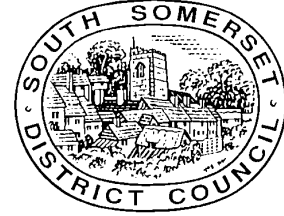


**South Somerset District Council**

*Notice of Meeting*



# Area West Committee

*Making a difference where it counts*

**Wednesday 18th January 2017**

**5.30 pm**

**Henhayes Centre,  
South Street Car Park  
Crewkerne, TA18 8DA**

(Disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Jason Baker  
Marcus Barrett  
Mike Best  
Amanda Broom  
Dave Bulmer  
Carol Goodall

Val Keitch  
Jenny Kenton  
Paul Maxwell  
Sue Osborne  
Ric Pallister  
Garry Shortland

Angie Singleton  
Andrew Turpin  
Linda Vijeh  
Martin Wale

Consideration of planning applications will commence no earlier than 6.45pm.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462055 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Tuesday 10 January 2017.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app



INVESTORS IN PEOPLE

## **Information for the Public**

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December) in village halls throughout Area West (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website  
[www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at committees**

### **Public question time**

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

### **Planning applications**

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

## **Recording and photography at council meetings**

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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# **Area West Committee**

## **Wednesday 18 January 2017**

### **Agenda**

#### *Preliminary Items*

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 7th December 2016**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

#### **Planning Applications Referred to the Regulation Committee**

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Mike Best, Sue Osborne and Angie Singleton

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

- 4. Date and Venue for Next Meeting**

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 15<sup>th</sup> February at 5.30pm at the Archie Gooch Pavilion, Ilminster.

- 5. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

## **6. Chairman's Announcements**

### *Items for Discussion*

- 7. Area West Committee - Forward Plan** (Pages 6 - 8)
- 8. Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing** (Page 9)
- 9. Report to Area West Committee - Avon and Somerset Police and Crime Panel** (Pages 10 - 11)
- 10. Area West Committee - Review of Arrangements** (Pages 12 - 15)
- 11. Area West - Reports from Members on Outside Bodies** (Page 16)
- 12. Planning Appeals** (Pages 17 - 25)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 26 - 27)
- 14. Planning Application: 15/02733/OUT - Land And Premises Barley Farm, Houses Lane, Tatworth** (Pages 28 - 45)
- 15. Planning Application: 16/03186/FUL - Kings Arms Market Square Crewkerne** (Pages 46 - 52)
- 16. Planning Application: 15/04770/FUL - North Street Trading Estate North Street Crewkerne** (Pages 53 - 91)

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**

# Agenda Item 7

## **Area West Committee - Forward Plan**

*Assistant Director: Helen Rutter (Communities)*  
*Service Manager: Zoe Harris, Area Development Lead (West)*  
*Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services*  
*Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055*

### **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

### **Forward Plan**

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

**Background Papers:** *None.*

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**Notes**

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
  - (a) Chairman’s announcements
  - (b) Public Question Time

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
15th February 2017	Citizens Advice South Somerset	Presentation	David Crisfield, Third Sector & Partnerships Co-ordinator Angela Kerr, Chief Executive Officer, Citizens Advice South Somerset
15 <sup>th</sup> February 2017	Welfare Benefits	Service Update Report	Catherine Hansford, Welfare Advice Team Leader
15 <sup>th</sup> February 2017	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme	Colin McDonald, Corporate Strategic Housing Manager
15 <sup>th</sup> February 2017	<i>Local Housing Needs in Area West</i>	<i>Service Update Report</i>	<i>Kirsty Larkins, Housing &amp; Welfare Manager</i>
15 <sup>th</sup> March 2017	<i>Making It Local Executive Group</i>	<i>Reports from members on outside organisations.</i>	<i>Cllr. Martin Wale</i>
15 <sup>th</sup> March 2017	<i>A Better Crewkerne &amp; District (ABCD)</i>	<i>Reports from members on outside organisations.</i>	<i>Cllr. Mike Best</i>
15 <sup>th</sup> March 2017	<i>Licensing Service</i>	<i>Update report on the Licensing Service</i>	<i>Nigel Marston, Licensing Manager</i>
15 <sup>th</sup> March 2017	<i>S106 Obligations</i>	<i>Update report</i>	<i>Neil Waddleton, S106 Monitoring Officer</i>
15 <sup>th</sup> March 2017	<i>Annual report on Local LICs</i>	<i>Update report</i>	<i>Zoe Harris, Area development Lead (West)</i>
19 <sup>th</sup> April 2017	<i>Ilminster Forum</i>	<i>Reports from members on outside organisations.</i>	<i>Cllr. Carol Goodall</i>

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
19 <sup>th</sup> April 2017	<i>Arts and Entertainment Service Update Report</i>	<i>Annual Update Report</i>	<i>Adam Burgan, Arts &amp; Entertainments Manager Pauline Burr, Arts Development Officer</i>



# Agenda Item 8

## **Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing**

*Assistant Directors:* Helen Rutter (Communities)  
*Lead Officer:* Zoe Harris, Area West Team Leader  
*Contact Details:* zoe.harris@southsomerset.gov.uk

This item relates to the active promotion of Community Safety in Area West.

Sgt. Rob Jameson from the police will attend the meeting and give a short presentation on local issues, crime trends and initiatives.

**Background Papers:** None

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# Agenda Item 9

## **Report to Area West Committee – Avon and Somerset Police and Crime Panel**

The Panel meets every 2 months but also has other meetings involving Scrutiny of specific topics and deals with any Complaints made against the Commissioner.

I have been involved in a number of scrutiny panels, the last being failures of the Commissioners plan (2015/16) in relation to dealing with Burglary, which are on the rise after some years of declining reports.

I also sat on two Complaints Panels, the first being in connection with the Commissioners handling of the dismissal of the last Chief Constable and the other a complaint re information given to a Public meeting.

The Commissioner has no power re operational decisions but does set the budget and publishes a Plan which set out the direction and priorities of the Service

The Panel has input into the Plan and has to approve the Annual budget.

The Commissioners Plan for 2017 has the following headings-

**Protect the most Vulnerable from Harm**, acting as a fierce advocate for victims and ensuring the most vulnerable are protected.

**Strengthen and Improve your Local Policing teams**, ensuring the Police are accessible and tackle the crime that matters to you

**Ensure Avon and Somerset Constabulary has the right people, right culture and right equipment**, working with the Chief Constable focusing on supporting the representative workforce programme, providing suitable equipment and technology for Officers and Staff, developing leadership capability to embed a positive culture and to reform how complaints are handled

**Work together efficiently with other Police forces and key partner agencies to provide better service to local people**, working with other Constabulary and other public sector partners to share estates and enabling services and make savings for reinvestment in priority areas, and transform the criminal justice system locally into a criminal justice service.

The December meeting was attended by the Commissioner and Chief Constable Andy Marsh.

The presentation from the Ch. Constable informed the Panel on the issue of Body Cameras to all Officers and PCSO's and their advantages, the success of 'County Lines' in relation to drug offences, the issue of palm- held commuters and their use, changes to PACE re arrests and stops, difficulties of attracting certain ethnic groups to take up a Police career and the arrangements to be made in relation to prisoner transportation after the closure of charging facilities at Yeovil Police Station and the relocation of officers to the town centre.

The Commissioner explained that with over £8 million deficit on the 2017 Budget difficult decisions have to be made. When questioned she stated that neighbourhood policing would be maintained and where possible strengthened but Policing would be directed and the return to general patrol 'was never going to happen'.

In relation to Yeovil Police Station she stated that the cost of making the Yeovil cells compliant with current standards could not be budgeted for and made assurances in relation to prisoner transportation to the charging centre at Bridgwater, at peak times!

The location of the response teams (24 hour emergency service) has yet to be decided and it is possibly going to have a prisoner holding facility.

Chard Police Station has for some time been earmarked for closure but this is in the second phase of cuts and no date was available.

I realise that most of the above gives rise to more questions than it does supply answers, but I will do my best to answer any of your questions either at Area West or by email.

Martin Wale

Police and Crime Panel Representative, SSDC

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# Agenda Item 10

## **Area West Committee – Review of Arrangements**

*Assistant Director:* Helen Rutter Communities  
*Service Manager:* Angela Cox, Democratic Services Manager; Zoe Harris, Area Development Lead (West)  
*Contact Details:* [helen.rutter@southsomerset.gov.uk](mailto:helen.rutter@southsomerset.gov.uk) or 01963 435012  
[jo.morris@southsomerset.gov.uk](mailto:jo.morris@southsomerset.gov.uk) or 01935 462055

### **Purpose of the Report**

To allow Area West Committee Members to consider the suitability of the current start time and other arrangements for the Area West Committee meetings. To agree any changes required for the forthcoming year.

### **Public Interest**

Area West Committee meetings are held in public. This allows residents and others to observe the Committee in action and also to make representations. The Committee is held at various venues on the 3<sup>rd</sup> Wednesday of every month starting at 5:30pm, with planning applications being determined last on the agenda.

### **Recommendations**

It is recommended that:

- 1) The start time for Area West Committee remains at 5:30pm
- 2) The rotation around the most suitable venues in Area West continues, with new venues being trialled where the meeting space meets our criteria.
- 3) The order for the agenda remains the same with planning applications determined in the second half of the meeting

### **Background**

Area Committee meetings are a key element of local governance in South Somerset. It is vital that elected members feel able to participate and contribute as fully as possible in local decision making. It is good practice to periodically review Area Committee arrangements.

The choice of starting times has been a matter for each Area Committee to decide. The expectation is that Area Committee meetings are held at a time and place that Members feel is best suited to their Area. The arrangements for all 4 Area Committees vary widely. It is recognised that any arrangements will always involve some compromise. All meetings are normally held on a Wednesday.

### **Analysis of meetings held since December 2015**

The Democratic Services Officer has produced analysis of the meetings held over the last year to further inform Councillors of issues and trends

Date	Venue	Start	Finish	Duration	Total Reports	Planning
16/12/2015	Council Chamber, B Way	17:30	19:30	2.0	7	1
20/01/2016	Wadham School, Crewkerne	17:30	19:00	1.5	8	1
17/02/2016	Victoria Hall, Crewkerne	17:30	22:00	4.5	10	2
16/03/2016	Swanmead Comm School	17:30	18:50	1.3	5	0
20/04/2016	The Guildhall, Chard	17:30	21:10	3.7	8	2
18/05/2016	Swanmead Comm School	17:30	19:30	2.0	6	1
15/06/2016	The Guildhall, Chard	17:30	21:45	4.3	13	4
20/07/2016	The Guildhall, Chard	17:00	21:00	4.0	8	1
17/08/2016	Henhayes Centre, Crewkerne	17:30	21:15	3.8	10	4
21/09/2016	Meeting Cancelled					
19/10/2016	Henhayes Centre, Crewkerne	18:00	21:20	3.3	8	2
16/11/2016	The Guildhall, Chard	17:30	18:25	0.9	6	0
07/12/2016	Henhayes Centre, Crewkerne	17:30	21:35	4.1	11	5
<b>TOTAL</b>				35.4	100	23

- The average meeting time was 2hrs 55mins
- The shortest meeting took 55mins
- The longest meeting took 4hrs 30mins

Set up/pack away times for each venue, including travel time, loading up/packing away are shown below along with a comparator of the Archie Gooch Pavilion:

Venue	Time	Comment
Henhayes Centre, Crewkerne	4hrs	2 people required for set up due to short availability of hall & the need to set up portable hearing loop. No caretaking – all tables & chairs need to be set up & packed away. Teas can sometimes be provided by the WI. Some health & safety issues due to the need to lock & alarm the building
The Guildhall, Chard	1.5hrs	All caretaking, teas & equipment provided. No lone working or health & safety issues
Swanmead Community School, Ilminster	3.5hrs	Some caretaking provided. 2 Officers required for set up due to need to set up portable hearing loop. Limited on site & adjacent car parking. Lone working not an issue
Archie Gooch Pavilion (Ilminster FC), Ilminster – proposed new venue	3.5hrs	Possibly some caretaking provided. 2 Officers required for set up due to need to set up portable hearing loop

This shows that the most time efficient hall for the Committee is The Guildhall, Chard and the least is the Henhayes Centre, Crewkerne. Venue choices are limited by hall size, acoustics, availability, accessibility & parking. This means that over the past year the Committee has

rotated between 3 main Area West venues. Other halls are evaluated when they become available.

### **Area West Committee Arrangements Survey**

To assist with the decisions over timing, location and order of agenda, a survey was sent to all Area West Councillors. This e-survey highlighted the pros and cons of the various options. Sixteen responses were received so 100% response rate.

**Timing** – there was a majority agreement 68.75% to retain the current arrangement for a 5:30pm start. 18.75% voted for a morning meeting and 12.50% for an afternoon meeting.

Comments included:

- *“working Councillors unable to attend earlier”;*
- *“as a Council we should make the meetings open to all and that includes those who work be it Councillors or members of the public”;*
- *“this suits me best because of work commitments which I am contracted to undertake”;*
- *“I would like to see planning start at 5:30pm. I would then start AWC at 4:00pm to deal with Area matters. This would save Officers’ time and applicants and objectors could still attend after work”;*
- *“could they be in the Lace Mill so that we can have a warm and consistent wifi connection?”;*
- *“out of hours work by staff should be dealt with on a flexi hour system NOT through overtime payments. Most Parishes’ meetings have long been de-conflicted with AWC meetings. Unsure as to what professional advice we have been missing?”;*
- *“there is not a really good time for me but I would prefer a morning, if possible, as I often have other evening commitments and an afternoon start may go on”.*

**Venue** – 9 (56.25%) selected to “continue with the existing arrangement”, 6 (37.50%) chose to “fix” the venue in one optimum venue within Area West (eg: Guildhall, Chard) and one (6.25%) would have preferred Brympton Way. The majority view from Councillors 56.25% was to keep the current arrangements. Cost and time factors were not felt to be sufficiently important by the majority to warrant change. The Democratic Services Officer evaluates alternative venues but only a few are able to meet our essential criteria.

Comments included:

- *“the Area Committees are to enable us to make contact with the people locally, keeping it in Chard or even worse Yeovil, would destroy what we have built up over the years larger planning applications need to be heard in the town relevant”;*
- *“important to retain principle of local decision-making in local area. The Guildhall is well known and parking is adequate and nearby. Henhayes is also a good venue if Guildhall not available”;*
- *“a shame that we no longer go to the villages, but I understand the reasons why we no longer do this”;*
- *“Brympton Way is a no no for Area West and could prove to be the thin end of a very thick wedge!”;*
- *“suggest Chard is the primary routine location but prepared to move to Crewkerne or Ilminster for locally significant planning applications that warrant a move (eg: Crewkerne Key site/Horlicks site in Ilminster”;*
- *“the rotating of venue is not always consistent at present. It does help to have key meetings with a large amount of local interest in the nearest location to enable people to attend”;*

- *“it will be interesting to know what the set up time of 3.5 hours actually costs? Probably more than £130”.*

**Order of agenda** – The Chairman and Vice Chairman assess the anticipated duration of non-planning items and from this set a realistic start time for the planning applications to be determined. This method has been quite accurate throughout the last year. The biggest variable to meeting length is therefore the number of planning applications. Fourteen Councillors (87.50%) wished to retain the current arrangement regarding the order of the agenda with only 2 Councillors (12.50%) wishing to have planning first followed by non-planning.

Comments were:

- “start meeting at 4:00pm”;
- *“again 5:30pm is not good for the public who want to attend. If fresher Councillors is the only pro that can be put forward, then I am sure the stress for Councillors getting there on time and coming straight in to planning will counterbalance that argument.”*

Overall members have indicated that they wish to keep the current arrangements. It is anticipated that the much wider Transformation programme will revisit and reshape Area working over the course of the next 2 years.

### **Financial Implications**

There are no new financial implications arising from this report as members have indicated that they wish to keep the current arrangements. This “cost of democracy” is a conscious choice inherent in the area working arrangements.

### **Corporate Priority Implications**

The work of the Area Committee system is dedicated to promoting all of the Council's Corporate Priorities.

### **Carbon Emissions and Climate Change Implications**

All the venues used by the Committee require the vast majority of people to travel by car. This is currently the case. The report doesn't seek to change these arrangements

### **Equality and Diversity Implications**

All venues are vetted to ensure that they are fully DDA compliant and provide a good quality meeting environment. Ideally they will offer wifi too as this is increasingly expected by the public.

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# Agenda Item 11

## **Area West – Reports from Members on Outside Bodies**

*Assistant Director:* Helen Rutter, Communities  
*Lead Officer:* Zoe Harris, Area Development Team Leader  
*Contact Details:* zoe.harris@southsomerset.gov.uk or 01460 260423

### **Purpose of the Report**

To introduce reports from members appointed to outside bodies in Area West.

### **Public Interest**

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

### **Background**

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on ten outside bodies at the June 2016 meeting.

### **Reports**

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member report is:

Ile Youth Centre Management Committee (Ilminster) – Cllr. Val Keitch

### **Recommendation**

That the verbal report is noted.

### **Financial Implications**

None.

### **Council Plan Implications**

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

***Background Papers:*** None

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# Agenda Item 12

## **Planning Appeals**

*Assistant Director: Martin Woods (Economy)*  
*Service Manager: David Norris, Development Manager*  
*Lead Officer: David Norris, Development Manager*  
*Contact Details: david.norris@southsomerset.gov.uk or 01935 462382*

## **Purpose of the Report**

To inform members of the appeals that have been lodged, decided upon or withdrawn.

## **Recommendation**

That the report be noted.

## **Background**

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

## **Report Detail**

### **Appeals Received**

15/04866/OUT – Land Rear of The Bell Inn, Broadway Road, Broadway, Ilminster, Somerset (Committee decision)

Outline application for residential development (for up to 25 No. dwellings) with associated vehicular arrangements, relocation of parking for Norbeth and The Bell Inn.

16/02017/FUL – 3 Crossways, South Chard, Chard, Somerset, TA20 2PG (Officer decision)

The carrying out of engineering works for the construction of off road parking to include the erection of retaining walls with steps for access.

16/03479/FUL – 1 Wadham Close, Ilminster, TA19 9NH (Officer Decision)

The erection of a detached building to provide ancillary accommodation to main dwelling (Revised Application)

### **Appeals Dismissed**

14/04399/FUL – Land at Crewkerne Road, Chard, Somerset (Committee decision)

Erection of 72 dwellings with vehicular access and supporting infrastructure (GR333519/108681)

## **Background Papers**

Appeal decision notice attached

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## Appeal Decision

Hearing held on 10 November 2016

Site visit made on 10 November 2016

**by I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 December 2016**

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**Appeal Ref: APP/R3325/W/16/3152706**

**Land off Crewkerne Road, Chard, Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by C G Fry and Son Limited against the decision of South Somerset District Council.
  - The application Ref 14/04399/FUL, dated 25 September 2014, was refused by notice dated 25 April 2016.
  - The development proposed is the erection of 72 dwellings with vehicular access and supporting infrastructure.
- 

### Decision

1. The appeal is dismissed.

### Procedural matter

2. A properly completed section 106 agreement has been submitted, the contents of which were discussed at the hearing. It secures financial contributions towards the provision of on-site affordable housing, local infrastructure and services. Its terms are addressed in more detail within the decision.

