tree hedgerow protection / retention measure and submission of a landscaping scheme.

In terms of consideration of density, the adjoining residential estate at Hillcrest road has an area of approximately 2.1 hectares and contains approximately 60 dwelling units. This gives a density of 28.6 dwellings per hectare (dph). The application site has an area of 2.5 hectares; the erection of 49 dwellings would give a density of 19.6dph. However, based on the illustrative layout plans which excludes parts of the site for residential development (i.e. those areas shown for landscaping and the attenuation pond, the net developable area of the site would be approximately 2.1 hectares; meaning 49 dwellings would give a density of 23.3dph. This would not be as dense as the Hillcrest road development and reflects the pre-application advice for such an edge of settlement location to accommodate a more diffused pattern of development.

For the purposes of this outline application, having regard to the above, it is considered that the proposed development would not result in significant and demonstrable harm to the wider landscape subject to appropriate mitigation. Notwithstanding local concern, the density of the proposed development is considered to be acceptable and to accord with local character. Consequently it is considered that the proposed development complies with Policy EQ2 of the Local Plan.

### **Access and Highway Safety**

Local Plan Policy TA5 requires all new development to securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all, and to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

Policy TA6 states that parking provision in new development should be design-led and based upon site characteristic, location and accessibility. The parking arrangements within SCC's Parking Strategy will be applied within the District.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 106 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

Access is considered at this stage. The proposed development proposes a single vehicle access onto West Street with pedestrian and cycle links adjoining the existing footway adjoining West Street

Much local concern has been raised about the inadequacies of the highway infrastructure to cope satisfactorily with, not only existing volumes of traffic but also the increased traffic generations that would result from this proposed development, together with those from the other unimplemented approvals for additional housing. The County Highway Authority has been consulted and has been requested to consider the impacts on the highway network, not only resulting from the traffic generation to and from the application site, but also the increased traffic generation on the local road network which will arise following the subsequent implementation of the various additional residential developments that already

benefit from planning permissions (or subject to S106 completions).

In response to this request, the Highway Authority provided the following comments in its consultation response dated 5th December 2019.

*At the request of the LPA, the Highway Authority will provide further comments on the traffic impact implications of the development proposals.*

*The development traffic impact was discussed within the submitted Transport Statement and subsequently assessed by the Highway Authority. The development is predicted to generate approximately 25 vehicle trips during the weekday AM peak hour and 23 trips during the weekday PM peak hour. The development traffic was then assigned onto the highway network by using observed and probable commuting patterns. Temporo traffic growth factors were applied to the 2019 survey data in order to create a 2024 assessment year traffic scenario. There are no concerns with the methodology used to calculate traffic generation, traffic distribution or the traffic growth factors.*

*The impact of the proposed development was considered at several junctions as part of the TS. This included the junctions of West Street/ Westcombe, Westcombe/ Bowden Road, West Street/ Bowden Road and the A357/ Bowden Road junction. Given that the proposed development is predicted to generate approximately 25 trips during the peak hour, once this traffic has been distributed onto the highway network, the development impact at each junction is considered to be minor. As such, it would be difficult for the Highway Authority to demonstrate that the proposed development would result in a severe impact on road capacity on the local highway network.*

*It is acknowledged that concerns have also been raised in relation to the cumulative impact of the application site, and other sites which have either being granted planning consent, or, those that are currently being considered by the LPA.*

*The above-mentioned traffic growth factors already take increases in background traffic over time into account. This can include traffic associated with allocated sites as well as general increases in background traffic growth as a result of developments.*

*In terms of cumulative impacts which include developments which have not yet been determined, when assessing a development, the Highway Authority can only consider the impact of the development in question and any mitigation which is requested must be directly related to the development. It would be unreasonable to insist that a developer resolves issues associated with other developments as this would not accord with the NPPF and it would be difficult to defend this position at Appeal.*

*For the reasons given above, the Highway Authority would not wish to raise a formal objection to the development because in isolation the development is unlikely to result in a severe impact on the highway and raising an objection on the cumulative impacts would be difficult to justify.*

Various highways related conditions and mitigation measures are recommended which are reflected either in Section 106 requirements, planning conditions or informatives.