### Main Issue

3. The main issue in this appeal is whether the appeal scheme comprises sustainable development as defined in the National Planning Policy Framework('the Framework'), having regard to;
  - whether the location of the proposed development would comply with the development plan;
  - whether the proposed development would provide acceptable living conditions for future occupiers with regard to noise and disturbance;
  - whether the proximity of the proposed houses to Numatic International Limited would result in unreasonable restrictions placed upon the business;
  - whether play facilities for the young children of future residents would be reasonably accessible; and,
  - housing land supply, the accessibility of services and facilities from the site and the social, economic and environmental effects of the proposal.

### Reasons

*Location of development*

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4. The development plan for the district consists of the South Somerset Local Plan which was adopted in 2015. Its settlement strategy is to focus development on Yeovil and expand market towns such as Chard. The Inset Map for Chard contained within the Local Plan identifies that the appeal site falls within one of several larger areas of land that have been allocated for strategic growth as part of the Chard Eastern Development Area. Policy PMT1 of the Local Plan identifies that in these areas employment, housing, schools, neighbourhood centres, sports and open space uses will be supported. In providing housing the proposed development would therefore be one of several uses that would comply with the development plan.
5. Reference has been made to the Chard Regeneration Plan and the Chard Regeneration Framework Implementation Plan which were prepared in 2010. These documents show housing on the appeal site. However, they form part of the evidence base used in the preparation of the Local Plan, rather than detailed proposals that the development plan requires future growth to be carried out in accordance with. As a result, this and the proof of evidence referred to in relation to an earlier appeal<sup>1</sup> does not alter my finding that housing is one of several uses of the appeal site which would comply with the development plan.

#### *Noise*

6. The appeal site is a field of pasture that abuts part of the northern boundary to Numatic International Limited. The company manufactures commercial cleaning equipment and operates throughout the day and night, seven days a week. The National Planning Policy Framework ('the Framework') is an important material consideration. At paragraph 123 it states, amongst other matters, that in relation to new development noise should be avoided that gives rise to significant adverse impacts on health and quality of life<sup>2</sup>.
7. Policy EQ2 and EQ7 of the Local Plan have been cited by the Council in relation to this issue. Policy EQ2 seeks high quality design that takes account of site specific considerations. Such considerations, to my mind, include the noise environment and its effect on future residents. As a result, it is consistent with the approach of the Framework. Policy EQ7 seeks to control development that would generate noise, rather than control development that would be introduced close to an existing noisy land use - as is the case with the appeal proposal. Whilst policy EQ7, as far as it goes, is consistent with the Framework it is therefore not relevant to the appeal proposal.
8. As the appeal site adjoins the boundary of Numatic International Limited the potential for noise that could give rise to significant adverse impacts on health and quality of life exists. The operation of the business generates a variety of different noises. Sources include machinery within buildings, external plant and the movement of vehicles, such as lorries and a large number of fork lift trucks that are used on the site.
9. Along the northern boundary of Numatic next to the appeal site is a storage area serviced by fork lift trucks and two workshops where powered handtools, including angle grinders, are used. Next to this area are a series of large rectangular buildings whose long sides face the boundary with the appeal site.

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<sup>1</sup> Mr Gunn, Appeal reference APP/R3325/A/13/2209680 & 2203867

<sup>2</sup> Planning Practice Guidance, advises that noise at or above the significant observed adverse effect level (SOAEL) will have a significant adverse effect on health and quality of life (Paragraph 004 Reference ID: 30-004-20140306).

- Building 8, the nearest building, has been used as a warehouse but in plans that are currently underway it will be used for manufacturing.
10. Further to the west of the appeal site along its northern boundary, away from the manufacturing and warehousing areas, are the rear gardens of houses along Nursery Gardens. They face the company's offices and its car park. Here, despite preventing fork lift truck operations within this part of the site in the evenings and at weekends to minimise noise, the company has received complaints about noise and disturbance in recent years that are far in excess of those formally made to the Council.
  11. It was common ground between the parties at the hearing that in relation to living conditions within the proposed dwellings the most appropriate standards are those contained within BS8233:2015 'Guidance on Sound Insulation and Noise Reduction for Buildings', together with 45dB LAmax to protect against intrusive noise events of short duration. Exceedance of these standards it was stated would exceed the significant observed adverse effect level (SOAEL). I have no reason to disagree with that position.
  12. Externally, in the gardens of the proposed houses BS8233 uses an equivalent continuous sound level of 55 dB LAeq, measured over the 16 hour period of 07:00 hours to 23:00 hours, as the daytime limit. However, in my judgement use of this limit is appropriate to more anonymous noise sources, such as road traffic, and does not properly allow for the prominence of short duration and distinct noises associated with a factory such as Numatic. Such noises include, for example, reversing beepers attached to vehicles and horns sounded by fork lift trucks as they enter buildings. As a result, I agree with Numatic's noise consultants that in order to take account of such factors the SOAEL measured over this time period for gardens should be 50 dB LAeq and that the lowest observed adverse effect level should be 45 dB LAeq.
  13. In order to reduce noise levels within the majority of the appeal site, a row of terraced houses parallel to the southern boundary is proposed. Predicted noise levels on the basis of the existing operations and currently anticipated near future operations at the Numatic site have been agreed<sup>3</sup>. These show that the presence of the terrace would be insufficient to prevent sound levels within the rear gardens of the terrace and other proposed houses to the north exceeding the SOAEL of 50d(B)LAeq. Along the western side of the appeal site even higher levels in excess of 65 d(B)LAeq would occur within some garden areas. A significant amount of the predicted noise would occur as a result of noise breakout from the roofs of the manufacturing buildings. Consequently, acoustic fencing along the western side of the appeal site would not reduce noise levels along the most of the rear of the terrace. Within the garden areas of those houses along the western side of the site such fencing would only reduce levels by approximately 5d(B).
  14. During the warmer months of the year gardens may be in use from early in the day to late in the evening for outside eating, relaxation, socialising and play. As such they are of high amenity value. Therefore, whilst within the proposed dwellings, subject to appropriate construction and facing windows being kept closed, acceptable noise levels could be achieved, outside unacceptable living conditions would occur within the garden areas of many of the proposed properties. On the basis of the predicted noise levels and the mitigation

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<sup>3</sup> Document 3 submitted at the hearing.

measures that were discussed, I am not persuaded that such harm could be prevented by condition.

15. The proposed development would therefore result in unacceptable living conditions for future occupiers of the proposed development contrary to policy EQ2 of the Local Plan and the first bullet of paragraph 123 of the Framework.

*Effect of the proposed residential development on Numatic International Limited*

16. The third bullet point of paragraph 123 of the Framework states that decisions should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established. It was agreed at the hearing that where such circumstances exist that this bullet point is a policy of the Framework that restricts development.
17. Numatic moved to its current location in Chard in 1990. Since then its production has increased eight fold and £100 million has been invested in the business. With nearly 1,000 staff the company is Chard's largest employer and provides skilled jobs that pay above the local average wage. It is therefore of significant importance to the local economy.
18. The company has plans to increase turnover by 30% in five years. This will involve locating warehousing at the western end of the site and concentrating manufacturing at the eastern end of the site to the south of the appeal site.
19. Based upon the modelled noise levels across the appeal site of existing and currently anticipated near future operations, if the proposed development went ahead it is likely that future residents would complain about noise and that such complaints would be justified. This would result in the business being required to take measures to reduce noise levels such as relocating manufacturing machinery and plant and preventing the movements of lorries and fork lift trucks close to the appeal site. Such measures would restrict the operation of the business and could well inhibit its development. Given the very competitive nature of the market this would place avoidable restrictions on the business that could adversely affect its prosperity and limit its future development and growth.
20. I therefore find that the proposal is likely to result in unreasonable restrictions being placed upon Numatic International Limited, contrary to the third bullet point of paragraph 123 of the Framework.

*Play facilities*

21. The proposed development consists of 72 dwellings, the vast majority of which would be houses with two or more bedrooms. Such units would be suitable for families. As a result, in accordance with policy HW1 of the Local Plan, adequate outdoor play space and equipped play provision should be provided in a location that adequately services the new development.
22. At appeal stage, as part of the submitted section 106 agreement, it is proposed that an area of soft landscaping within the site shown on the application plans should be provided as public open space. This amendment would not alter the amount of housing, its layout or the scale of development and the nature of concerns of those who would normally have been consulted are clear from consultation on the proposal. As a consequence, I do not consider that the interests of those who would normally have been consulted would be

prejudiced if I took this amendment into account. My consideration of the case and decision is therefore based upon it.

23. The area of public open space would be provided in the south eastern corner of the site and would not be overlooked by nearby housing. Nevertheless, in my assessment, at approximately 100m in length and up to 15m in width it would provide reasonable on site play space provision. Furthermore, the section 106 agreement provides funding for equipped play space which could be used to provide such facilities within this space.
24. Taking all these matters into account, I therefore find that the proposed development would be adequately serviced by an outdoor play area. As such it would comply with policies HW1 and EQ2 of the Local Plan which seek good design and access to adequate outdoor play space and equipped play provision.

#### *Housing land supply*

25. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered to be up to date in situations where a local authority cannot demonstrate a five year housing land supply, and that housing applications should be considered in the context of the presumption in favour of sustainable development. In circumstances where relevant policies are out of date, paragraph 14 of the Framework advises that planning permission should be granted, unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
26. It was agreed at the hearing that the Council has a housing land supply of four years two months. Consequently, an undersupply of housing exists in the District. However, the site is located on land that the Local Plan has identified as being suitable for a variety of uses, including housing and employment. As a result, residential development of the site is acceptable in principle and the proposal is not contrary to policies relevant to the supply of housing. In terms of other policies relevant to determination of the appeal, those relied on by the Council in its reasons for refusal, consistent with a core planning principle of the Framework, seek to ensure a well-designed development and a good standard of residential amenity. As a result, these are qualitative policies and it was agreed by the appellant at the hearing that they were not relevant to the supply of housing land. As such, the absence of a five year supply of housing land does not mean that they are out of date. Given that the development plan is also not absent or silent, the tilted balance in paragraph 14 therefore does not apply to the proposed development.

#### *Sustainable development*

27. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
28. In terms of the environment, with regard to noise from Numatic International Limited the proposal would result in unacceptable living conditions for future residents of the proposed development. The appeal site is within a reasonable distance of Chard town centre and the range of services and facilities that it has to offer. It is therefore in an accessible location. Redevelopment of the site offers the potential to enhance biodiversity on the site. However, on the basis of the submitted ecological report the scope for enhancement is limited.

29. The proposed development would be located within the setting of a small building that forms part of the Grade II listed Second World War Anti-invasion structures of the Taunton Stop Line. The significance of this structure is historical. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. The building is located within the grounds of Numatic International Limited next to a workshop and the boundary with the appeal site. The proposed development, with the front elevation of one end of the terraced row of houses facing the listed building, would be set back sufficiently not to adversely affect its setting. The setting and significance of this building would therefore not be harmed.
30. Socially, 72 new dwellings would be provided of which 20% would be affordable. I recognise that there may well be a shortage of affordable housing in the District. The provision of 14 affordable dwellings as part of the appeal scheme would leave the community better off in this regard and is therefore a benefit of the scheme.
31. Economically, the proposal is likely to result in restrictions being placed upon the operation of Numatic International Limited which could inhibit its future operation and growth. As the largest employer in the town operating in a highly competitive market I attach significant weight to this consideration. The proposal would increase employment during construction and fitting out, although by its nature this would be short lived. The development would also attract a New Homes Bonus and increase council tax receipts which is a benefit to which I attach some weight. The scheme by increasing the local population would also boost local spending power. However, in the context, according to the Local Plan, of an existing Chard population of 12,703 this boost would be small.
32. The site is in an accessible location where housing and other forms of development are in principle supported by the Local Plan. The proposed development would result in some social, economic and environmental benefits which I have described above. However, the positive aspects of the proposal are insufficient to outweigh the environmental harm in relation to noise pollution, and the resulting potential economic harm from the placing of unreasonable restrictions on the operation of Numatic International Limited, together with the conflict with the Local Plan and national policy contained within the Framework in relation to these matters.
33. I therefore conclude, based upon the overall balance of considerations, that the proposal would not accord with the development plan as a whole and would not be a sustainable development.

### **Conclusion**

34. For these reasons that I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
35. As I noted as a procedural matter, at the request of the Council the appellant has submitted a properly completed section 106 agreement. The tests in paragraph 204 of the Framework and regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess the agreement against these requirements.

*Ian Radcliffe*

Inspector



## **APPEARANCES**

### FOR THE APPELLANT:

Mr Coles	WYG (Planning)
Mr Stephens	Battens Solicitors
Mr Mann	WYG (Air, noise and light)

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Norris	South Somerset District Council
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### INTERESTED PERSONS:

Mr Glover	Squire Patten Boggs (UK) LLP, representing Numatic International Limited
Mr Smith	Numatic International Limited
Mr Dursley	Acoustical Control Consultants, engaged by Numatic International Limited
Mr Collman	Acoustical Control Consultants, engaged by Numatic International Limited

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Appendix 1 to the Statement of Common Ground – Schedule of appeal plans and documents
- 2 Addendum Statement of Common Ground
- 3 Agreed predicted noise levels and resulting noise contour plans
- 4 Chard Regeneration Plan (2010)
- 5 Chard Regeneration Framework Implementation Plan (2010)
- 6 Community, Health & Leisure planning obligation contribution calculations & Community Infrastructure Levy Regulations compliance statement
- 7 Section 106 agreement
- 8 Numatic International Limited suggested noise condition

# Agenda Item 13

## Schedule of Planning Applications to be Determined by Committee

Assistant Director: Martin Woods, Economy  
Service Manager: David Norris, Development Manager  
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

### Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 6.45 pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.35 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	TATWORTH AND FORTON	15/02733/OUT	Demolition of existing outbuildings and erection of 7 No. dwellings with associated access, parking and landscaping (outline application) (GR 332874/106060)	Land And Premises Barley Farm Houses Lane Tatworth	Mr Andy Shire
15	CREWKERNE	16/03186/FUL	Conversion of outbuilding into 2 No. dwellings.	Kings Arms Market Square Crewkerne	Mr Richard Hall
16	CREWKERNE	15/04770/FUL	The erection of 44 No. dwellings and associated works including access improvements onto North Street, parking for Ashlands School and footpath link to Westover Lane.	North Street Trading Estate North Street Crewkerne	Stonewater Ltd

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

### **Referral to the Regulation Committee**

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

### **Human Rights Act Statement**

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

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# Agenda Item 14

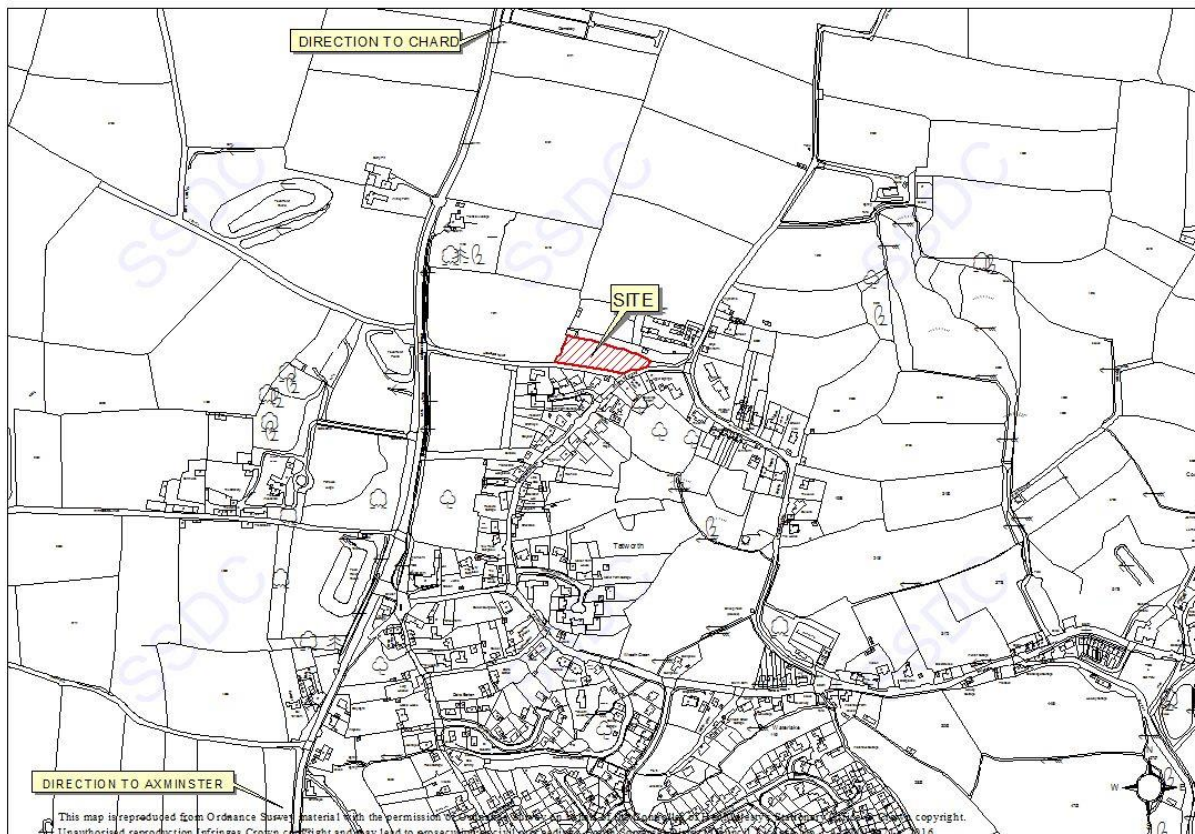
## Officer Report On Planning Application: 15/02733/OUT