Overall, the application is considered to be in a sustainable location, having regard to the scale of development proposed and the role and function of the settlement which benefits from a variety of local facilities and amenities. The increase in vehicle movements as a result of the proposed development does not give rise to an objection on traffic generation or highway safety grounds from the Highway Authority and is therefore deemed to be acceptable in accordance with Local Plan Policies TA5 and TA6 and relevant guidance within the NPPF.

### **Flooding and Drainage**

The application site is at a low risk of flooding, lying as it does within Flood Zone 1.

Nevertheless, local concern has been expressed about flooding of site and surrounds and that surface water drainage from the agricultural fields is inadequate.

The Lead Local Flood Authority (LLFA) notes the low greenfield rates for this site and the proposal to discharge at 2 l/s. It advises that, while this is acceptable, due to the risk of blockages it is possible to restrict rates to 1 l/s with appropriate features. Also, if any further development is to come forward in the vicinity of this application site with the same constraints, then this may cause an increased risk of flooding downstream due to cumulative impact of development. If any further development is to come forward in the vicinity of this site, it would be useful to look at a Masterplan approach to manage the impact and to prevent further flood risk downstream.

With this in mind, the LLFA recommends a condition requiring the submission and approval of details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development. This is reflected in the formal officer recommendation.

Wessex Water has confirmed it has no objections to foul water disposal from the proposed development into the main sewerage system. However no surface water flows from the site will be considered into the foul network.

The Environment Agency has advised that it does not wish to make any comments.

Taking into account the above, it is considered that the application accords with the requirements of Local Plan Policy EQ1 and relevant guidance within the NPPF5

### **Ecology**

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

The applicant has submitted an Ecological Appraisal which describes the baseline ecological conditions at the site; evaluates habitats within the survey area in the context of the wider environment; and describes the suitability of those habitats for notable or protected species. It identifies significant ecological impacts as a result of the development proposals; summarises the requirements for further surveys and mitigation measures, to inform subsequent mitigation proposals, achieve planning or other statutory consent, and to comply with wildlife legislation.

The County Ecologist has been consulted and has raised no objections subject to the imposition of conditions relating to bats, birds, badgers, reptiles and landscape enhancement measures.

### **Residential Amenity**

Due to the application site's edge of village location, potential for residential amenity concerns are limited to impacts on existing residential properties on the opposite side of West Street and those properties close to the north eastern boundary of the site in Hillcrest Road and Alexander Court. Concern has been expressed by nearby residents about impact on amenity, particularly in terms of loss of outlook and views.

However, the scheme is only seeking outline consent with all detailed matters relating to scale, layout and appearance being reserved for later consideration. As such, the submitted layout plans are indicative only. The size of the site is considered adequate for a scheme for up to 49 dwellings (subject

to constraints imposed by conditions requiring periphery landscaping and a sustainable urban drainage scheme) and there is no reason why an appropriate scheme could not be designed that avoided any substantive harm to neighbour amenity in terms of significant and unacceptable dominance, overshadowing, overlooking and loss of privacy.

It is acknowledged that any proposed development on the site will result in loss of views currently enjoyed by residents. However, planning decisions must be based solely on material planning considerations. The scope of what constitutes a material consideration is very wide. In general case law has taken the view that 'planning' is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. In this same vein, the loss of private view is not an overriding material planning consideration that can be taken into account.

The detailed layout and design of the plots would need to take into account the residential amenity of existing occupiers and it is considered that this can be achieved through future reserved matters taking into account the scale and nature of the site and the number of dwellings proposed. There would be no reason why the impact of the proposed development could not be 'softened' by maintaining the roadside hedgerow at a reasonable height and to allow any trees within the hedgerow to be allowed to mature.

The Council's Environmental Protection Officer is mindful of the proximity of the proposed development to nearby existing properties and recommends conditions relating to the submission of a Construction Environmental Management Plan.

In terms of impacts on the amenities of future occupiers of the proposed housing, the Environmental Protection Officer is aware of the railway line to the north of the site, being some 233 metres away at its closest point. In addition the western boundary of the development immediately abuts Coombe Farm. There is potential for noise from both the railway line and the farm (if agricultural activities recommenced) to adversely impact on the future residents. Therefore he recommends a condition requiring the submission of a noise impact assessment.

In addition, there is a small area of made ground/infill on the western boundary of the proposed site, potentially associated with the adjacent farm. He advises that a watching brief for potential hotspots of contamination is kept together with an assessment for visual evidence of contamination during groundworks. A condition to this effect is recommended.

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

### **Loss of Agricultural Land**

Agricultural Land Classification is a system used in England and Wales to grade the quality of land for agricultural use.

Grade 1 - excellent quality agricultural land with no or very minor limitations.

Grade 2 - very good quality agricultural land with minor limitations which affect crop yield, cultivations or harvesting.

Subgrade 3a - good quality agricultural land with moderate limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land can produce moderate to high yields of a narrow range of crops or moderate yields of a wide range of crops.

Subgrade 3b - moderate quality agricultural land with strong limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass.

Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range and level of yield of crops.

Grade 5 - very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing with the exception of occasional pioneer forage crops.

The application site comprises agricultural land classified as being Grade 3. Therefore it is of good to moderate quality.

Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other considerations, recognising the economic and other benefits of the best and most versatile agricultural land.

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

Mindful the site does not comprise "*the best and most versatile agricultural land*", it is considered that there would be no justifiable planning reason to refuse permission on the grounds of loss of this agricultural land.

### **Section 106 Contributions and CIL**

The financial contributions requested by the County Education Authority and SSDC's Strategy and Commissioning Team are noted, as is the recommendation from the County Highway Authority regarding securing Travel Plan provisions and various highway mitigation measures. The proposal involves the provision of affordable housing that would require a legal obligation to be entered into ahead of issuing any planning permission. In addition, there would be a need for the submission of details of any public body or statutory undertaker, Resident's Management Company, other management company or any other arrangements to manage and maintain public open space; potential surface water attenuation pond or similar sustainable urban drainage system; landscape "buffer zones", including retained and new hedgerows along the application site; and any roads and/or footpaths that may not be adopted by the Highway Authority.

The application is also liable to CIL.

### **Conclusions and the Planning Balance**

With no five year supply of housing land in South Somerset, footnote 7 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where "*...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 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.*".

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

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

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

The benefits of the proposed development include the proposal bringing forward several contributions towards education provision, community, sport and leisure provision, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Further benefit of the scheme would be that the proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping SSDC towards a five year housing land supply, improving the sustainability of existing village services and facilities and providing contributions in the form of Community Infrastructure Levy (to be calculated at reserved matters).

Weighed against the benefits outline above, the scheme would also cause some harm. Firstly, the policy is contrary to Policy SS2 of the South Somerset Local Plan. However, as highlighted above, this particular harm can only be afforded limited weight as Policy SS2 must be considered out of date in the absence of a five year supply of housing land. Further areas of some harm, albeit limited, are the disturbance likely to be caused during the construction phase of the development.