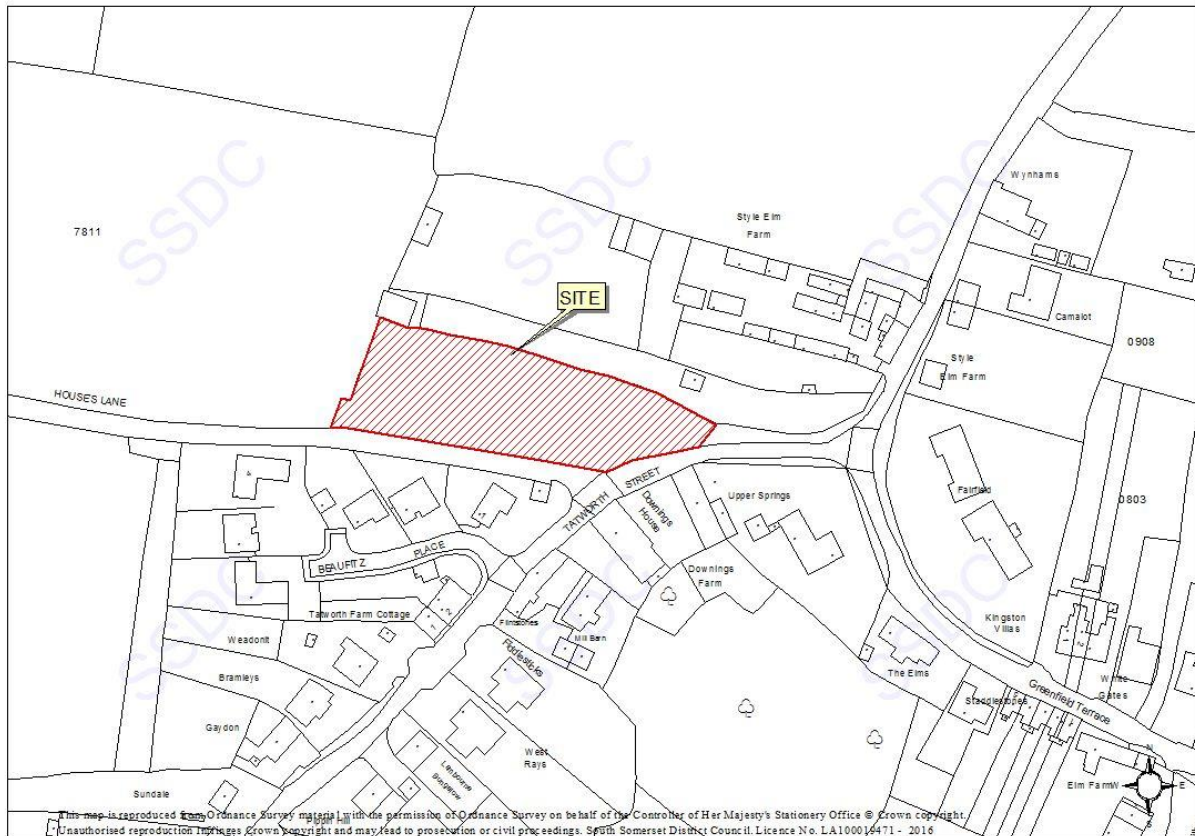
<b>Proposal:</b>	Demolition of existing outbuildings and erection of 7 No. dwellings with associated access, parking and landscaping (outline application) (GR 332874/106060)
<b>Site Address:</b>	Land And Premises Barley Farm Houses Lane Tatworth
<b>Parish:</b>	Tatworth & Forton
<b>TATWORTH AND FORTON Ward (SSDC Member)</b>	Cllr A Turpin
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date:</b>	29th July 2015
<b>Applicant :</b>	Mr Andy Shire
<b>Agent: (no agent if blank)</b>	Mr John Bird Joyden Farm Holbear Lane, Forton Road Chard, Somerset, TA20 2HS
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application was originally referred to the December Committee for consideration of the main planning issues. It was resolved by the Area West Committee to defer a decision until the January Committee to enable additional clarification on various highway matters and to enable the Councils Highway Consultant to attend the meeting.

### SITE DESCRIPTION AND PROPOSAL





The site comprises approximately 0.29 hectares located off the northern side of Tatworth Street and Houses Lane which links the site to the A358 to the west. The site contains a number of agricultural style buildings both older and modern construction. Ground levels rise gradually from the site entrance to the northern site boundary.

The site is bound by traditional hedgerow to the northern, western and southern site boundary fronting Houses Lane. The south eastern boundary fronting Tatworth Street consists of Leylandi style hedging and low stone walling.

There is one Grade II listed building located adjacent to the site to the southern side of Tatworth Street known as Downings Farm.

This is a revised outline application for residential development comprising of up to 7 no. dwellings. The application is to agree the principle of development and access only, all others matters are reserved. The outline proposal includes an indicative layout for the provision of two 2 bedroom dwellings and five 3 bedroom dwellings.

It is proposed that the dwellings would be open market units. During consideration of the application a Court of Appeal decision has clarified that affordable housing or tariff based contributions cannot be sought on developments of 10 or fewer dwellings or with a floor area of less than 1000 square metres. These thresholds would not be met.

## HISTORY

14/03027/OUT: Outline planning permission for the erection of upto 8 dwellings - Application withdrawn.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

In relation to Listed buildings Section 66 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting to 'have special regard to the desirability the preservation of the Listed building, its setting or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS4 - District Wide housing Provision

Policy SS5 - Delivering New housing Growth

Policy HG5 - Achieving a mix of market housing

Policy TA5 - Transport impact of new development

Policy TA6 - Parking standards

Policy EQ1- Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

National Planning Policy Framework

Core Planning Principles

Chapter 6: Delivering a wide choice of high quality homes

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

National Planning Practice Guidance

Guidance within the PPG is a material consideration.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSULTATIONS**

### **Tatworth Parish Council:**

Recommend Refusal for the following reasons:

- This constitutes over-development in terms of scale, mass, size and form.
- The proposal is inappropriate and not in keeping with the density or style of the surrounding properties, which include 4 Grade 2 Listed Buildings.
- The volume of traffic generated would greatly increase the existing dangers to pedestrians and motorists in Houses Lane and Tatworth Street.
- The already hazardous situation regarding vehicular access into Houses Lane from the A358 would be exacerbated. This is regarded as a dangerous road. Hazards already exist for the horse owner in providing feed and water for horses kept in an adjacent field off Houses Lane.
- Sight Lines for the Site Access should be a minimum of 43 metres in order to comply with Regulations stipulated in the Manual for Streets, as Houses Lane does not have a speed limit. (The proposed entrance is only 25 metres)
- Slow worms and dormice are extremely likely to be present on the site, as supported by Green's Preliminary Ecology Report. The local area has already lost a large amount of the species due to over-development, and therefore these are of particular importance to the local eco-system.
- Surface water flooding is an issue (drains are unable to cope) (Pictures supplied by some residents)
- Sewage system is unlikely to cope as there is already blockages to the local infrastructure
- HGV traffic (during construction) could damage neighbouring houses, some of which do not have foundations
- Air, light and noise pollution would be increased
- Main entrance is in Houses Lane where the recommendation from Highways expressed an opinion that the entrance should be from Tatworth Street.
- Houses Lane is entirely unsuitable for access to this site.
- Plots 1 -6 can only be accessed down Houses Lane from the A358. Plot 7 is accessed from Tatworth Street. There's no access between plot 7 and the other 6 plots, so the only way in is down Houses Lane via the A358 for these 6 plots.
- Loss of amenity in the form of riding stables.
- Residents have seen bats on the site regularly, indeed every night during the summer.
- How can large trucks, i.e. 26 tonne refuse trucks access the site?
- Eroding/removing the Devon Bank.
- There are numerous inaccuracies in the access statement - i.e. no 30 bus - bus times are every 1.5 hrs with no services in the evening or on Sundays and nor do they connect with public transport in Axminster. Wessex water do not deal with the sewage. The sewage system is at full capacity.
- Not enough parking spaces for the number of houses being built and they do not comply with the National guidance. We believe that for this site 20 spaces are required for parking, which will increase the level of traffic.
- Pedestrians currently are forced to walk back down Houses Lane when walking towards the A358.
- Damage has been done to sewage and water works.

- Lots of the cottages on Tatworth Street have no frontage or frontage is right onto the road.
- Tom Tom sat navs main access into Tatworth brings vehicles down Houses Lane.
- Large vehicles have been wedged in Houses Lane and have had to reverse back onto the A358 in the wrong direction, which holds the traffic up.

**SSDC Conservation Officer:**

Make sure the height of 7 is not excessive and we need to control the front elevation.

I am not happy with the area D where the wall has been pulled back to form a triangle of land. This would be somewhat odd in the streetscene.

**SSDC Ecologist:**

Bats:

The bat inspection didn't identify any evidence of bats in the buildings proposed for demolition but the consultant concluded some buildings have some (or low) potential to be used by bats and recommends an emergence survey to give confidence in a negative assessment of bat use. I support this recommendation and recommend it is made a requirement by condition:

No buildings identified as having low potential to support bats in the Preliminary Ecological Appraisal (Richard Green Ecology Ltd, August 2014) shall be demolished until a dusk emergence or dawn re-entry survey for bats has been undertaken in the period of May to September by an appropriately qualified person (preferably a licenced bat consultant) in accordance with current best practice and the survey report has been submitted to and approved in writing by the Local Planning Authority. The survey shall be completed prior to submission of any full or reserved matters planning application.

In the event of the above survey(s) concluding any potential impact to bats, full details of a mitigation plan or method statement containing measures for the avoidance of harm, mitigation and compensation, shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan (adopted).

Dormice and hedges:

Dormice have been recorded in hedges from a number of locations around the area and there is a moderate likelihood that they will occupy the site boundary hedges on either a temporary or permanent basis.

I note the north and west boundary hedges are proposed for retention. However, as these hedges (at least in part) would end up as part of the garden boundaries, there would be a lack of control over their future management or even their future retention. There would also be some loss of the south and east boundary hedges (e.g. for access).

Given the village edge context of the site, the hedges are unlikely to be of any strategic importance for dormice (e.g. as important linking corridors between significant areas of dormouse habitat).

The south and east hedges are of relatively low quality for dormice. Whilst the north and west hedges are of better quality, this is a small site and dormice exist at very low densities. It is therefore unlikely that the site would support more than a very small number of dormice at



best. Although there would be a risk of disturbance or harm to dormice from development of the site and introduction of cats or from subsequent treatment or future removal of hedges once they are garden boundaries, I consider the level of risk and likely very low numbers of dormice that would be affected is not sufficient to raise an objection.

However, given some, albeit low level of risk, and the high conservation status and legal protection afforded to dormice, I recommend a condition requiring precautionary measures:

No removal of any hedge (or part thereof) shall be undertaken until a Method Statement detailing precautionary measures for the avoidance of harm to dormice has been submitted to and approved in writing by the local planning authority. All hedge removal shall be undertaken in full accordance with the approved Method Statement unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance (dormouse) in accordance with NPPF, and of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

**Wessex Water:**

No objections. Standard comment provided regarding connections to Wessex Water infrastructure.

**South West Water:**

No objections.

**SSDC Landscape Architect:**

These revised sketches now infer a building arrangement that appears much more responsive to local context, and offer a way forward. I have no further landscape issues to raise.

**SCC Highway Authority:**

First response:

The traffic impact of the development is likely to be limited. Access arrangements appear to provide safe and suitable access as in accordance with the NPPF. The number of parking spaces is sufficient but no consideration has been given to cycle parking.

Reference has been made to the previously submitted TA but no data has been provided. It is considered that the traffic impact is unlikely to be severe; however evidence needs to be provided to demonstrate this.

Access will come from Houses Lane for 6 of the 7 properties and one dwelling will be accessed off Tatworth Street. Previous pre application consultation with SCC officers concluded that the proposed access arrangement was acceptable with the width of the carriageway, horizontal alignment and existing hedgerows likely to contribute to low speeds. In view of this 20mph visibility splays have been previously accepted by the council as acceptable. However these will need to be revised on the Proposed Site Layout plan (P-150) as this shows the 2.4 x 25m splay leading into the centre of the carriageway on House Lane, this visibility splay should be to the near edge of the carriageway and there should be no obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

The access onto Houses Lane is one way and therefore residents can only turn left coming out of their property and have to travel via Axminster Road to get back to their property. It is agreed that this is acceptable subject to the appropriate signing strategy in place prior to

occupation of the properties.

Signing strategy of one way system should be set out on the exit from the proposed access junction informing motorists of the arrangement prior to occupation. The access should be 5.0m wide for 6.0m back from the edge of highway and consolidated for 5.0m back from the edge of highway.

The proposed parking arrangement is based on 7 dwellings. This includes, as set out in Section 4 of the Design and Access statement, 5 3 bed properties and 2 2 bed properties. Based on this, the number of vehicle parking is more than sufficient for the site and above that stated in the SCC Parking Strategy. However, a higher number of higher bedroom properties are also mentioned in the documentation so this needs clarification to ensure appropriate levels of parking are provided. Single parking bays should be 5m long and 2 longitudinal spaces should be 10.5m long.

No details have been provided for cycle parking. Cycle parking should be provided in accordance with the SCC Parking Strategy. In addition the turning areas outside each dwelling need to be sufficient to allow cars to park, as well as manoeuvre. Parking outside the properties proposed may make turning an issue. Again compliance to the SCC parking strategy is required.

Due to the narrow width of House's Lane along the section where the access would be formed, it may be prudent to ask for a tracking plan (scale 1:200) showing how a refuse vehicle 11.4m long (4 axle) can turn into the estate. I have concerns that there will be areas of overrun and that it may be necessary to incorporate some form of widening to Horse's Lane in the vicinity to the access. There appears to be sufficient room for a refuse vehicle to turn within the internal estate

The infrastructure within the estate does not currently meet adoptable standards as there are no margins around the edge of the shared surface road (margins should be 1m all around except at the end of turning arms where there should be a 2m overhang margin).

The access from Tatworth Street is only 3m wide for the majority. The access should be 4.1m wide minimum to allow for 2 way traffic to avoid any queuing on the existing Highway. The site access should be consolidated or surfaced for the first 5m back from the carriageway.

The eastern splay for the Tatworth Street access appears to cross land that is neither in the applicant's ownership or Highway land. Visibility must be demonstrated and maintained and the proposed access arrangement is suitable for vehicles entering and exiting the site. There should be no obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

Please ensure there is adequate pedestrian visibility for the pedestrian link out onto Tatworth Street. The requirement is a 2.0 x 2.0m visibility splay that will need to be measured back up House Lane as well as Tatworth Street, again there should be no obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

Looking through the historic electronic filing for this site, it does appear that there have previously been flooding/drainage issues in the area. I note there was no Flood Risk Assessment on the planning portal. There is mention of the possible use of an infiltration structure to drain surface water. There should be no assumption that any connections can be made to the existing Highway drainage system. No private water should fall onto or run into the Highway.

Second response:

I refer to the above-mentioned planning application received on 21 March 2016. After submitting the application for audit, have the following observations on the amended plans provided for this proposal:-

It must be assumed that the existing highway drainage system within Houses Lane is operating at design capacity and therefore not suitable to serve to collect any increase in highway catchment. The surface water run-off from the proposed new access road, including the bellmouth junction itself, must therefore be collected by the surface water system serving the new site.

It is recommended that drainage provision be incorporated immediately upstream of the new bellmouth junction to intercept surface water runoff from Houses Lane.

It should be noted that pervious pavement is not currently approved for use in adoptable highways in Somerset and therefore will need to be constrained for use on this development within private areas only. The Designer will be required to consider in detail the correlation between any permeable paved area and the prospective public highway to ensure that any future works in the highway will not inadvertently compromise the integrity of the permeable paved area. These paved areas should also be designed with levels that fall away from the highway to reduce the impact upon the highway of any failure in their operation.

The Designer will need to consider in detail the interface between permeable paved areas and standard highway construction to ensure that the ingress of surface water doesn't have a detrimental effect on the stability of the road formation. Somerset County Council standard requirement is the provision of a suitable buffer of traditional construction between permeable paving and prospective public highways.

It should be noted that to enable the Highway Authority to adopt any road it would require soakaways to be positioned such that they would not have a detrimental long-term effect on the stability of the road formation and to that end would expect the Building Regulation requirements in terms of soakaway positioning to be satisfied. Any soakaway should be positioned a minimum distance of 3.0m from an adjacent footway and 5.0m from any carriageway

Taking the above into account, the Highway Authority is not in a position to discharge the amended plans until the developer has addressed the points that have been raised above.

Third Response:

Having looked at the updated location of the soakaway, I can see that it is now 5m away from the proposed access road (including turning head) and therefore is far enough away so as not to cause any negative impacts to the road structure.

### **SSDC Highway Consultant:**

First response:

Refer to SCC comments. Development unlikely to have significant impact on approach roads to the site. Concerns that residents may not obey the current TRO if seeking to access the site from the east, unless the TRO is altered. 2.4m x 25m visibility splays should be shown to vehicle track line rather than centreline. Potential APC liability - SCC to comment on standard of internal highway. Parking provision should seek to accord with SPS optimum standards.

Second response:

I am in receipt of an amended Proposed Site layout plan (drawing: P-150 Rev A) which shows the provision of 2.4m x 25m visibility splays at the main point of access extending to the vehicle track line which I consider to be acceptable, provided the highway authority is content that 85th%ile speeds on Houses Lane are 20mph. Any alteration to the existing TRO

would require a separate public consultation process and on the basis that the local highway authority has not mentioned the need to alter the TRO it may be prudent not to make any amendments to the TRO.

In my opinion the means of access to Plots 1-6 and to Plot 7 are broadly acceptable. I note that the highway authority has commented on the details of the internal layout and I agree that there are one or two points that need to be resolved (e.g. the provision of a margin on the eastern side of the internal access road and ensuring that vehicles reversing from P4 and P5 have sufficient turning space to execute such a manoeuvre, but I consider that these matters can be resolved at reserved matters or full application stage. Given the modest scale of the development, I do not believe it is essential that the refuse collection vehicle needs to be able to access the site - collecting waste and recyclables using the standard kerb-side collection method (with a bin store or hardstanding located close to the access) should be sufficient. Other service/delivery vehicles could reverse into the site on the very infrequent basis that such manoeuvres are required (subject to tracking which may necessitate a slackening of the southern junction radius at the main point of access).

On-site parking provision still needs to accord with SPS optimum standards but again this matter can be addressed at reserved matters or full application stage.

I would anticipate that APC would apply in this case (a matter for SCC to determine) even if it is the intention for the internal access road to remain private. On this note, it would be worthwhile re-consulting SCC in light of the revised Proposed Site Layout plan to seek its final consultation response and recommendation on this application but I trust the above is useful.

**Somerset Waste Partnership:**

I've visited the site and seen that Houses Lane is restricted to 7.5t vehicle. From an operational point of view we have very little scope for expansion on these routes, so if there is a way of putting a collection point for properties 4,5,6 accessible from Tatworth Street, via a footpath and back gates for example, it would really help to minimise the impact on the narrow access rounds.

Appreciate this is an operational issue from our point of view but anything you can do to accommodate the request would be appreciated.

It shouldn't be a problem to collect from the edge of Houses Lane for plots 1, 2 and 3.

**SDDC Drainage Engineer:**

First response:

The design proposed keeps all surface water on site by infiltration so greenfield run off rates are not relevant. The tests should be carried out to BRE Digest 365 which includes filling three times in succession etc. The design of the soakaways should also be carried to the same document. The design should cater for the 100 year, 6 hour rainfall event plus 30% climate change and 10% urban creep allowance.

Assuming this design correlates with the sizing etc. as shown the soakaways should incorporate silt collection traps and also inspection and maintenance of the silt traps and soakaways.

Identify who will be responsible for this maintenance. It is noted that the soakaways are in what will be garden areas or restricted access so arrangements for access need to be determined. A design for the permeable paving and regime for maintenance needs to be submitted.

Second response:

Whether it is acceptable under a planning condition is up to you. My comments are that the calculations are simplistic and not to an accepted standard in BRE Digest 365. In addition the infiltration tests have also not been carried out to the same document.

Whilst the figures submitted indicate good infiltration rates one of the holes was a bit 'slower'. They were also only filled once rather than three times. If the soakaways are not designed to BRE 365 then appropriate factors of safety should be applied which may have an effect on sizing.

It would be useful if the infiltration test locations were indicated on the plan. There is no indications of levels on the proposal so these should be added to verify potential overland flow routes.

The design for the proposed permeable paving needs to be submitted and indications on maintenance. The maintenance of the soakaways is an important part of the drainage system etc. so should be determined.

Like I said up to you whether you would like this prior or under condition.

Third response:

All looks OK (In response to the revised drainage calculations).

**SSDC Tree Officer:**

If an outline consent is to be granted, I'd be grateful if you would consider imposing a pre-commencement tree protection requirement, perhaps along the following lines:

Tree Condition: Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree protection details by the Council in-writing, a site-meeting between the appointed building/groundwork contractors, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of protected trees in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

**SCC Housing:**

Initially commented in relation to affordable housing provision. It has since been confirmed that affordable housing cannot be sought on this site as the relevant thresholds are not met.

**SSDC Sport, Art Leisure:**

Initially commented in relation to affordable housing provision. It has since been confirmed

that sport and leisure contributions cannot be sought as the relevant thresholds are not met.

## **REPRESENTATIONS**

In response to consultation letters and a site notice being posted, 25 representations have been received, 17 objecting and 6 in support. The following comments are made:

### Objections-

- Concerns over traffic volume/safety/parking/accessibility for refuse vehicles.
- Overdevelopment.
- Adverse impact on listed buildings and character and appearance of the area.
- Loss of hedgerow.
- Concerns over surface water flooding in the area that will be made worse by the development.
- Will set an undesirable precedent.
- Noise and light pollution.
- Loss of privacy/overlooking.
- Houses not needed.

### Support-

- Application will increase the number of affordable properties in the village.
- Will allow young families to stay within the village.

## **CONSIDERATIONS**

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted. (para.14).

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and these considerations are set out below:

**Sustainability of the settlement:**

In terms of the sustainability of any particular site, proximity to local facilities and services is a key consideration. Within the village there is a primary school, pre-school, shop/post office, playing fields, public house and bus services. Overall it is considered that Tatworth and South Chard is a sustainable location for housing development in principle given the facilities that the settlement provides.

In terms of the physical connections to these facilities, it is noted that the site is on the northern fringe of the settlement and therefore the school is approximately 800 metres away. The footway provision in the village is also intermittent which weighs slightly against the proposal. Nevertheless, the site is physically well related to the edge of the village and represents an 'infill' style plot of land. Even if some local services are accessed by car, the journeys involved would be short and therefore it is considered that the site is a sustainable location for residential development.

Having regard to the above the proposal would comply with the relevant sections of the NPPF in respect to siting housing in 'sustainable' locations.

**Number of dwellings proposed:**

The key consideration is whether the site can acceptably accommodate the number of dwellings proposed. The applicant has submitted an indicative layout, however these details would be part of a reserved matters submission and is therefore not finalised at this stage. The provision of 7 dwellings would represent a gross density of approximately 22 dwellings per hectare. This density is not considered to be excessive in this context. For the reasons outlined elsewhere in the report it is considered that an acceptable scheme can be achieved at reserved matters.

**Landscape Character/ Visual amenity/Setting of the Listed Building:**

The Landscape Architect has been consulted and his comments are quoted in the consultation section of this report. In summary the Landscape Officer does not object to the indicative layout.

The indicative layout is considered to be well conceived and provides an informal layout which is considered appropriate to this context. This is in contrast to a layout on the previously withdrawn application showing a row of semi-detached properties which was considered to be overly standard and suburban in the context of the above constraints.

There is a grade II listed building located to the opposite side of Tatworth Street, 'Downings House'. The Councils Conservation Officer has commented that care would have to be taken over the scale and design of plot 7 which is directly opposite the listed building. The design and access statement submitted with the application indicates that plot 7 would be single storey. A single storey design is considered necessary given the proximity to the listed building. It is anticipated that a design and appearance replicating the character of a converted barn may be an appropriate way to proceed at reserved matters stage. Having regard to the above, it is considered necessary to include a condition within the decision notice to ensure that any dwelling within plot 7 is single storey.

**Highways:**

There has been a significant amount of correspondence with the Highway Authority to address various points that have been raised. These are summarised as follows:

**Visibility splays:**

The applicant originally proposed visibility splays to the centre line of Houses Lane. On the amended plans the applicant has illustrated visibility splays taken to the vehicle track

line, however the highway authority commented that they should be taken to the highway edge. The Councils highway officer has commented that in a lightly trafficked single carriageway road it is acceptable to take splays to the track line and as such this detail is considered to be acceptable. The provision and retention of the visibility splays can be conditioned as part of the planning approval.

The Highway Authority commented that the visibility splays intersected an area of third party land. The applicant has since produced a land registry plan confirming that the area of verge is within their ownership. The Highway Authority have since submitted a road records plan verifying the applicants land registry plan. As such the proposal is acceptable in this regard.

**Refuse vehicles:**

The Councils Highway Consultant has commented that in his opinion it is not essential for refuse vehicles to be able to enter and turn within if appropriate bin stores can be provided close to collection points on Houses Lane and Tatworth Street. The Highway Authority suggested that the applicant consults Somerset Waste Partnership to confirm they are content with this arrangement and this has now been confirmed in writing. Having regard to the above it is considered that the above arrangements would be acceptable in terms of highway safety and are achievable in design terms at the reserved matters application stage.

**Highway adoption/Drainage:**

The internal road would be a private street rather than being adopted by the highway authority. Regulations under the Highway Act require that the road must nevertheless be constructed to an adoptable standard even though it remains as a private street in order to ensure that it will not deteriorate over time. The adoptable standard of construction precludes the use of permeable surfacing for the access road. As a consequence, the drainage scheme has been amended to take into account additional surface water which would be dealt with via onsite soakaways rather than permeating through the road surface. The Councils drainage engineer and the Highway Authority have since commented that this amendment is acceptable.

**Parking provision:**

The parking provision on the indicative layout indicates 3 spaces per dwelling which would accord with the optimum levels set out in the Somerset Parking Strategy. This issue can be addressed at reserved matters stage.

**Flooding/sewerage infrastructure:**

Objections have been received from local residents in relation to surface water flowing from the site. There is currently a relatively significant amount of hardstanding and existing buildings on the site will already create an amount of unregulated surface water run off. It is understood that this runoff exits the site at the southern end. The applicant has submitted an outline drainage scheme. Percolation tests demonstrate that the ground provides a good level of permeability. The purpose of the drainage scheme is to demonstrate that there is sufficient space within the site to locate soakaways when the root protection area of the Ash tree is taken into account. The Councils engineer has commented that the drainage scheme as submitted is acceptable.

It is a usual requirement that runoff from the access road is dealt with on site via soakaways and as such there would be no flow into the wider highway drain network. Given that the development would be undertaken in accordance with modern drainage requirements rather than the current situation where ad hoc development has taken place on the site in the past which will not comply with modern standards it is considered likely that the proposal would represent an improvement over the existing situation in drainage terms. Having regard to the above the proposal would be acceptable in relation to local plan policy EQ1.



**Ecology:**

An extended phase 1 habitat survey has been submitted with the application. The report concludes that there is no evidence for bat activity in the buildings to be demolished but nevertheless recommends an emergence survey for certainty. The Councils ecologist concurs with this view and considers that this detail can be secured via a condition.

The report concludes that there is a moderate possibility of dormice using the hedgerow at the northern end of the site. The Councils ecologist agrees but also comments that given the risk of harm is very negligible. However a condition is proposed given that dormice are a protected species.

**Tree Protection:**

There is a mature Ash tree subject to a Tree Preservation Order located adjacent to the junction of Tatworth Street and Houses Lane.

The Councils tree officer does not raise an objection subject to a planning condition relating to tree protection measures and methods of working. An additional condition is considered to be necessary in relation to the location of underground services in order that the root protection area of the tree is not harmed.

The future maintenance of the tree is also a consideration. A planning condition is considered appropriate to secure details of the future maintenance. For example if the tree is located within the ownership of plot 7 it is considered that its maintenance would be covered by the relevant property owners. Other than being the responsibility of a single dwelling, the tree would have to be included within the responsibility of a management company along with other shared areas such as the access facilities.

**Residential Amenity:**

Having regard to the relationship of the site to adjoining occupiers, it is considered that an acceptable scheme can be achieved at reserved matters stage in relation to overlooking, overshadowing and sense of enclosure.

**Conclusion:**

It is considered that the principle of providing up to 7 open market dwellinghouses would be acceptable within this sustainable location of Tatworth and South Chard. The access arrangements are considered to have no adverse impact on highway safety. The setting of the adjacent grade II listed building would not be harmed. There would be no harm to the amenities of adjoining occupiers. An acceptable drainage scheme can be secured that will not contribute to flood risk in the area.

The proposal is considered to comply with the relevant development plan policies. There are no other material considerations that would warrant a refusal in their own right.

**Section 106 Planning Obligations:**

Following a Court of Appeal ruling relating to financial contributions, it is considered that the site would be beneath the threshold whereby contributions should be sought. There are no considerations or direct impacts arising from this development that warrant a contribution to be secured contrary to this guidance.

**RECOMMENDATION**

Approve subject to conditions.

01. The proposed development is located in a sustainable location, provides social benefits in the provision of housing and will contribute to overall housing supply within the district. The impacts of the scheme will be acceptably mitigated through planning obligations and is considered that an acceptable scheme can be achieved in relation to residential amenity, highway safety, visual amenity and would not harm the setting of the adjacent Grade II Listed Building. Planning conditions would ensure that protected species are not harmed and that there are ecological enhancements within the site. An appropriate drainage scheme would ensure that the proposal does not increase the risk of flooding off site. As such it is considered that the proposal would accord with the requirements of policies EQ1, EQ2, EQ3, HG3, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

**SUBJECT TO THE FOLLOWING:**

01. 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 and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

02. The development hereby approved shall be carried out in accordance with the following approved plans: P-100; P-150 Rev. B only.

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

03. The landscaping scheme required by condition 1 shall include the retention of the existing hedges to the north, east and western site boundary fronting Houses Lane (other than for the provision of the visibility splay required by this permission), details of measures for their protection in the course of the development and measures for the protection of any trees within the development site. The landscaping scheme shall include details of any changes proposed in existing ground levels, the construction, location and finish of hardstanding and all proposed planting, seeding and turfing. The landscaping scheme shall be carried out and completed in accordance with a timetable to be agreed in writing. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local plan (2006-2028).

04. At the proposed new accesses there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays illustrated on the approved plan No. P-150 (drawn 2.4m back from the carriageway edge). Such visibility splays shall be provided prior to the commencement of the use of the access hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy EQ2 of the South Somerset local Plan (2006-2028).

05. 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 to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

06. The reserved matters application required by condition 01 shall include a detailed surface water drainage scheme together with a programme of implementation; maintenance and management of the sustainable drainage scheme, for the lifetime of the development have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- 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 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.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes, both on and off site, note: no part of the site shall be allowed to flood unless specifically designed to do so.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage, constructed to the approved details, thereafter implemented, retained, managed and maintained as per the approved details for the lifetime of the development and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

07. The reserved matters application required by condition 01 shall include details of the design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local plan (2006-2028).

08. The dwellinghouse(s) to be erected within the area annotated as 'plot 7' illustrated on the approved plan, drawing No. PL-150 Rev. A shall be of single-storey construction only with no accommodation in the roof space.

Reason: In the interests of preserving the setting of the adjacent Listed Building to accord with Policy EQ3 of the South Somerset Local plan (2006-2028).

09. Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree protection details by the Council in-writing, a site-meeting between the appointed building/groundwork contractors, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of protected trees in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

10. Prior to the occupation of any of the dwellings hereby permitted, a scheme for the management and responsibility of the mature Ash tree positioned at the junction of Houses lane and Tatworth Street as illustrated on the illustrated on the approved site layout plan, drawing No. P-150 Rev. B shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented in accordance with the agreed details in perpetuity.

Reason: To preserve the health, structure and amenity value of protected trees in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

11. No removal of any hedge (or part thereof) shall be undertaken until a Method Statement detailing precautionary measures for the avoidance of harm to dormice has been submitted to and approved in writing by the local planning authority. All hedge removal shall be undertaken in full accordance with the approved Method Statement unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance (dormouse) in accordance with NPPF, and of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

12. No buildings identified as having low potential to support bats in the Preliminary Ecological Appraisal (Richard Green Ecology Ltd, August 2014) shall be demolished until a dusk emergence or dawn re-entry survey for bats has been undertaken in the period of May to September by an appropriately qualified person (preferably a licenced bat consultant) in accordance with current best practice and the survey report has been

submitted to and approved in writing by the Local Planning Authority. The survey shall be completed prior to submission of any full or reserved matters planning application.

In the event of the above survey(s) concluding any potential impact to bats, full details of a mitigation plan or method statement containing measures for the avoidance of harm, mitigation and compensation, shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan (adopted).

**Informatives:**

01. Water Supply Connections

New water supply connections will be required from Wessex water to serve this proposed development.

Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply.

The applicant is advised that the existing Ash tree at the junction of Houses Lane and Tatworth Street is subject to a Tree Preservation Order. The Tree Preservation Order protects the tree above and below ground and prevents the cutting down, topping, lopping, uprooting, wilful damage or destruction. Any proposed works to the tree require the written consent of the Local Planning Authority. If further advice is required please contact the Councils Tree Officer on 01935 462670.

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# Agenda Item 15

## Officer Report On Planning Application: 16/03186/FUL

<b>Proposal :</b>	Conversion of outbuilding into 2 No. dwellings.
<b>Site Address:</b>	Kings Arms Market Square Crewkerne
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Member)</b>	Cllr M Barrett Cllr M Best Cllr A M Singleton
<b>Recommending Case Officer:</b>	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
<b>Target date :</b>	20th September 2016
<b>Applicant :</b>	Mr Richard Hall
<b>Agent: (no agent if blank)</b>	Mr Barry Buckley Castellum Tinneys Lane Sherborne Dorset DT9 3DY
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

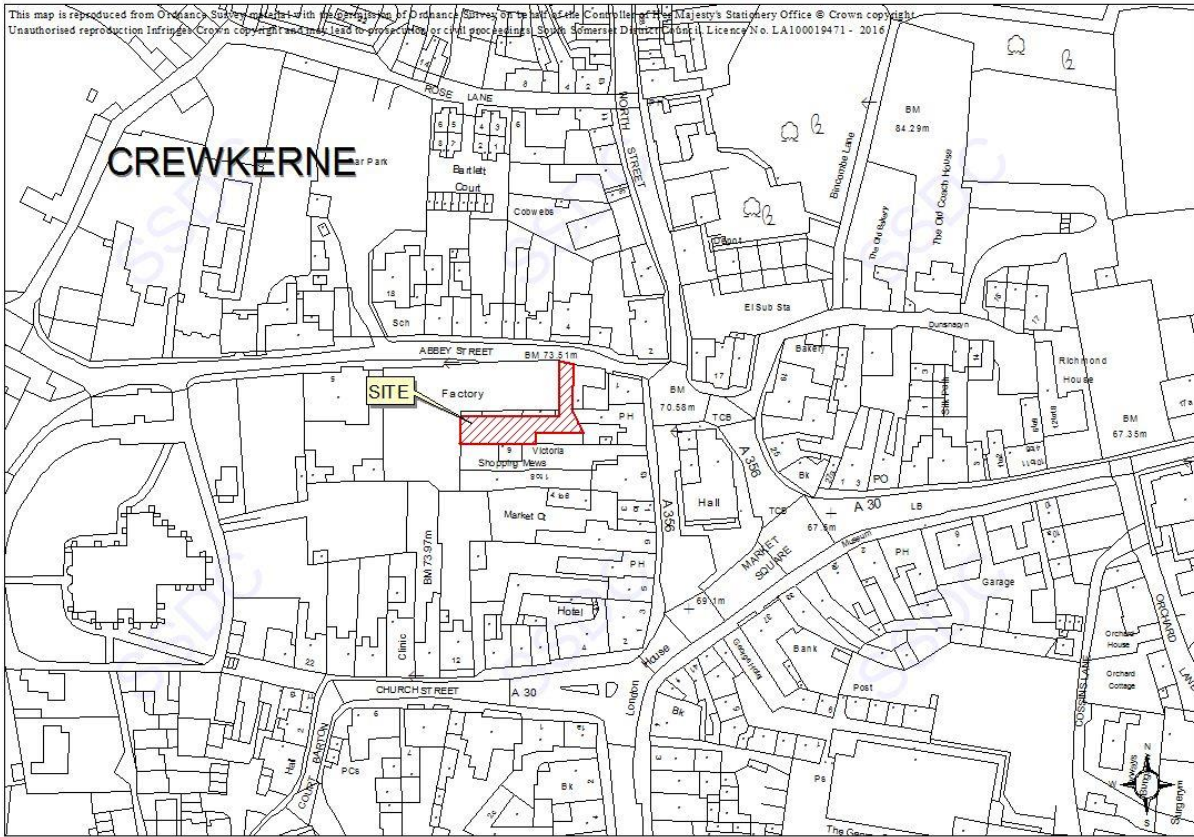
### REASON FOR REFERRAL TO COMMITTEE

Two of the ward members, in agreement with the area chair, have requested that it goes to committee so that the planning merits can be discussed in more detail

### SITE DESCRIPTION AND PROPOSAL







This is an application seeking full planning consent for the change of use and conversion of outbuildings into 2 no. dwellings. The site is located to the rear of the Kings Arms public house to the west of Market Square in Crewkerne. The site is within a conservation area and the property is Grade II listed, with listed properties on all the boundaries.