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

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

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

## **RECOMMENDATION**

Permission be granted subject to -

The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting outline planning permission is issued to secure the following:

a) Affordable Housing Provision

- i) 35% affordable housing, split 80 / 20, social rent / intermediate product;
- ii) Exact details of numbers, type, bedroom mix, tenure and locations on site shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Development Officer;
- iii) Adherence to the following minimum space standards (GIA) for the affordable units:

1 bed flat	47sqm	
1 bedroom house	55 sqm	
2 bedroom house	76 sqm	(86 sqm if 3 storey)
3 bedroom house	86 sqm	(94 sqm if 3 storey)
4 bedroom house	106sqm	(114sqm if 3 storey)

- iv) Timing of the construction of the affordable units and its phasing in relation to occupancy of the market housing;
- v) Prior to commencement of development, the Council's Housing Development Officer to be informed of the selected affordable housing association partner for the delivery of the affordable units and arrangements for the transfer of the affordable units to that affordable housing

association partner. The following is a list of the Council's main housing association partners, but this is not to be considered as exhaustive:

- o LiveWest Housing
- o Magna Housing
- o Stonewater Housing and,
- o Yarlington Housing Group;

vi) All rented affordable units to be made available to anyone registered on Homefinder Somerset; and

vii) Arrangements to ensure that the provision of affordable units is affordable for both first and subsequent occupiers of the affordable units, and the occupancy criteria to be used for determining the identity of occupiers of the affordable units and the means by which such occupancy criteria shall be enforced.

b) Education Financial Contribution

A financial contribution of £324,406 (calculations based on 49 dwellings) to be paid to the Somerset County Council as Education Authority towards the improvement and/or expansion of early years and primary education provision in the Parish. Flexible formulae to be included should fewer than 49 dwellings be constructed. Initial payment prior to occupation of 33% of dwellings, second payment prior to 66% occupation of dwellings and final payment prior to 100% occupation of dwellings.

c) Equipped Play Area and Youth Facilities Financial Contribution

Off-site financial contribution of £1,583 per dwelling towards the enhancement of the existing equipped play area and youth facilities at Templecombe Recreation Ground and associated maintenance commuted sums, the total amount payable upon occupation of the first 25% of proposed dwellings - (£77,569 based on 49 dwellings).

d) Travel Plan

The implementation of the approved Travel Plan to the satisfaction of the County Highway Authority, to operate from first occupation of the development for a period of 5 years, to allow its objectives to be fulfilled, (such date of first occupation having been notified in writing to the Local Planning Authority by the applicant/developer either prior to said occupation commencing or no later than 7 days from the date of said first occupation having occurred).

e) Highway Mitigation Measures

i) The access road to be constructed in accordance with current highway policy standards;

ii) Provision of pedestrian access in the eastern corner of the site onto West Street;

iii) Provision of pedestrian / cycle access in the western corner of the site onto west Street

f) Management Company or Other Arrangements

Submission of details of any public body or statutory undertaker, Resident's Management Company, other management company or any other arrangements to manage and maintain public open space; potential surface water attenuation pond or similar sustainable urban drainage system; landscape "buffer zones", including all retained and new hedgerows within the application site itself and along the application site's boundaries; and any roads and/or footpaths that may not be adopted by the Highway Authority prior to first occupation of any dwelling unit hereby permitted (such date of first occupation having been notified in writing to the Local Planning Authority by the applicant/developer either prior to said occupation commencing or no later than 7 days from the date of said first occupation having occurred).

And for the following reason:



01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 49 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, TA5, TA6, HW1, EQ1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. Approval of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development 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 permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

04. The development hereby permitted shall be restricted to no more than 49 dwellings.

Reason: To avoid any ambiguity as to what is approved.

05. The development hereby permitted shall accord with the following approved plans in respect of the extent of application site to which this grant of outline planning permission relates and also the proposed access details:

Drawing no. 2607-DR-A-050-001 Rev A: Indicative Site Layout  
Drawing no. 2607-DR-A-050-002 Rev A: Illustrative Site Plan  
Drawing no. 2607-DR-A-050-003 Rev A: Location Plan  
Drawing no. 2607-DR-A-080-004 Rev A: Indicative Site Frontage Detail  
Drawing no. 2607-DR-A-080-005: Access Detail

For the avoidance of doubt, the appearance, landscaping, layout and scale of the proposed development as indicated on said drawings are shown solely for illustrative purposes and are subject to further approval of 'reserved matters' the subject of conditions 01 and 02.

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

06. Prior to commencement of the development, site vegetative clearance, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - 'Trees in relation to design, demolition and construction' shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include locations and details of all protective fencing to be erected to protect retained trees and hedgerows (including informative signage thereon), together with written confirmation that, within all tree and hedgerow protection zones,:

- (a) no materials, equipment, machinery or structure shall be attached to or supported by any part of the retained trees and hedgerows and no materials shall be stored, temporary buildings erected, moveable structures, works, plant or machinery placed or ground levels altered;
- (b) there shall be no mixing of cement or use of other contaminating materials or substances shall take place;
- (c) levels shall not be raised or lowered in relation to existing ground levels;
- (d) no roots shall be cut, trenches dug or soil removed;
- (e) no buildings, hardened areas or other engineering operations shall be constructed or carried out; and
- (f) no vehicles shall be driven over that protected area.

Reason: The submission and agreement of a scheme of tree and hedgerow protection measures prepared by a suitably experienced and qualified arboricultural consultant prior to commencement of development is fundamental to enable the Local Planning Authority to consider all tree and hedgerow protection measures in order to preserve existing landscape features (trees and hedgerows), in the interests of visual amenity and biodiversity having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Prior to commencement of development, site vegetative clearance, ground-works, heavy machinery entering site or the on-site storage of materials, the tree and hedgerow protection scheme approved pursuant to condition 06 shall be installed and the suitability of the tree and hedgerow protection measures confirmed in writing by the Local Planning Authority within 21 days from written notification of completion of the approved protection scheme.

The approved tree and hedgerow protection scheme shall remain implemented in its entirety for the duration of the construction of the development and shall only be moved, removed or dismantled with the prior written consent of the Local Planning Authority.

Reason: The full implementation of an approved scheme of tree and hedgerow protection measures prepared by a suitably experienced and qualified arboricultural consultant prior to commencement of development is fundamental to preserve existing landscape features (trees and hedgerows), in the interests of visual amenity and biodiversity having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles which aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water run-off post development is attenuated on site and discharged at a rate and volume no greater than 2 l/s. Such works shall be carried out in accordance with the approved details.

These details shall include:

(a) Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

(b) 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 (6 metres minimum), the sustainable 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.

(c) Details of methods and means for the provision within the site for the disposal of surface water so as to prevent its discharge onto the highway.

(d) Any works and permissions required outside the application site boundary to ensure 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).

(e) Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

(f) A management and maintenance plan for the lifetime of the development which shall include information regarding systems both inside and outside the application boundary, 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: The agreement of details of a surface water drainage scheme and a programme of implementation and maintenance for the lifetime of the development prior to commencement of development is fundamental to ensure that the development is served by a satisfactory system of surface water drainage, which will aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with Policy EQ1 of the South Somerset Local Plan, relevant guidance within the NPPF and the Technical Guidance to the NPPF.

09. No development shall commence unless a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include:

(a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day, temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements to and from the site, and suitable off-highway parking for all construction related vehicles.

(b) Measures to avoid traffic congestion impacting upon the Strategic Road Network.

(c) The location area(s) to be used for the parking of vehicles of site operatives and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any

access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.

(d) A schedule for the delivery, loading and unloading of all plant and materials to the site, including the times of such loading and unloading; details of how deliveries, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application site; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway.

(e) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours.

(f) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.

(g) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process, unless prior written approval is obtained from the Local Planning Authority.

(h) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use.

(i) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

(j) Details of any piling together with details of how any associated vibration will be monitored and controlled.

(k) The location and noise levels of any site electricity generators.

(l) Management of surface water run-off from the site in general during the construction period.

(m) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.

(n) A scheme to encourage the use of Public Transport amongst contractors.