The site is within the town centre and is surrounded by commercial and residential properties. Pedestrian and vehicular access is to the north of the site onto Abbey Street.

**HISTORY**

- Relevant history:
- 883620: the demolition of outbuildings and the conversion of function room, store and skittle alley into eight dwellings - refused 15/02/89
  - 883621: Listed Building consent - the demolition of outbuildings and the conversion of function room, store and skittle alley into eight dwellings - refused 15/02/89
  - 901042: alterations and conversion of public house and outbuildings into retail shop, wine bar and six no. dwellings - Approved 29/08/90 (part of Victoria Mews)
  - 901043: alterations and conversion of public house and outbuildings into retail shop, wine bar and six no. dwellings - Approved 29/08/90 (Part of Victoria Mews)

**POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as

amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

South Somerset Local Plan (2006-2028)  
Policy SD1 - Sustainable Development  
Policy SS1 - Settlement Strategy  
Policy SS4 - District Wide Housing Provision  
Policy SS5 - Delivering New Housing Growth  
Policy EQ2 - General Development  
Policy EQ3 - Historic environment  
Policy TA5 - Transport Impact of New Development  
Policy TA6 - Parking Standards

National Planning Policy Framework  
Core Planning Principles  
Chapter 4: Promoting sustainable Transport  
Chapter 6: Delivering a wide choice of high quality homes  
Chapter 7: Requiring Good Design  
Chapter 12: conserving and enhancing the historic environment

National Planning Practice Guidance  
Design  
Conserving and enhancing the historic environment

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSULTATIONS**

**Crewkerne Town Council:**  
Recommend approval

Amended Plans:  
Requested an extension of time to comment, however this would not fall within the determination date.

**SCC Highway Authority:**  
Standing advice

### **SDDC Highway consultant:**

"I visited the site last Wednesday. The access to the site is located between buildings. It is very narrow and offers no visibility for vehicles emerging from it. It is accepted that the speed of traffic past the site is not excessively high but as there is no margin on the southern side of Abbey Street, vehicles associated with the proposed dwelling would emerge virtually blind onto the public highway.

In light of the extremely substandard visibility splays at the point of access, I believe the local planning authority should be refusing the application for highways reasons on the grounds of



increased use of an existing access that does not incorporate the necessary visibility splays."

**Environmental Protection unit:**

"Due to the very close proximity of the proposed conversion to the licensed premises I would have to recommend that the application is refused, due to the potential for noise from the Kings Arms causing a loss of amenity to the future occupiers.

Current licensing Legislation means the Kings Arms can play live music from 08:00hrs till 23.00hrs without the need to obtain any permission from this authority.

Therefore future complaints that may be received from potential purchasers of the development could affect the financial viability of the licensed premises."

**Conservation Officer:**

"These outbuildings are to the rear of the listed public house, and adjoin other listed buildings.

They have been repaired when the rear (south) wall collapsed in the recent past. There is little inside of any interest, but they do show the signs of a previous first floor which has been removed.

I am happy with the internal alterations. A new floor should help stabilise the structure further.

There does seem to be an excess of large regularly spaced roof lights, and I think this can be improved by removing and reducing the size of some of these roof lights.

Otherwise condition the details of the windows and doors."

Amended plans comments:

"This is improved but there needs to be some more variation of size and position or by grouping them together which appears to look better. I have left you a sketch."

**REPRESENTATIONS**

Twenty-one neighbours were notified and a site notice displayed. Three letters of support have been received, supporting the use of the access and stating it is not unsafe, supporting the overall design and supporting the need for additional housing in the town.

**CONSIDERATIONS**

The proposal seeks to convert the outbuildings to the rear of the public house into 2 no. units, consisting of a 1 no. bedroom and a 2 no. bedroom dwelling.

The main considerations of this application are the principle of conversion to residential, impact on visual amenity, the conservation area, listed building, residential amenity and highway safety.

**Principle of Development:**

The general principle of additional housing within Crewkerne is acceptable and complies with policies SS1, SS4 and SS5 of the South Somerset Local Plan. This is subject to its compliance with other local plan policies to be assessed within this report.

**Visual Amenity, Conservation Area, Listed building:**

The conversion will see the following external alterations made:

- Existing boarded area on the north elevation will be made into windows
- All other existing opening to remain and be re-instated, with one window becoming a doorway.
- Existing corrugated roof sheeting to be replaced with natural slate

- The insertion of 6 no. rooflights on the south elevation.

The conservation officer has raised no objection to the overall conversion, but did raise concern over the rooflights initially stating:

"...There does seem to be an excess of large regularly spaced roof lights, and I think this can be improved by removing and reducing the size of some of these roof lights."

Amended plans have been submitted showing a reduction in size to 2 no. rooflights and the conservation officer has stated that this is an improvement but requests that there is more variation to size and positioning. However in the conservation officers original comments no request for the positioning was made. The amended plans show that 2 no. of the rooflights have been reduced in size and on balance it is considered that the amended rooflight design does not cause substantial harm to the listed buildings character or setting.

It is considered, that given the limited nature of the external alterations there will be no adverse impact on visual amenity, the character of the conservation area or the setting and character of the listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

#### **Residential amenity:**

Given the location of the outbuildings to be converted, within a small courtyard area, it is considered that there will be no adverse impact on residential amenity from the proposed new units to other neighbouring properties. However there is concern over the impact of residential amenity to future occupiers of the proposed dwellings.

This is due to the location of the conversion, which results in there being limited private outdoor amenity space, as the area to the front of the proposed dwellings is to be used for parking of vehicles. The Core Planning Principles of the NPPF states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

Additionally the small area available will have a perceived sense of overlooking from the converted flats to the north of the site, along with an overbearing impact as they are three storeys high. This will result in a poor standard of outdoor amenity space and partial overlooking into the windows on the north elevation of the development.

Environmental Protection was consulted and has raised an objection to the proposal due to the adverse impact of noise and disturbance that the existing public house will have on the residential units. As such future complaints of noise could affect the financial viability of the public house. The agent has been made aware of this and has confirmed via email that the applicant is prepared to enter into a Section 106 agreement to ensure that the converted buildings are not sold off separately to the public house but are rented only.

The Environmental Protection Team were re-consulted and have verbally stated that irrespective if the living accommodation is occupied by tenants or not their previous comments still apply as the adverse impact would still be significant to the occupiers and complaints could arise either through the EPU or housing standards. As such it is considered that this new proposal does not overcome the issues raised as the conversions whether sold or let will still be Use Class C3, which is considered to be inappropriate in this location.

It is considered that the proposed conversion will result in an adverse impact on the future occupier of the dwellings by reason of poor amenity space, a sense of overlooking, overbearing and noise disturbance and as such is contrary to the aims and objectives of policy EQ2 of the south Somerset Local Plan and the NPPF.

**Highway safety:**

There are two aspects of highway safety to assess and these are the access and visibility and parking provision and turning.

**Parking Provision and turning:**

The parking strategy requires the optimum level of 3.5 spaces in this location and provision for 3 no. spaces has been provided. It is considered that the level of parking is acceptable within this town centre location.

The plans show an area of turning and the parking layout, given the constraints of the site it is considered that there will be an awkwardness of manoeuvring to access parking bay no. 1 if other cars are parked in spaces 2 and 3. In addition there will be difficulty for any of the cars to turn easily within the site and exit in a forward gear.

**Access and Visibility:**

There is a current access to the site, though this is only used in connection with staff for the public house at present. The proposal was discussed with county highways and they verbally confirmed that the introduction of 2 no. dwellings will result in additional traffic movements of up to 6-8 per dwelling per day which is a different trip pattern for the public house. As such it is considered that there will be an increase in traffic. The increase in traffic is not an issue by itself, however the visibility of the access is considered to be inadequate and as such the increase in traffic would result in an increased use of this inadequate access.

There is no pavement on the southern side of Abbey Street, where the access comes out onto, and there are high buildings either side; as such there is inadequate vehicular visibility in either direction. Additionally there is inadequate pedestrian visibility, causing concern over occupiers of the dwellings entering and exiting the site.

The highway authority has referred to standing advice and the SSDC highway consultant has stated, "The access to the site is located between buildings. It is very narrow and offers no visibility for vehicles emerging from it. It is accepted that the speed of traffic past the site is not excessively high but as there is no margin on the southern side of Abbey Street, vehicles associated with the proposed dwelling would emerge virtually blind onto the public highway."

It is considered that the visibility splays, and turning area are inadequate to serve the proposed development and would result in a severe impact on highway safety contrary to the County Highways Standing Advice, policy TA5 of the South Somerset Local Plans and paragraph 32 of the NPPF.

**Other Matters:**

**Affordable Housing Contributions:**

Following the recent court of Appeal decision, South Somerset District Council will not be seeking affordable housing contributions from schemes of 10 or less dwellings or where the gross floor area of buildings is less than 1000 sq. m. in line with the statement made by the Minister for Housing and Planning

**CONCLUSION**

Whilst the principle of the conversion is considered to be acceptable and the need for additional housing acknowledged, it is considered that those reasons alone do not outweigh the harm that would be caused to residential amenity and highway safety contrary to policies EQ2 and TA5 of the South Somerset Local Plan and the NPPF.

## **RECOMMENDATION**

Refuse

### **SUBJECT TO THE FOLLOWING:**

01. The proposal is contrary to policy TA5 of the South Somerset Local Plan and paragraph 32 of the NPPF, since the existing access, by reason of its severely restricted visibility (for both vehicles and pedestrians), in both directions and lack of adequate radii, is considered unsuitable for use in connection with the development proposed.
02. The proposal does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in a forward gear or to adequately access the parking spaces, which is essential to highway safety. The proposal is therefore contrary to policy TA5 of the South Somerset Local Plan and paragraph 32 of the NPPF.
03. The proposed development, by reason of its location within a confined courtyard, will have a poor amenity space due to the perceived overlooking and overbearing nature from the three storey high flats on the north boundary, thus resulting in unacceptable living conditions for future occupiers contrary to the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-2028) and the NPPF.
04. The proposed development for Use Class C3 (either sold or rented), by reason of their location to the rear of a public house, will result in noise disturbance and as such will result in unacceptable living conditions for future occupiers contrary to the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-2028) and the NPPF

### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case pre-application advice was sought, and the applicant was advised in 2013 that there were concerns over the visibility and impact on the residential amenity, by reason of noise disturbance and overlooking. The issue of visibility splays was reiterated again to the agent in reply to comments made in 2016.

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# Agenda Item 16

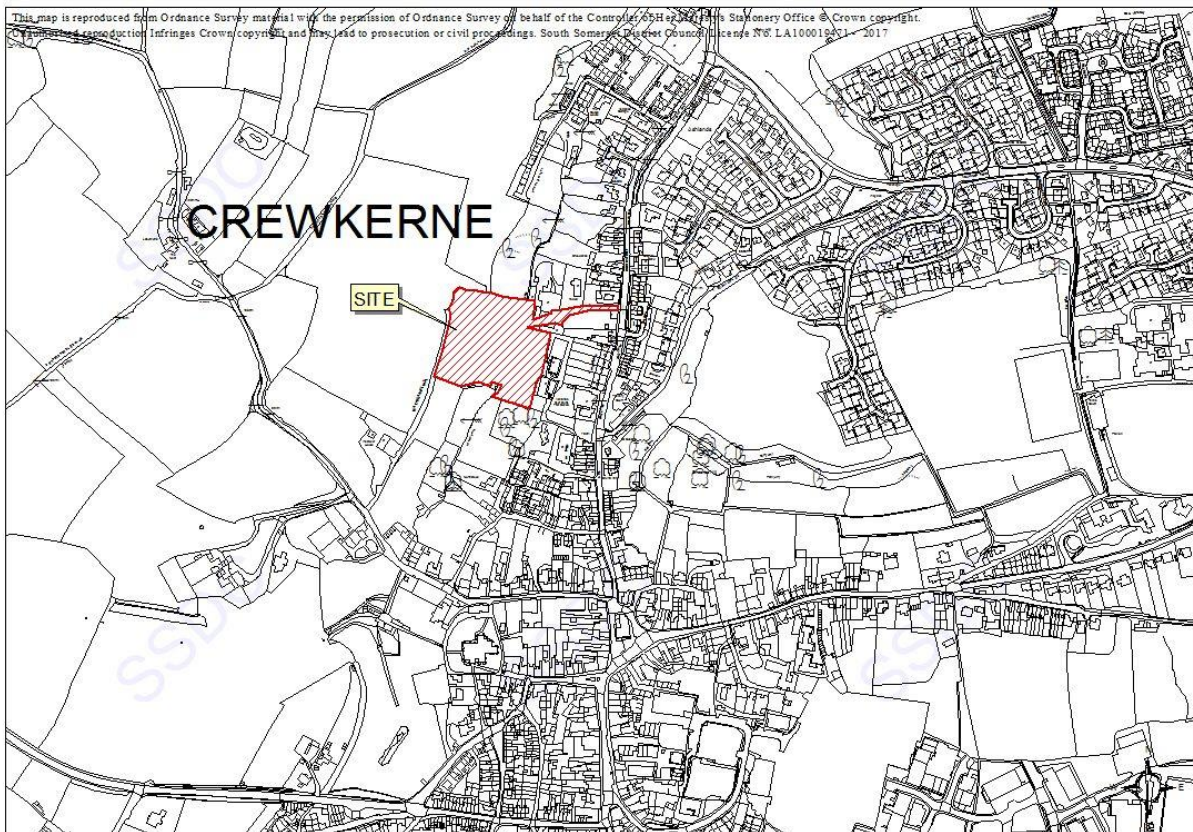
## Officer Report On Planning Application: 15/04770/FUL

<b>Proposal :</b>	The erection of 44 No. dwellings and associated works including access improvements onto North Street, parking for Ashlands School and footpath link to Westover Lane.
<b>Site Address:</b>	North Street Trading Estate North Street Crewkerne
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Member)</b>	Cllr M Barrett Cllr M Best Cllr A M Singleton
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	11th February 2016
<b>Applicant :</b>	Stonewater Ltd
<b>Agent: (no agent if blank)</b>	Mr Matt Frost Boon Brown Motivo Alvington Yeovil Somerset BA20 2FG
<b>Application Type :</b>	Major Dwlgs 10 or more or site 0.5ha+

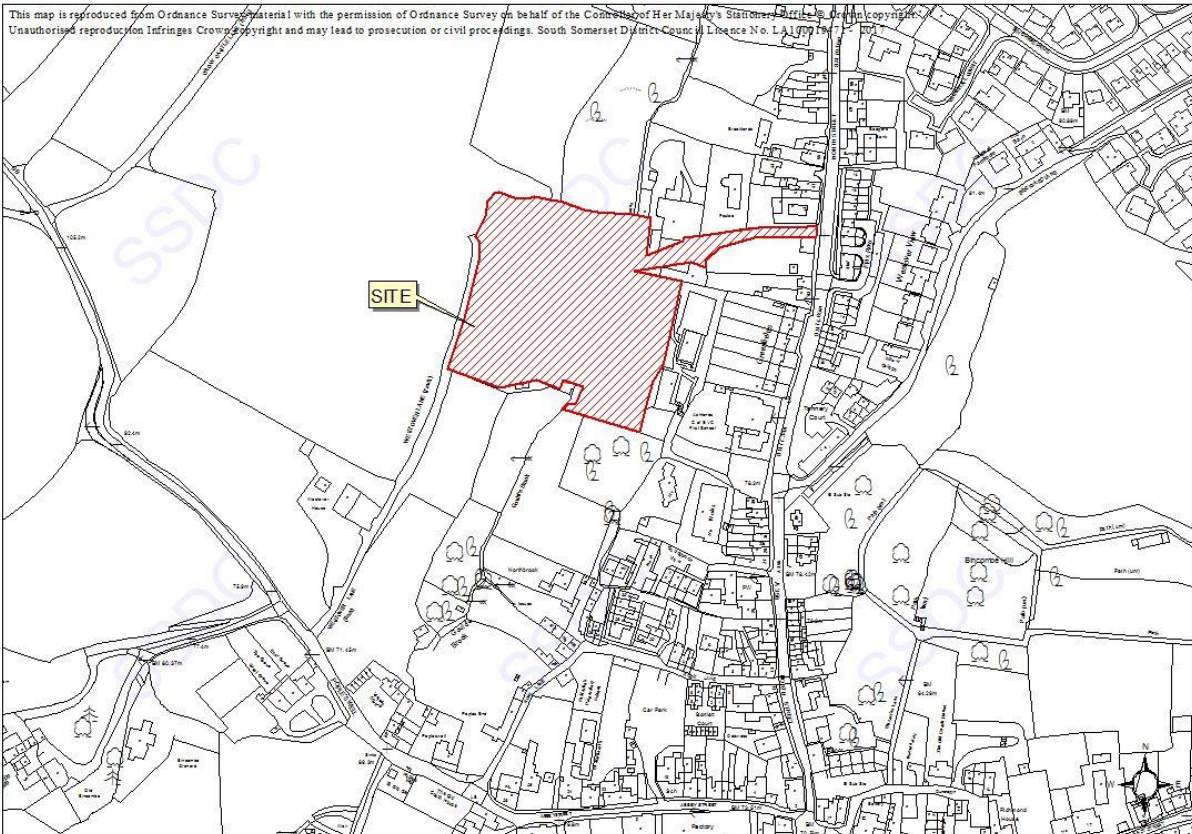
### REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Members with the agreement of the Area Chairman in order to allow the planning issues to be debated.

### SITE DESCRIPTION AND PROPOSAL







The application site is located on the western side of North Street, in the north western part of Crewkerne. The application site was previously used as a trading estate, with a number of buildings (now demolished); a fire damaged building to the north of the site has also now been incorporated into the application site. The site adjoins a SSSI (Millwater) to the south along with a County Wildlife Site (CWS) to the south and west. Ashlands School (Grade II listed) and its curtilage are located to the east of the site and are within the conservation area. Beyond the site to the north, south and east are located residential properties and business units. A culvert runs through the site (Gould's Brook) and this part of the site is designated Flood Zone 2 and also designated as 'intermediate' for surface water flooding.

This is an application for the erection of 44 residential units (over 34 plots) with associated works including access improvements onto North Street, parking for Ashlands School and a footpath link to Westover Lane. 35% of the dwellings would be affordable units and the proposal is for a mix of smaller units with one four bedroom house, the mix being:

- 17 x 2 bedroom houses
- 10 x 3 bedroom houses
- 1 x 4 bedroom house
- 9 x 1 bedroom flat
- 7 x 2 bedroom flat

The proposed units would be constructed in a mix of render and red brick with brick detailing and slate or plain roof tiles. The majority of the buildings will be two storey with two 3-storey blocks of flats to the north and south. The proposal will make use of the existing access and the plans include proposals for a 'build-out' onto North Street along with a part pavement/part shared surface arrangement for pedestrians. 73 car parking spaces for the dwellings are proposed along with 5 spaces for visitors and a separate car park with 20 spaces for use by

Ashlands School this would be adjoined by a small play area. The open area to the west of the site is proposed as a nature reserve.

There is an extant permission for residential development of the site comprising 24 units (10/00563/S73, 06/01702/REM and 06/01943/REM). This permission was subject to a Section 106 agreement in relation to the provision of off-site employment units (now constructed); a footpath link through Ashlands School; contribution of £24,000 for a pedestrian crossing; and provisions in relation to the protection of the adjacent Site of Special Scientific Interest (SSSI).

The application documentation includes:

- Transport Statement
- Flood Risk Assessment
- Ecological Impacts Assessment and Mitigation Strategy
- Landscape Statement with Landscape Schedule and Specification
- Arboricultural Report and Method Statement
- Desk Study and Interpretative Site Investigation Report
- Viability Appraisal

The plans have been amended on a number of occasions to allow for; enlargement of the site (to include burnt out building); and amendments to address concerns of ecologist, landscape officer, highways officer and Environment Agency. In addition, the proposed zig zag path through the school grounds approved as part of the earlier permission has been deleted from the proposal.

## **HISTORY**

10/00563/s73 - Application to vary condition 7 of planning approval 01/00888/OUT dated 17/5/2005 (as extended by application 10/01343/OUT approved 10/1/2011) regarding access road being constructed. Proposed variation to replace reference to commencement of the development with reference to occupation of dwellings. Approved 30/03/2012.

10/01343/OUT - Application to extend the time limit from implementation of planning application 01/00888/OUT for residential development of land. Approved 10/01/2011.

06/01943/REM - Residential development of 24 units complete with roads and services. Approved 03/08/2007 (remains extant as part of approval 10/00563/s73).

06/01702/REM - Provision of road access to development site and school parking and footpath. Approved 03/08/2007 (remains extant as part of approval 10/00563/s73).

01/00888/OUT - Residential Development of Land (approved May 2005).

## **POLICY**

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

Relevant Development Plan Documents

South Somerset Local Plan 2006-2028:

SD1 - Sustainable Development  
SS1 - Settlement Strategy (Crewkerne is designated a Primary Market Town)  
SS4 - District Wide Housing Provision  
SS5 - Delivering New Housing Growth  
SS6 - Infrastructure Delivery  
SS7 - Phasing of Previously Developed Land  
HG2 - The use of Previously Developed Land (PDL) for New Housing Development  
HG3 - Provision of Affordable Housing  
HG5 - Achieving a Mix of Market Housing  
TA1 - Low Carbon Travel  
TA4 - Travel Plans  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ3 - Historic Environment  
EQ4 - Biodiversity  
EQ7 - Pollution Control

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Conserving and enhancing the historic environment
- Design
- Flood Risk and Coastal Change
- Natural Environment
- Planning Obligations
- Viability

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

## **CONSULTATIONS**

### **Crewkerne Town Council:**

In response to both the original and amended plans, the Town Council have recommended refusal. Their most recent comments being:

*'The most recent version of the plans have not made any changes to the access arrangements, therefore Council's previous comments apply. Further, Council would like to*



*stress that they are extremely concerned about the safety implications of shared space access and also vehicle movement from a narrow shared space onto a busy, narrow, main highway (North Street).'*

**County Highway Authority:**

Most recent comments:

*'Further to the Highway Authority's initial response dated 17th February 2016 and our subsequent discussions in regards to the above application the applicant has now submitted additional information to try and address the Highway Authority's previous objections.*

*As you are aware the Highway Authority's previous response dated 7th September 2016 referred to the revised access which had been submitted by the applicant. The Highway Authority audited these drawings and it is apparent that in feasibility terms the revised scheme is considered to be acceptable. Although the applicant will need to address the points raised in our e mail as part of any full technical submission in addition these works would need to be secured via a legal agreement.*

*Even though the applicant had looked to address the Highway Authority's concerns relating to the access road there was still an outstanding objection relating to the estate road layout. The applicant therefore provided additional information relating to the re-directed drain that is proposed to run down the centre of the carriageway. Having reviewed the submitted plans the Highway Authority is satisfied that this pipe is below the 900mm diameter consequently it will not require an AIP. In addition from the documents provided from the applicant it appears that Wessex Water will adopt this pipe. Consequently based on this information it would be unreasonable to maintain our objection.*

*Therefore having reviewed the details shown on amended plan 3609/PL/10 Rev S the Highway Authority has the following observations to make. Firstly the proposal will result in the laying out of a private street as a consequence under Sections 219 to 225 of the Highways Act 1980 it would be subject to the Advance Payment Code (APC). With regards to the layout this would need to be a minimum width of 5.5m with a 2.0m footway provided. Any turning head will need to be designed in accordance with the guidance set out in Estate Roads in Somerset. The applicant will need to make sure that a 1.0m margin is provided at the end of each end.*

*Please note that if any straight section of the proposed estate road is over 70m then it is considered to be affective straight. Consequently the applicant would need to introduce a horizontal speed reducing measure to reduce vehicle speeds. Visibility through the bends will need to be based on a 20mph vehicle speed. Please note that the area within the splay will be subject to adoption by the Highway Authority.*

*With regard to parking this will need to be in accordance with Somerset County Council's Parking Standards whilst any tandem parking will need be 10.5m in length.*

*It is noted from the plan that the applicant has shown some planting within the highway. As a consequence the applicant would need to submit a planting schedule to the Highway Authority as part of any S38 submission.*

*On a separate note it is apparent that a parking area for the primary school has been proposed. The applicant is required to make sure that there is a minimum distance of 6.0m provided between both banks of spaces and that the level of parking proposed is in accordance with Somerset County Council's Parking Strategy.*

*In conclusion the applicant has addressed the objections raised by the Highway Authority in*

*our previous responses to the Local Planning Authority. Therefore it would be unreasonable to maintain them. As such we raise no objection to this proposal.'*

The County Highway Authority advise that if the Local Planning Authority were to minded to grant permission a Travel Plan should be required via a s106 legal agreement and a number of highways conditions would need to be attached.

The County Highway Authority's comments regarding this application are attached in full as Appendix B.

**Ecologist (SSDC):**

In response to the recently submitted Ecological Impact Assessment and Mitigation Strategy, the Ecologist has carried out a thorough assessment (attached in full as Appendix A) of the ecological issues at and adjoining the site, these being the; designated nature conservation sites (Millwater SSSI and adjoining County Wildlife Site); European Protected Species (dormice and great crested newt); and species protected by UK legislation. The Ecologist has no overall objection subject to various conditions in relation to; protective fencing; protection of hydrological conditions and features of the Millwater SSSI; mitigation for great crested newts, dormice, reptiles, nesting birds, and landscape and ecological management plan.

**Natural England:**

No further comments upon amended plans apart from raising the issue of the protection of Millwater SSSI's hydrological features.

**Somerset Wildlife Trust:**

Objected to the original plans on the basis that there is insufficient recognition of the need to protect the adjacent SSSI and CWS and the proposals for Mitigation and Enhancement are not specific enough to address all the possible issues.

**Landscape Officer:**

The Landscape Officer had some concerns about the original plans but the plans have now been amended in order to address his concerns. In response to the latest amendments the Landscape Officer has noted that relocation of the 2.5 storey housing and that the landscape amendments appear to now allow for additional planting and management proposals for the lane to the west of the site as informed by the ecology survey and this appears satisfactory as do the minor amendments to the landscape plan and schedule/specification.

**Conservation Manager:**

In response to the original plans, the Conservation Manager had no objection to the principle of residential development of the site or the design of the houses in relation to the conservation area and listed building. Raised issues with regard to trees, access to SSSI, position of play space and front boundaries.

**Environment Agency:**

Originally objected to the proposal but following receipt of the updated flood risk information the EA have withdrawn their objection subject to the imposition of conditions and informatives relating to flood risk and contaminated land.

**Local Lead Flood Authority:**

No objection subject to a drainage condition being applied.

**Wessex Water:**

Advise that a diversion of the sewer that crosses the site is acceptable subject to agreement of detailed design being agreed with their engineers.

**Tree Officer:**

Objected to the original plans as there are a number of mature trees root systems within the proposed development area.

No response received in relation to recently submitted Arboricultural Report and Method Statement.

**Environmental Protection Officer:**

No objection subject to a condition requiring remedial measures for contaminated land.

**Somerset Waste Partnership:**

Refer to their document 'Design Requirements for Residential Properties'.

**Housing Development Officer:**

Fully supports the application which will provide much needed affordable housing in Crewkerne.

**Leisure Policy Co-Ordinator:**

The Leisure Policy Co-Ordinator has calculated that an overall level of contributions towards local and strategic sports and leisure facilities required from this development equates to £171,798 (equal to £3904 per dwelling). However, they note the response from the District Valuer with regard to the viability of the site and request that the £24,000 allocated for play be allocated towards play/youth facilities at Henhayes.

**Senior Historic Environment Officer:**

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

**Crime Prevention Design Advisor:**

No objection to the amended plans.

**REPRESENTATIONS**

21 letters of objection (including letters from the Business Manager and Headteacher of Ashlands School) were received in response to the notification of the original application:

The objectors make the following comments:

- The access road is a private single track used by HGV's making it dangerous for pedestrians walking to the site.
- Wildlife and SSSI reserve must be saved.
- Site would be overdeveloped with 40 dwellings
- The extent of the lane has been established by a High Court judgement. There is confusion regarding the possible adoption of the road by the County Highway Authority.
- Use of the lane by large construction vehicles and HGV's will make it extremely dangerous for vehicular and pedestrian traffic.
- It is the Planning Authority's responsibility to consider the financial viability of a proposed development
- The site is subject to extreme flooding (four times in the last forty years).
- The dropwell or culvert in the SSSI will not be allowed to be adapted in any way as it may affect the wildlife on the land.
- The SSSI was protected by a buffer zone under the outline planning permission.

The new development would affect part of the County Wildlife site and restrict the 'wildlife corridor'.

- Previous proposal supported lower density housing due to the sensitive nature of the site.
- The site is likely to be contaminated.
- Owner of the adjacent SSSI will not co-operate with new developers due to the problems that have occurred in the past with trespass and damage on the SSSI.
- The proposed zig zag pathway will run through the school's Millennium Garden; the school's only natural grassed area; its loss would have a huge impact upon the school. Use as a public footpath could risk the safety of children.
- There is no provision for parent/staff parking for the school or children's centre.
- The geology of the site is not suitable.
- A commercial venture would seem more appropriate for the site.
- Concerned about use of the footpath link and the impact upon privacy and security of adjoining residential garden.
- There is no detail of the boundary treatments at the access point.

In response to the amended plans, a further 16 letters of representation were received; 11 objecting and 5 supporting the application.

The letters of support include responses from the Headteacher and Business Manager of Ashlands School, and make the following comments:

- Consider that the access route is both safe for pedestrians and visibility much improved for vehicular access.
- Support the application as the footpath through the school has been removed as this would have been devastating to the school culminating in the loss of outside learning classroom and playground area.
- Refusal of this application will not stop the approved scheme from progressing but would result in a detrimental outcome for the school.

The objectors make the following comments:

- The proposed access to the site is unsafe and unworkable; the lane is not adopted as it is of substandard design.
- Whilst permission has been granted for 24 houses on the site, the technical details of the access road were never approved by the County Highway Authority.
- The County Highway Authority object to the application due to the substandard access road.
- The proposed upgrade of the road will fall far short of the relevant highways standards.
- The lane will not just be used by residents but also by parents/pupils/staff from Ashlands School and the Children's Centre and by commercial traffic visiting the companies situated at the end of the lane. Vehicles will have to queue on North Street (a busy road) as the road is so narrow.
- The footpath leading to Westover Lane is unsurfaced and unsuited to toddlers and pushchairs; it does not lead to the town centre.
- Insufficient detail of proposed retaining wall and access road. Concerns about height and suitability of retaining wall
- Narrowest parts of lane are not wide enough for lorries and pedestrians.
- The proposed increase in house numbers will increase vehicle movements
- Traffic analysis does not include school pick-up peaks and commercial movements.

- As with previous consent the access road needs to be completed before construction of dwellings is commenced.
- New footpath requires fencing that could interfere with wildlife corridors
- The objections of the County Highway Authority are still applicable
- Legal advice has been sought in relation to the dangers posed by the proposed access land and to the event of mishap resulting from SSDC contravening their own agreed Policies and Standards.
- Members of the local community who oppose this development are supported by the Town Council who have voted four times against the scheme on the grounds of safety.
- All are convinced there is a need for low cost housing but not at the expense of residents' safety; the shared space arrangement is not suitable in the twenty first century.
- It is wrong to say planning permission has already been granted; no scheme would be permitted without adequate access.
- The plan still includes a footpath link to Westover Lane that would bisect the County Wildlife Site (CWS) and cut the highway for larger mammals to the SSSI. The Ecological Report confirms the presence of dormice in the CWS and indicates that the mitigation required has removed the possibility of either the play area or footpath.
- The access is inadequate and dangerous; the Council is trying to push the application through because it is for social housing, such actions would contravene agreed rules and commitments for such an access and estate and lay the Council open to legal action.
- There has been a person carrying out a traffic survey but leaving at mid-afternoon when the two businesses are still working and the children have not been collected from the school. Any report from this survey should be examined very carefully before it is allowed to stand and is published.

## **CONSIDERATIONS**

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape and visual amenity;
- Impact upon Setting of Listed Building and Conservation Area
- Residential amenity;
- Highway safety;
- Flooding, drainage and contamination;
- Ecology;
- Planning obligations.

### **Principle of Development**

Crewkerne is designated as a Primary Market Town as part of the settlement strategy policy SS1. The policy advises that these towns are the focal points for locally significant development including the bulk of the district's housing provision outside Yeovil. This growth aims to increase the self-containment of these settlements and enhance their service role, reflecting the aspirations of national policy in promoting stronger communities.

It is noted that this site was previously in commercial use but the previous developer was required to construct three employment units (under a s106 agreement) on the Cropmead Industrial estate and these have been constructed. As such, it is not considered that the proposal would result in the net loss of employment land.

The proposal complies with the affordable housing policy (HG3) as 35% of the dwellings will be affordable units (to be secured through a s106 agreement).

In the circumstances, it is considered that the principle of residential redevelopment of this site can be accepted.

#### **Impact upon local landscape and visual amenity**

The proposals have been assessed by the Landscape Officer and the plans amended in line with his advice. This has led to the removal of some buildings from the north-western part of the site and the relocation of taller buildings within the site. With these changes and given the extant permission it is not considered that the proposal will result in a significant and adverse impact upon the local landscape.

As such, the proposal is considered to be acceptable in terms of its impact upon the local landscape and visual amenity and therefore accords with policy EQ2.

#### **Impact upon Setting of Listed Building and Conservation Area**

In terms of the setting of the listed building and conservation area, due to the difference in levels between the site and the school and the previous uses at the site and the extant permission it is not considered that the proposal will adversely impact upon these heritage assets. In terms of the impact of the proposed development on the significance of the surrounding heritage assets (listed buildings and conservation area) (paras 131-134 of the NPPF), it is considered that the proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of dwellings within a sustainable location.

The proposal is therefore in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained within the NPPF.

#### **Residential amenity**

Due to the low level of the site in comparison with adjoining houses, it is not considered that the proposal will result in overlooking or overshadowing of neighbouring properties.

As such, the proposal will not result in demonstrable harm to surrounding residential properties and the proposal therefore complies with policy EQ2 of the South Somerset Local Plan 2006-2028.

#### **Highway safety**

The issue of highway safety at this site is clearly a contentious issue with both local residents and the Town Council objecting to scheme because of concerns about proposals for the access now that the proposed pedestrian link through Ashlands School has been withdrawn from the application. The removal of the footpath through the school means that new residents will have to use the existing access and lane from North Street to access the site and the town centre. The applicant's agents have therefore proposed a revised site access layout which includes a build out along the widest part of the lane giving priority to traffic from North Street with a 1.2m wide footway. In addition, they propose a shared surface arrangement at the access with North Street as this part of the lane is not wide enough to allow for a pedestrian footway.

The County Highway Authority has thoroughly assessed the proposals and the amended plans have been subject to a highway's Safety and Technical Audit. Whilst the County Highway Authority has expressed some concern about the increase in use of the existing access they have determined that the proposed off site highway works which will improve the width of the

minor road will compensate for the increase. The Safety and Technical Audit found the scheme to be broadly acceptable in feasibility terms subject to agreement of detailed points as part of a detailed technical submission. In the circumstances, the County Highway Authority has now confirmed that they no longer have any objection to the application subject to the imposition of a number of conditions with a Travel Plan to be required under a s106 agreement.

Therefore, whilst the concerns of the Town Council and local residents are noted, the County Highway Authority has determined that with the changes now proposed along the access and through the site that there are no highway safety grounds on which to recommend refusal of this application. Therefore, with the imposition of the relevant highways conditions and requirement of a Travel Plan through a s106 agreement it is considered that the proposal complies with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028 and highways advice contained within the NPPF.

### **Flooding, drainage and contamination**

A new Flood Risk Assessment (FRA) has been submitted and assessed by the Local Lead Flood Authority and the Environment Agency. Both bodies are content with the proposals subject to the imposition of relevant conditions. As such, it is not considered that the application should be objected to on the basis of flooding or drainage implications.

Wessex Water have advised that they have no objection to the development and proposed diversion of the sewer but have advised that a detailed design will need to be agreed through a Section 185 (Water Industry Act 1991) application.

In terms of possible contamination, the EA has advised that further work will be required to deal with this issue and as such they recommend a condition requiring a remediation strategy before any works take place on the site.