(o) A risk assessment of potentially damaging construction activities and identification of "biodiversity protection zones", together with the location and timing of sensitive works to avoid harm to biodiversity features and the times during construction when specialist ecologists need to be present on site to oversee works.

(p) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitat (trees and hedgerows) and protected species (bats, birds, badgers, hazel dormice and reptiles).

(q) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the County Council's Ecologist (frequency to be agreed, for example, every 3 months during construction phases).

(r) Contact telephone number/s and email address/es of the site manager(s) and/or other person/s associated with the management of operations at the site.

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

10. Prior to commencement of development, a noise mitigation scheme prepared by a suitably qualified acoustic consultant shall be submitted to, and approved in writing by, the Local Planning Authority detailing what measures, if any, may be necessary to ensure that any noise associated with the railway line to the north of the application site and from Coombe Farm to the west does not cause detriment to the amenities (including habitable rooms and gardens) of future residents/occupiers of the residential development hereby permitted. Such a scheme shall take the form of a written report detailing all measurements taken and results obtained, together with any sound reduction scheme recommended and calculations and reasoning upon which any such scheme is based. The approved measures within the noise mitigation scheme shall be implemented in their entirety prior to occupation of any individual dwelling unit, unless the Local Planning Authority gives prior written approval to any alternative period for completion.

Thereafter, the approved noise mitigation scheme shall be retained and maintained and not altered in any manner without the prior permission in writing of the Local Planning Authority.

Reason: The agreement of details of a noise mitigation scheme prepared by a suitably qualified acoustic consultant prior to commencement of development is fundamental to enable the Local Planning Authority to consider noise mitigation measures in order to protect the amenities of future residents having regard to the proximity to the railway line and neighbouring farm, in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

- a) Description and evaluation of features to be created, restored, protected and managed, including the addition of native wild flower grassland areas and edges to open spaces and native pollinator friendly wetland plants to be planted within the SuDS.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies)/new

residents responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework, Policy EQ4 of the South Somerset Local Plan, and the Council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

12. The landscaping scheme submitted in accordance with condition 01 of this outline grant of planning permission shall include details of:

(a) Planting plans (to a recognised scale) and schedules indicating the location, number, species, density, form root types/root volumes and size of proposed tree, hedge and shrub, and also including native species which occur locally and chosen to provide food for insects on which bats feed. All new trees and hedges planted on site should ideally be from local native stock, such as blackthorn, field maple, ash, hornbeam, hazel, dogwood, spindle and/or beech. All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats, and the shrubs must also appeal to night-flying moths which are a key food source for bats.

(b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geo-textile, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.

(c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment.

(d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).

(e) Existing and proposed finished levels (to include details of grading and contouring of land and any earthworks and details showing the relationship of any proposed mounding to existing vegetation and surrounding landform where appropriate).

(f) The means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates, ramps, or other supporting structures).

(g) The location, type and materials to be used for hard surfacing (including where applicable for permeable paving, refuse/recycling storage areas, tree pit design, underground modular systems, sustainable urban drainage integration and use within tree Root Protection Areas), including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved.

(h) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate.

(i) An on-going management and maintenance plan of all the approved landscaping features; and

(j) A timetable for the implementation of the approved hard and soft landscaping scheme.

(k) The body or organization responsible for implementation, and subsequent management and maintenance, of the approved landscaping plan.

There shall be no excavation or raising or lowering of levels within any prescribed root protection areas of retained trees and hedges unless previously approved in writing by the Local Planning Authority.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, managed and maintained in accordance with the approved scheme.