### **Ecology**

The proposal has been comprehensively assessed by the Council's Ecologist in light of the recently submitted Ecological Impact Assessment and Mitigation Strategy. The Ecologist has commented:

- No objection in respect of the designated sites (Millwater SSSI and adjoining County Wildlife site) subject to condition requiring details of protective fencing to be agreed.
- With regard to the concerns of Natural England in relation to hydrology a condition is recommended.
- European Protected Species (dormouse and great crested newt) - advises that a derogation in the form of a European Protected Species Licence (from Natural England) will be required. In addition, it is necessary to consider the application against the three 'derogation' tests required under the relevant habitat legislation (Conservation of Habitats and Species Regulations 2010). In terms of Test 3, the ecologist advises that with the restoration of habitat connectivity being provided within good time the development and associated loss of scrub would not be detrimental to the favourable conservation status of dormice (subject to the imposition of a condition requiring a mitigation plan). In terms of Great Crested Newts, the ecologist is satisfied that with the proposed mitigation and compensation (and given the recent origin of the habitat to be lost and lack of habitat change in the area) that the development is unlikely to be detrimental to the maintenance of favourable conservation status, subject to the imposition of a condition requiring a mitigation plan.
- Species protected by UK legislation

- Badger sett - outside of works impacted area and hence no impacts on the sett structure
- Reptiles - their presence isn't a significant constraint to the proposed development provided they can be accommodated with areas free from harm within or adjacent to the site. Condition recommended.
- Nesting birds - recommend a condition restricting the timing of vegetation clearance.
- Water voles - further checks by the Ecological Clerk of Works are advisable.
- Other associated issues and recommendation
- Plants - Agree with proposed mitigation in the Ecological Impact Assessment with regard to spread of rare species and invasive species
- Landscape and Ecological Management Plan - to be required through a condition.
- Ecological Clerk of Works -to be required through condition.

With regard to the derogation tests no.'s 1 and 2 (Conservation of Habitats and Species Regulations 2010):

Test 1 - It is considered that the proposal is required for economic reasons and accords with both local and national planning advice/policies.

Test 2 - The site has already been approved for residential redevelopment.

In summary, the ecologist has thoroughly considered the potential ecological impacts of the development and has no objection to the proposal subject to the imposition of appropriate conditions.

### **Planning obligations**

The Leisure Team have calculated that the proposed development should make a contribution of £171,798 towards both local and strategic sports and leisure facilities. In response, the agents have supplied a viability appraisal that concludes the scheme is unable to viably provide any more than £24,000 as a contribution. The appraisal has been assessed by the District Valuer (DV) who made some small adjustments to the appraisal but has broadly agreed with the conclusion that the site will not generate sufficient profit to meet the required contribution. As such, it is not considered that it would be reasonable to require the full contribution and instead the requirement should be agreed as £24,000.

Therefore, a Section 106 Agreement is required to secure the following:

- £24,000 towards off-site local play, sports and leisure facilities;
- At least 35% of the dwelling units as affordable housing and to remain so in perpetuity;
- Travel Plan

On the basis of these planning obligations being secured the proposal would comply with policies SS6, HG3, TA4 and HW1 of the local plan.

### **EIA Regulations**

The scheme falls below the required threshold which necessitates a screening opinion.



## **Summary**

The principle of developing this site for residential development has been established with the grant of planning permission which remains extant. The proposal will increase the activity at the North Street junction but compensation measures have been proposed to the satisfaction of the County Highway Authority.

With regard to the impacts upon local ecology, the Ecologist is satisfied that the development can proceed without adversely impacted upon these interests subject to the imposition of a number of conditions.

It is considered that the proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of dwellings within a sustainable location.

The amended proposals are now considered to be acceptable in design terms and as such will not adversely impact upon residential or visual amenity.

With the imposition of appropriate conditions and informatives, it is considered that the proposal is acceptable in relation to flooding and contamination.

In terms of obligations, the proposal will not provide the level of contributions that would normally be expected but a viability report has been provided and assessed by the District Valuer which explains that the proposal cannot meet the required contribution and remain viable. As such, the proposed contributions are considered to be acceptable.

In the circumstances, the proposal is considered to accord with the relevant policies of the local plan and approval is recommended.

## **RECOMMENDATION**

That application reference 15/04770/FUL be approved subject to:-

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

1) Secure at least 35% of the units as affordable units with a tenure split of 2/3rd social rent and 1/3rd other intermediate types (unless otherwise agreed in writing), to the satisfaction of the Corporate Strategic Housing Manager.

2) Secure a contribution of £24,000 towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).

3) Travel Plan

b) The following conditions:

## **Justification**

01. The site is located within a sustainable location within the primary market town of Crewkerne, where the principle of residential development is acceptable. The development of the site would respect the character of the area with no demonstrable harm to highway safety, protected species, flood risk, contamination or residential amenity. The proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of dwellings within

a sustainable location. As such the proposal complies with policies SD1, SS1, SS4, SS5, SS6, SS7, HG2, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

3609/001 Rev B (Location Plan);  
3609/PL/10 Rev V (Site plan in local context with accommodation schedule);  
3609/PL/27 Rev G (Proposed site sections/street scenes);  
3609/040 and 3609/041 (Plots 2 and 3);  
3609/042 and 3609/043 (Plots 5, 6, 7, 9, 10, 13, 14, 14, 24, 25, 26);  
3609/044 and 3609/045 (Plots 12, 20, 21, 22);  
3609/046 and 3609/047 (Plot 1, 16, 17);  
3609/048 and 3609/049 (Plots 4, 8, 11, 23, 28);  
3609/050 and 3609/051 (Plots 19, 27);  
3609/052 and 3609/053 (Plot 18);  
3609/054, 3609/055 and 3609/057 (Plots 29, 30, 31, 32, 33, 34);  
3609/056, 3609/058, 3609/059, 3609/060 and 3609/061 (Plots 35, 36, 37, 38, 39, 40);  
3609/062 Rev A, 3609/063 Rev A and 3609/064 Rev A (Plots 41, 42, 43, 44);  
3609/074 (Existing and proposed private road formation);

2801.01 G (Proposed Improvements to Site Access Road);

CLD55 (Landscape Proposals), CLD 55/02 (Nature Reserve), CLD 55 Rev A (Landscape Proposals); and 1005 Rev P02 (Proposed culvert route).

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

03. No building operations above damp proof course level of the dwellings shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

05. The development hereby permitted shall not be occupied until a scheme for the maintenance of the Nature Reserve (Drawing No. CLD 55/02) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

06. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping (Landscaping Scheme received 27 May 2016; Arboricultural Report and Method Statement by Clarke Design dated September 2016; Landscape Statement by Clark Landscape Design dated September 2016; Landscape Schedule and Specification Rev A by Clark Landscape Design dated September 2016; Drawing No.'s CLD 55/02 and CLD 55 Rev A) shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

07. No development shall be commenced until details of the surface water drainage design together with 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. Such works shall be carried out in accordance with the approved details.

Those details shall include: -

- 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 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.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant. Including detailed calculations and assessment of downstream affects from the upsizing of the culverted watercourse sections within the site boundary.
- Flood water exceedance routes, both on and off site, note: no part of the site must be subjected to flooding unless specifically designed to do so.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements, including notification of riparian ownership and associated responsibilities, to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy

Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

08. No development approved by this permission shall be commenced until a scheme for the provision; implementation and future maintenance of flood alleviation works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To secure appropriate flood protection and alleviate the risk of flooding to the development.

09. No development approved by this permission shall be commenced until a scheme for maintaining the flow conveyance of the watercourse during construction of this proposal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To maintain flood flow capacity whilst works are carried out which affect the permanent mitigation.

10. The detailed drawings to be submitted for approval must include a topographical survey related to Ordnance Datum of existing ground levels contoured at 0.25 metre intervals, together with details of proposed finished levels.

Reason: To enable the Local Planning Authority to assess the effects of the proposed development on flood defence/land drainage.

11. 11. Finished floor levels should be set at least 600mm above the 1 in 100 year flood level of the re-engineered brook through the site.

Reason: To protect the development from flooding.

12. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that any unacceptable risks to controlled waters are adequately understood and remediated.

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that it can be demonstrated that any remedial works to protect controlled waters have been successful.

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

Reason: To protect controlled waters from contamination on the site that was not identified by site investigations.

15. No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect controlled waters from contaminant that might be leached from soils in areas of soakaways.

16. The development shall not commence until full details of fencing to provide protection to the SSSI, including a plan and timing of installation, has been submitted to and approved in writing, following consultation with Natural England and the site owner, by the local planning authority. The fencing shall be installed in accordance with the approved details and timing.

Reason: For the protection of Millwater Site of Special Scientific Interest in accordance with the NPPF, Local Plan policy EQ4, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

17. The development shall not commence until full details of measures for the protection of the hydrological conditions and features of the Millwater Site of Special Scientific Interest have been submitted to and approved in writing, following consultation with Natural England, by the local planning authority. The measures shall be informed by an appropriately qualified hydrological consultant. The drainage plans for the development will need to accord with the protective measures for the SSSI. The approved measures shall be implemented in full.

Reason: For the protection of the hydrological conditions and features of Millwater Site of Special Scientific Interest in accordance with the NPPF, Local Plan policy EQ4, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

18. The development hereby permitted shall not commence (including any tree, scrub or vegetation clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Dormouse Mitigation Plan detailing timing restrictions and protective measures to avoid and mitigate for harm to dormice, and details of replacement habitat to compensate for loss of dormouse habitat connectivity. The works shall be implemented in accordance with the approved details and timing, as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

19. The development hereby permitted shall not commence (including any tree, scrub or vegetation clearance, site clearance nor ground works) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Great crested newt Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to great crested newts. The works shall be implemented in accordance with the approved details and timing, as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

20. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan detailing measures to avoid harm to reptiles, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan.

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

21. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, scrub) shall be carried out between 1st March and 31st August inclusive in any year, unless recently checked by a consultant ecologist for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have fledged.

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

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
  - b) Aims and objectives of management.
  - c) Management prescriptions and work schedule.
  - d) Details of the body or organization responsible for implementation of the plan.
  - e) Ongoing monitoring and remedial measures.
  - f) The roles and responsibilities and operations that will be overseen by an Ecological Clerk of Works.

The approved plan will be implemented in accordance with the approved details.

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

23. No work shall commence on the development hereby permitted until the proposed highway works for the access road have been submitted to and approved in writing by the Local Planning Authority.

Such works shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use.

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

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

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

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

- Protection of ecology assets (based on example in British Standard 42020)
- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of the ecological assets on the site and highway safety and in accordance with Policies EQ4 and TA5 of the South Somerset Local Plan (2006-2028).

26. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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 properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

28. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

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

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

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

Reason: In the interests of the ecological assets on the site and highway safety and in accordance with Policies EQ4 and TA5 of the South Somerset Local Plan (2006-2028).

31. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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



32. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

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

33. 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 43.0m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

34. The school car park hereby permitted shall only be used as parking/dropping off point in association with Ashlands School. Prior to the occupation of any dwelling on site a scheme shall be submitted to and approved in writing by the Local Planning Authority describing how the school car park will be controlled and how to prevent unauthorised parking. The car park shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

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

35. Prior to the occupation of any of the dwellings hereby approved adequate provision for the storage and collection of wheeled refuse and recycling bins shall be provided on the site in accordance with details to be submitted and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity and highway safety further to policy EQ2 of the South Somerset Local Plan 2006-2028.

36. No buildings shall be constructed over the top of the culverted main river.

Reason: To protect the development from flooding.

#### **Informatives:**

01. The applicant's attention is drawn to the advice contained within the Environment Agency's letter of 15 July 2016.
02. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing Traffic and Transport Development Group, County Hall, Taunton, Tel No. 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 licence is £250.

The developer should note that the works on or adjacent to the existing highway will need to be

undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practically possible, and the developer should contact Somerset County Council for information on 0300 123 2224.

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontages affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.

03. The applicant is advised that the following items should be included within the CEMP (based on example in British Standard 42020) in relation to protection of ecological assets on and adjoining the site:

- Risk assessment of potentially damaging construction activities.
- Identification of 'protection areas' (e.g. retained features/areas for protected species, county wildlife site, SSSI buffer or features) and areas where invasive plant species have been identified.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction and site clearance (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features and protected species.
- The times during works when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The roles and responsibilities on site of an Ecological Clerk of Works.
- Use of protective fences, exclusion barriers and warning signs.

04. The applicant is advised that it will be necessary to make a Section 185 (Water Industry Act 1991) application to Wessex Water to carry out works to the sewers and drains on the site.

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# Appendix A

## Full response from Ecologist (Email 31 October 2016)

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To : **Linda Hayden**  
From : **Terry Franklin, Ecologist**  
Date : **31 October 2016**

Application Ref : **15/04770/FUL – North Street Trading Estate**

Subject : **Ecology**

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I've noted the *Ecological Impact Assessment and Mitigation Strategy* (Encompass Ecology Ltd, October 2016). I've also visited the site and have been involved in discussions with the agent. **I have no overall objection subject to various conditions.**

My comments are arranged under the following broad headings:

1. Designated nature conservation sites (Millwater SSSI and adjoining County Wildlife Site).
2. European Protected Species (dormouse and great crested newt).
3. Species protected by UK legislation.
4. Other associated issues and recommendations.

### **1. Designated nature conservation sites (Millwater SSSI and adjoining County Wildlife Site)**

Immediately to the south is the statutorily designated Millwater Site of Special Scientific Interest (SSSI). The SSSI citation gives the following reasons for its notification:

*Millwater consists of a complex mosaic of pasture, wet grassland, tall-herb fen, standing and running water, Alder and Willow carr. The invertebrate fauna of the site has been extremely well documented and 1744 species have been recorded in the period 1978--1988 including many nationally scarce species in a wide range of groups. A nationally scarce species of sedge also occurs here.*

A high diversity of bird species have also been recorded on the SSSI.

Adjoining the SSSI are two parcels of land designated as a County Wildlife Site. This is designated for habitats that are contiguous and compliment the SSSI and also act as a buffer to the SSSI.

The proposed development encroaches a little onto both parcels of the County Wildlife Site. The proposed new school car park encroaches about 15m into the south east parcel and the housing encroaches about 8m into the western parcel of the County Wildlife Site.

A 5m buffer zone free of any development is provided around the SSSI perimeter. Also proposed is protective fencing of a design that should significantly reduce incursion into the SSSI by people, dogs and cats (that could otherwise cause disturbance to wildlife).

**I have no objection in respect of designated sites but recommend further details of the protective fencing is subject of a pre-commencement condition:**

The development shall not commence until full details of fencing to provide protection to the SSSI, including a plan and timing of installation, has been submitted to and approved in

writing, following consultation with Natural England and the site owner, by the local planning authority. The fencing shall be installed in accordance with the approved details and timing.

*Reason: For the protection of Millwater Site of Special Scientific Interest in accordance with the NPPF, Local Plan policy EQ4, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).*

Natural England has raised the following concern:

*Our principal concern is that the development may affect hydrology which in turn may affect the SSSI. For example, improved drainage in the area could lead to the drying out of the SSSI or backing up of water which would raise water levels.*

I agree that maintaining the current hydrological conditions (subject to variability in the weather) is essential to maintaining the habitats and associated wildlife for which the SSSI is notified.

I've noted the exchanges of correspondence on this matter. Whilst it would be preferable to have details of hydrological protection prior to determination, I note Natural England aren't objecting to this information being submitted via a pre-commencement condition.

#### **I therefore recommend a condition:**

The development shall not commence until full details of measures for the protection of the hydrological conditions and features of the Millwater Site of Special Scientific Interest have been submitted to and approved in writing, following consultation with Natural England, by the local planning authority. The measures shall be informed by an appropriately qualified hydrological consultant. The drainage plans for the development will need to accord with the protective measures for the SSSI. The approved measures shall be implemented in full.

*Reason: For the protection of the hydrological conditions and features of Millwater Site of Special Scientific Interest in accordance with the NPPF, Local Plan policy EQ4, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).*

**The drainage plans for the development will need to accord with the protective measures for the SSSI. It may therefore be appropriate to link this condition with others relating to drainage?**

## **2. European Protected Species (dormouse and great crested newt)**

Dormice have been recorded within the application site.

Great crested newts are likely to be present within the application site. Although the owner of the SSSI has refused access to the pond for newt surveys, the presence of records of great crested newts nearby, and highly suitable habitat in both the application site and the adjoining SSSI, makes it reasonably likely that great crested newts are present.

Both of the above species are protected by the Conservation of Habitats and Species Regulations 2010. There is a high likelihood that the development will result in the offences of:

- damage or destruction to a breeding site or resting place,
- direct harm to and/or disturbance of animals.

(Further details on potentially damaging operations are given in the Ecological Assessment report).

A derogation in the form of a European Protected Species Licence (from Natural England) will therefore be required (following grant of planning permission).

## **Habitats Regulations reporting**

Regulation 9(5) requires:

*'a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.'*

Three 'derogation tests' have to be satisfied before the above licence can be issued. Case law has determined that these tests should also be considered as part of the determination of planning applications.

**The officer or committee report will therefore need to include an assessment against the three tests below. Permission should only be granted if all three derogation tests are considered to be satisfied.** The tests are:

1. the development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*
2. *'there is no satisfactory alternative'*
3. the development *'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

See appendix 1 for Natural England guidance on tests 1 and 2.

**I provide comments below (separately for dormouse and great crested newt) in respect of test 3:**

#### Dormouse

Dormice have been confirmed in the established woodland in the western part of the site, which is being retained as a 'nature reserve'. They have also been reported in the adjoining SSSI.

Habitat loss:

Dormouse presence hasn't been confirmed from the nest box surveys undertaken in the young alder and other scrub that has colonised the 'brownfield' part of the site. Whilst use of this habitat can't be ruled out (due to proximity and connectivity with recorded dormouse habitat), its' relatively recent origin, and lack of dense structure and natural nesting opportunities, is likely to make it sub-optimal for dormice. It is also relatively limited in extent compared to the larger areas typically required to support dormice. **I therefore conclude that the habitat loss resulting from removal of the recent alder and other scrub is too small in size and sub-optimal in quality to be detrimental to the maintenance of favourable conservation status.**

Loss of connectivity:

Dormice are principally arboreal and are very reluctant to cross open ground. Loss of habitat that results in fragmentation of arboreal links within dormouse territory can therefore have a significant detrimental effect, leaving otherwise suitable parcels of habitat inaccessible.

The alder and other scrub on site currently provides a possible/probable arboreal link between parcels of wooded habitat to the south east of the site (in the adjoining County Wildlife Site and Site of Special Scientific Interest) and the recorded dormouse habitat along the western part of the site (which also links to the adjoining network of hedges providing a link for dormice to the wider countryside). The urban habitats that otherwise surround the application site and adjoining designated sites aren't suitable for dormice, which makes the woody and scrub habitat on the application site an important link for maintaining access for dormice between adjoining sites/areas.

The landscaping proposals include planting along the western edge and along the SSSI buffer zone that will replace the connectivity that will be lost from clearance of scrub vegetation on site.