Reason: To clarify the level of detail of landscaping to form part of any subsequent application for reserved matters in order to safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule approved pursuant to condition 12, if within a period of five years from the date of the completion of the dwellings or completion of the approved landscaping scheme pursuant to condition 09 (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

14. Ground investigation works shall be undertaken in order to establish the soil classification, moisture contents, plasticity indexes and CBR values. The ground investigation report (including exploratory holes logs, in-situ and laboratory test results, together with the interpretation of the data used to establish the Design CBR value), and a geotechnical report providing details of site contamination of any type, soil classification at formation level, CBR values, ground water levels, and safe earthworks slopes shall be submitted to the Local Planning Authority for review and approval at the detailed design stage.

Reason: To clarify the level of detail of ground investigation works to be undertaken to form part of any subsequent application for reserved matters in the interests of highway safety and public convenience, having regard to Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

15. No works involving the removal of potential bird nesting habitats, comprised of trees, hedges, scrub, shrubs and ruderal vegetation, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of all such trees, hedges, scrub, shrubs and ruderal vegetation for active birds' nests immediately before works proceed and vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

16. A static bat detector survey shall be undertaken on site to ascertain the use of the site by commuting and foraging bats. Static detectors shall be deployed on site between April and October for a period of one week per month. Initially, three months' worth of data shall be collected, to gain an understanding of the use of the site by bats. The data gathered shall be used to inform the overall site layout, landscaping and any lighting schemes.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Lacking evidence to the contrary it must be assumed the boundary hedgerows and trees forms part of the habitat available to maintain local bat populations. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity.

17. Any trenches or large pipes (greater than 200mm diameter) must be covered at night. Any open excavations left exposed overnight during the construction phase shall have a means of escape for badgers and other mammals. This will comprise a shallow sloped edge or board (of at least 30cm width) set at an angle of no more than 30°

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference.

18. Any vegetation in the construction area, comprised of grassland and tall ruderal herbs should initially be reduced to a height of 10 centimetres above ground level, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the Council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

19. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details indicated on the approved drawings and any outstanding details to be submitted to and 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 Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF

20. Before the dwellings hereby permitted are first occupied, the vehicular and pedestrian accesses shall be constructed generally in accordance with the approved drawings nos. 2607-DR-A-050-001 Rev A, 2607-DR-A-050-004 Rev A and 2607-DR-A-050-005 and shall be properly consolidated and surfaced (not loose stone or gravel), the details of which shall have been submitted to and approved in writing by the Local Planning Authority. The accesses shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of sustainable development and highway safety, further to Policies EQ2, TA1, TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

21. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Highway Authority, no dwelling hereby permitted shall be occupied until bollards, or similar features, to prevent vehicular access onto the footpaths have been provided/constructed on all the footpaths that enter /exit the site from West Street, in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall indicate their locations, numbers, appearance/design, materials of construction, colour finishes and heights. The approved bollards or similar features shall thereafter be maintained and retained in situ at all times, unless the Local Planning Authority consents in writing to their removal.

Reason: To prevent unacceptable vehicular and pedestrian conflict in the interests of public safety and convenience, having regard to Policies EQ2, TA1 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

22. No dwelling hereby permitted shall be occupied until a scheme of street lighting has been installed to serve the development in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

23. No dwelling hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the application site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and highway safety, in accordance with Policies TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

24. All garaging, parking and turning spaces shall be provided, laid out, surfaced, drained and (where appropriate) delineated in accordance with plans to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business purposes and they shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable

vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

25. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each dwelling within its associated garage and/or parking space. Such provision shall be in accordance with details indicating siting, numbers, design, rating and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

26. No dwelling hereby permitted shall be occupied until refuse and recycling storage areas have been provided to serve each dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting, area and means of hardening, draining and screening of such refuse/recycling storage areas. The refuse/recycling storage areas shall thereafter be retained and maintained as such, unless the Local Planning Authority gives prior written approval to any subsequent variations.

Reason: In order to provide adequate provision of on-site refuse and recycling storage to serve the development to ensure that any impact on visual and residential amenity is kept to a minimum, having regard to Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

27. 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 Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

28. From the vehicular access hereby permitted, there shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

29. 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, further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

30. Except for the installation of any street lighting approved pursuant to condition 22, prior to the erection, installation, fixing, placement and/or operation of any other external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the

equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the application site and the hours at which such lighting is to be operated.

No artificial lighting associated with the development shall illuminate the boundary habitats, newly created habitats, or any proposed bat boxes, bat roosts or flight paths used by foraging or commuting bats.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

31. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning authority by the applicant/developer. Such unsuspected contamination may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

An investigation and risk assessment must be undertaken and, where necessary, a remediation scheme must be prepared; these will be subject to the written approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which will be subject to approval in writing from the Local Planning Authority prior to the occupation of any dwellings so affected by the contaminated area.

Reason: In the event that unsuspected contamination is encountered, the agreement of various risk assessments and any necessary remediation measures and validation report undertaken is fundamental to ensure that risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

32. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (roof additions);
- (c) Part 1, Class C (other roof alterations); and
- (e) Part 2, Class A (gates, fences, walls or other means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the locality in general, by ensuring there are no inappropriate extensions to dwellings and means of enclosure when viewed from public vantage points; to prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property; to safeguard biodiversity interests; and to safeguard on-site parking and

circulation areas, having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

33. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no construction of any gas compounds, electricity substations, buildings for the purposes of electronic communications or water pumping stations shall commence prior to the submission to and written approval from the Local Planning Authority relating to details of the siting, levels, elevations, dimensions, external materials, access arrangements, boundary treatments and landscaping for each of those utility buildings or compounds. Development shall thereafter be undertaken only in accordance with the approved details.

Reason: To ensure that the siting and external appearance of any utility compounds and buildings is acceptable in relation to the character and visual amenity of the development and the wider area and in the interests of protecting the amenity of occupiers of neighbouring dwellings and buildings; maintaining highway safety; protecting biodiversity; protecting green infrastructure resources; and having regard to Policies EQ2, EQ4, EQ5, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

#### **Informatives:**

##### **01. Legal Agreement**

This permission shall be read in conjunction with the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between South Somerset District Council and xxxx and dated xxx 2020.

##### **02. Birds**

The developer/applicant is reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

In the event that vegetation removal will be taking place then further consultation must be sought prior to this.

##### **03. Bats**

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

##### **04. LEMP**

In respect of condition 11d), the appropriate management options for achieving aims and objectives should include:

- a) At least 49 bird boxes as per recommendation by the RSPB in its consultation response;
- b) A suitable number of bat boxes - at least one per house;
- c) At least one integrated bee brick (<https://www.nhbs.com/bee-brick>) must be built into the external wall space of the each new building. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes;
- d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site;

- e) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native;
- f) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

#### **05. Land Drainage Act**

Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

#### **06. Traffic Impact**

A condition survey of the existing public Highway should be agreed in advance of any site works. Any damage to the existing Highway caused as a result of this development is to be remedied by the developer before occupation of any dwellings. Photographs taken prior to construction starts should be available on request.

#### **07. Odour from Neighbouring Farm**

Occupiers of the residential units hereby approved may from time to time experience some odour annoyance associated with the neighbouring farm. It should be noted that such annoyances may not necessarily be actionable under Environmental Health powers bestowed upon the Council. Further advice can be obtained from the District Council's Environmental Protection Team.

#### **08. Contamination**

It should be noted that, with reference to the National Planning Policy Framework (February 2019) paragraph 179, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

#### **09. Lighting**

In respect of condition 30, light could cause nuisance to existing residential properties and ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council, and also Guidance Note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

#### **10. Designing Out Crime**

As suggested by the Avon & Somerset Constabulary - Designing Out Crime Officer, when considering the layout of the residential estate blank gable end walls/elevations that abut public spaces should be avoided, but where they are unavoidable, a buffer zone should be introduced to avoid issues such as graffiti, loitering and ball games.

#### **11. CIL**

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](mailto:cil@southsomerset.gov.uk)