**With this restoration of habitat connectivity, provided it is provided in good time (which could be subject of a condition and/or licence requirements) then I conclude that the development and associated loss of scrub will not be detrimental to the favourable conservation status of dormice.**

**In order to ensure mitigation for dormice, I recommend a condition:**

The development hereby permitted shall not commence (including any tree, scrub or vegetation clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Dormouse Mitigation Plan detailing timing restrictions and protective measures to avoid and mitigate for harm to dormice, and details of replacement habitat to compensate for loss of dormouse habitat connectivity. The works shall be implemented in accordance with the approved details and timing, as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

*Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.*

### Great crested newt

I agree with the ecological consultant's statement that:

*'Great crested newt are most likely present on site and use the SSSI site for breeding and foraging and the application site for foraging and likely hibernation. This latter point is of particular relevance given the significant mounds of crushed hard core present on site originating for the demolition of the flax factory and the likely opportunity these piles now present for GCN hibernation.'*

Apart from habitat in the western part of the site (which is to be retained as a 'nature reserve') the majority of other habitat likely to be used by newts is of relatively recent origin and has only developed following clearance of buildings after 2006. Despite this, its clearance will still need to be subject to great crested newt mitigation measures. However, any medium term history of great crested newt presence will be due to presence of other suitable habitat in the area and is unlikely to be dependent upon the habitat that is proposed to be lost for development. I don't believe (based on my previous involvement and experience of this site and planning history) that there's been any significant changes to other great crested newt habitat in the area.

The proposals include standard mitigation measures (exclusion fencing and pitfall trapping) prior to the construction phase, and a replacement hibernacula to compensate for loss of the rubble piles. **With this proposed mitigation and compensation, and also due to the other reasons stated above (recent origin of habitat to be lost and lack of other habitat change in the area) I conclude the development is unlikely to be detrimental to the maintenance of favourable conservation status.**

**I recommend a condition is required to secure great crested newt mitigation:**

The development hereby permitted shall not commence (including any tree, scrub or vegetation clearance, site clearance nor ground works) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Great crested newt Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to great crested newts. The works shall be implemented in accordance with the approved details and timing, as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

*Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.*

### 3. Species protected by UK legislation

#### Badger sett

I'm satisfied with the statements in the ecological impact assessment:

*'The outlier badger sett on site is currently considered to be outside of the works impacted area and hence no impacts on the sett structure are currently predicted during the construction period.'*

*The Ecological Clerk of Works for the site would advise on any specific mitigation for badgers. When full details of the working area around the engineered bank on the western site boundary are known, an assessment of whether the existing outlier badger sett will be disturbed can be made and the requirement for licensing can be determined.'*

### Reptiles

A grass snake was observed on the site and slow worms may be present in drier parts of the site.

Slow worms are a declining species and have consequently been included as a 'priority species' for the conservation of biodiversity (section 41 of the NERC Act 2006). They therefore need to be taken into account in the planning process.

Both grass snakes and slow worms are legally protected (Wildlife and Countryside Act 1981, as amended) against deliberate and reckless harm or killing (such as could occur from construction activity). However, the legislation protects only the animals themselves and not specifically their habitat. Consequently, provided they can be accommodated within areas free from harm within or adjacent to the site, or moved to a suitable receptor site elsewhere, their presence isn't a significant constraint to the proposed development.

However, further details on mitigation measures to avoid or minimise harm will be required. I **recommend a condition in this respect:**

The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan detailing measures to avoid harm to reptiles, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan.

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

### Nesting birds

A significant area of scrub and trees have naturally colonised the site and provide conditions likely to be used for nesting. **It would therefore be appropriate to include a condition restricting the timing of vegetation clearance:**

No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, scrub) shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless recently checked by a consultant ecologist for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have fledged.

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

### Water voles

Water voles have been recorded nearby (Gould's Brook) and whilst they weren't recorded during surveys, there's a small chance of them moving into the site and consequently further checks are advisable (e.g. by an Ecological Clerk of Works).

## **4. Other associated issues and recommendations**

### Plants

The site includes habitats that are contiguous with the adjacent Site of Special Scientific Interest and consequently rare species could spread onto the application site. There are also invasive species on site that shouldn't be allowed to spread. I agree with the proposed mitigation in the Ecological Impact Assessment:

*'If notable or rare species of plant are found during construction (Galingale, Wood-club rush), these are to be removed carefully and retained on site in a suitable condition to incorporate into suitable new habitat provision, although this is not considered to be likely.*

*Where the locations of the legislated invasive species have been found on site, the ground-workers will put in place such method statements of working so as to prevent the spread of these species across the site and beyond the current site boundaries, thus constituting a legal offence. These would likely include spot treating the variegated yellow archangel and hand pulling of the Indian balsam present, with proper disposal of arisings.'*

#### Landscape and Ecological Management Plan

A landscape and ecological management plan is proposed for the retained habitats ('nature reserve'), new planting (part of dormouse mitigation) and SSSI buffer zone. **I recommend this is made the requirement of a condition:**

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 or occupation*] of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Aims and objectives of management.
- c) Management prescriptions and work schedule.
- d) Details of the body or organization responsible for implementation of the plan.
- e) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

#### Ecological Clerk of Works

Due to the sensitive nature of the site and the complex ecological obligations, which will be subject to strict seasonal constraints and compliance with wildlife legislation, I recommended that an ecological clerk of works is commissioned during the construction period. **I recommend this is made the requirement of a condition:**

No development shall commence until the roles and responsibilities and operations to be overseen by an Ecological Clerk of Works have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

#### **Alternatively this could be incorporated into a condition for a Construction Environmental Management Plan (CEMP).**

Items for inclusion (based on example in British Standard 42020) in either of the above should include (to be included in the condition or informative?):

- Risk assessment of potentially damaging construction activities.
- Identification of 'protection areas' (e.g. retained features/areas for protected species, county wildlife site, SSSI buffer or features) and areas where invasive plant species have been identified.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction and site clearance (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features and protected species.
- The times during works when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The roles and responsibilities on site of an Ecological Clerk of Works.
- Use of protective fences, exclusion barriers and warning signs.



## Appendix 1: Natural England Guidance (WML-G24, 2010) on Habitats Regulations tests:

22. When considering 'imperative reasons of overriding public interest, including those of a social and economic nature' Natural England will take into account whether the activities/developments are required to meet or provide a contribution to meeting a specific need such as:
- the requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);
  - complying with planning policies and guidance at a national, regional and local level;
  - requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, .etc.).
26. It should be recognised that there are always going to be alternatives to a proposal and, in terms of licensing decisions, it is for Natural England to determine that a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on the EPS. In other words, Natural England expects the applicant to demonstrate that alternatives have been considered, explain what those alternatives were, and provide a justification for their decisions to select their preferred option and discount the others as satisfactory. As part of the process we always require the applicant to have considered the 'do nothing' scenario.
29. Natural England also expects the applicant to demonstrate that they have taken reasonable steps to minimise the impacts of a development on EPS. These steps or measures might include (for example) alternative timing of actions, development designs and layouts, and sites.
27. A proportionate approach is adopted in considering the feasibility of alternative solutions relative to the degree of likely impact. The greater the impact of the proposal on the species, the more evidence Natural England would expect to see from the applicant in order to be able to satisfy itself that there is no satisfactory alternative to the one being proposed.

# Appendix B

## County Highway Authority's responses to the application

- i) Email of 19<sup>th</sup> October 2016
  - ii) Email of 7<sup>th</sup> September 2016
  - iii) Letter of 17<sup>th</sup> February 2016
- 

### **i) Email of 19<sup>th</sup> October 2016**

**From:** Jonathan Fellingham <JIFellingham@somerset.gov.uk>  
**Sent:** 19 October 2016 12:30  
**To:** Linda Hayden  
**Subject:** Plan ref SSDC: 15/04770/FUL construction of 40 dwellings & associated works including access improvements, North Street, Crewkerne

Dear Madam

**TOWN AND COUNTY PLANNING ACT 1990  
THE ERECTION OF 40 NO. DWELLINGS AND ASSOCIATED WORKS INCLUDING  
ACCESS IMPROVEMENTS ONTO NORTH STREET, PARKING FOR ASHLANDS  
SCHOOL AND FOOTPATH LINK, NORTH STREET TRADING ESTATE, CREWKERNE  
APPLICATION REFERENCE: 15/04770/FUL**

Further to the Highway Authority's initial response dated 17<sup>th</sup> February 2016 and our subsequent discussions in regards to the above application the applicant has now submitted additional information to try and address the Highway Authority's previous objections.

As you are aware the Highway Authority's previous response dated 7<sup>th</sup> September 2016 referred to the revised access which had been submitted by the applicant. The Highway Authority audited these drawings and it is apparent that in feasibility terms the revised scheme is considered to be acceptable. Although the applicant will need to address the points raised in our e mail as part of any full technical submission in addition these works would need to be secured via a legal agreement.

Even though the applicant had looked the address the Highway Authority's concerns relating to the access road there was still an outstanding objection relating to the estate road layout. The applicant therefore provided additional information relating to the re-directed drain that is proposed to run down the centre of the carriageway. Having reviewed the submitted plans the Highway Authority is satisfied that this pipe is below the 900mm diameter consequently it will not require an AIP. In addition from the documents provided from the applicant it appears that Wessex Water will adopt this pipe. Consequently based on this information it would be unreasonable to maintain our objection.

Therefore having reviewed the details shown on amended plan 3609/PL/10 Rev S the Highway Authority has the following observations to make. Firstly the proposal will result in the laying out of a private street as a consequence under Sections 219 to 225 of the Highways Act 1980 it would be subject to the Advance Payment Code (APC). With regards to the layout this would need to be a minimum width of 5.5m with a 2.0m footway provided. Any turning head will need to be designed in accordance with the guidance set out in Estate Roads in Somerset. The applicant will need to make sure that a 1.0m margin is provided at the end of each end.

Please note that if any straight section of the proposed estate road is over 70m then it is considered to be affective straight. Consequently the applicant would need to introduce a horizontal speed reducing measure to reduce vehicle speeds. Visibility through the bends will need to be based on a 20mph vehicle speed. Please note that the area within the splay will be subject to adoption by the Highway Authority.

With regard to parking this will need to be in accordance with Somerset County Council's Parking Standards whilst any tandem parking will need be 10.5m in length.

It is noted from the plan that the applicant has shown some planting within the highway. As a consequence the applicant would need to submit a planting schedule to the Highway Authority as part of any S38 submission.

On a separate note it is apparent that a parking area for the primary school has been proposed. The applicant is required to make sure that there is a minimum distance of 6.0m provided between both banks of spaces and that the level of parking proposed is in accordance with Somerset County Council's Parking Strategy.

In conclusion the applicant has addressed the objections raised by the Highway Authority in our previous responses to the Local Planning Authority. Therefore it would be unreasonable to maintain them. As such we raise no objection to this proposal and if the Local Planning Authority were to minded to grant permission the following conditions would need to be attached.

- S106 to secure Travel Plan.
- No work shall commence on the development hereby permitted until the proposed highway works for the access road have been submitted to and approved in writing by the Local Planning Authority.

Such works shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use.

- A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plans shall include:

- Construction vehicle movements;

- Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
  - The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
  - The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
  - 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.
  - Noe of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.
  - No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
  - The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development 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 43.0m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

NOTE:

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing Traffic and Transport Development Group, County Hall, Taunton, Tel No. 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 licence is £250.

The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practically possible, and the developer should contact Somerset County Council for information on 0300 123 2224.

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontages affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.

Jon Fellingham  
Principal Planning Liaison Officer  
Economic and Community Infrastructure  
Traffic and Transport Development Group  
PPB2 W  
Somerset County Council

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[Somerset County Council.](#)

## ii) Email of 7th September 2016

**From:** Jonathan Fellingham <JIFellingham@somerset.gov.uk>  
**Sent:** 07 September 2016 15:47  
**To:** Linda Hayden  
**Subject:** Plan ref SSDC: 15/04770/FUL erection of 40 dwellings and associated works including access improvements, North Street, Crewkerne

Dear Madam

**TOWN AND COUNTY PLANNING ACT 1990  
THE ERECTION OF 40 NO. DWELLINGS AND ASSOCIATED WORKS INCLUDING  
ACCESS IMPROVEMENTS ONTO NORTH STREET, PARKING FOR ASHLANDS  
SCHOOL AND FOOTPATH LINK, NORTH STREET TRADING ESTATE, CREWKERNE  
APPLICATION REFERENCE: 15/04770/FUL**

I refer to the above mentioned planning application and the Highway Authority's previous response dated 17<sup>th</sup> February 2016 and the additional information submitted by the applicant.

As you are aware the Highway Authority previously raised objections to this proposal on the grounds of the increase use of a sub-standard access and that the layout did not conform to the required estate road layout standards set out in Somerset County Council's Design Guidance document.

The applicant has subsequently submitted amended plans to address a number of points, which includes the highway issues. These involve a revised a Transport Statement and a revised site access layout. In regards to traffic impact the applicant has indicated that the proposal would result in one additional vehicle every 9 minutes when compared to the permitted development proposals. Although the applicant believes that this is not significant enough to warrant an objection on traffic impact grounds the Highway Authority would still have concerns over the increase in use of the existing access. To overcome this issue the applicant has proposed a revised site access arrangements to those secured under the previous permission. This consisted of a 6.0m wide shared surface, a priority narrowing and proposed buildout with 1.2m footway.

This revised access layout has been subject to a safety and technical audit which has now been completed and having reviewed the report the proposed scheme is broadly considered to be acceptable in feasibility terms however there are some points the

applicant will need to address prior to any detailed technical submission. These are set out below:

- Provide details relating to the visibility splays (X & Y accesses) of both the minor road and North Street and the minor road with Fox Lea and the access to the west of Press-Tige Print Services.
- Clarification is required on the form of the junction – currently it is a vehicle crossover where pedestrians have priority.
- No swept paths have been provided at this time, any future submission should include the largest vehicle that is expected to utilise this junction at a scale of 1:200.
- Clarification is required on the radii at the junction of the minor road with North Street as no dimensions or details have been provided.
- In terms of the access road narrowing and the proposed priority road narrowing on the access road the applicant will need to confirm that the proposed width is suitable to cater for the remaining commercial premises (i.e. delivery vehicles).
- Confirm ownership of the trees in proximity to the retaining wall.
- Drainage details will need to be provided as part of any technical submission.
- Sign design conforms with current legislation.

As part of the Highway Authority required the submission of a Travel Plan. Having checked our guidance document the Highway Authority the applicant is required to provide a Travel Plan Statement for this site and it would need to be secured in a S106 agreement.

In regards to the internal layout it is apparent from the revised drawing that amendments have been made however it is the Highway Authority's opinion that it still does not overcome our concerns relating to the culvert that run longitudinally down the entire length of the road.

Therefore to conclude the proposal would result in an increase in vehicle movement from the junction of the minor road with North Street. This would usually be a cause for concern for the Highway Authority however to compensate for this increase the applicant has proposed a revised scheme of off-site highway works to improve the width of the minor road. This has been subject to a Safety and Technical Audit and is considered to be acceptable in feasibility terms. Consequently it would be unreasonable to maintain our first objection relating to the point of access. Although the applicant has amended the internal layout it does not appear that they have addressed the Highway Authority's concerns. Therefore the Highway Authority still maintain their objection to the proposal on the following grounds:

- The Local Planning Authority and the Highway Authority, in adopting the Somerset County Council publication 'Estate Roads in Somerset', have agreed standards for the layout of new streets. The proposed access road does not conform to these agreed standard and are not, therefore, adequate to serve the development proposed. The proposal is therefore does not meet the requirements of Section 4 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan 2006-2028.

Yours faithfully

Jon Fellingham  
Principal Planning Liaison Officer  
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## iii) Letter of 17th February 2016

### Somerset County Council

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your reference:  
15/04770/FUL

**FAO: Linda Hayden**

17<sup>th</sup> February 2016

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990  
THE ERECTION OF 40 NO. DWELLINGS AND ASSOCIATED WORKS INCLUDING  
ACCESS IMPROVEMENTS ONTO NORTH STREET, PARKING FOR ASHLANDS  
SCHOOL AND FOOTPATH LINK, NORTH STREET TRADING ESTATE, CREWKERNE  
APPLICATION REFERENCE: 15/04770/FUL**

I refer to the above mentioned planning application received on 16<sup>th</sup> November 2015 and following a site visit the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal.

The proposal relates to the erection of 40 dwellings and associated works which includes access improvements.

### **History and Off Site Works**

The Highway Authority is aware that this site has been subject to a long and complex history. From the submitted information it is apparent that there is an extant permission on this site for 26 dwellings. When considering that application it was the opinion of the Highway Authority that in terms of traffic numbers the proposed use was comparable with the existing commercial use of the site.

To mitigate for this increase in traffic the applicant proposed to upgrade the access road to adoptable standards. Please note that although these works were approved as part of the previous extant permission they never gained technical approval from the Highway Authority consequently we still have concerns over their deliverability.

The new application has provided a similar scheme. The Highway Authority has carried out a Safety and Technical Audit of the works which raised a number of points that need to be addressed. Although the main points:

- 'X' distances along the junctions of the proposed works.
- 'Y' distances along the junctions of the proposed works.
- No Swept path drawings.
- Carriageway widths on North Street.
- No Non-Motorised Users (NMU) audit included.

## **Travel Plan**

It is noted that no Travel Plan has been submitted as part of this application. Having reviewed Somerset County Council's guidance document for Travel Plans the applicant will need to submit a Measures Only Travel Plan for the site. This will also need to be secured via a legal agreement.

## **Internal Layout**

In terms of the internal layout the Highway Authority has carried out an audit of the proposal and has the following comments to make. It should be noted that there is one outstanding point that doesn't appear to have been addressed from the 2006 permission. The Highway Authority maintains that we will not adopt a road where a culvert runs longitudinally down the entire length of the road. The Highway Authority would only consider adoption where a limited section of the culvert crosses through the width of the road.

As a consequence the Highway Authority will not provide further comment on the internal layout until the applicant either re-designs the internal layout to overcome the Highway Authority's concerns or alternatively confirm that the site is to remain private.

## **Drainage**

The applicant has provided a Flood Risk Assessment as part of this proposal this has now been assessed and we have the following observations to make.

It is noted that the existing culverted watercourse through the site will be upgraded to ensure sufficient capacity to accommodate the 1 in 100 year plus 20 climate change fluvial design event. It is therefore presumed that the development will be protected against fluvial flooding up to this design. The general surface water management plan proposes that surface water from the proposed development will be collected by rain water pipes from roofs, and gullies with silt traps from highways and parking areas. This surface water will then be discharged to the watercourse, on site, mimicking the existing regime. Whilst it is noted that the surface water drainage system, where possible, will be offered to the Water Authority for adoption as a public sewer, the Highway Authority will need to understand the drainage design criteria and levels of flood protection that will be achieved for the estate roads. Further the implications on the performance of the drainage system when discharging to a surcharged culverted watercourse needs to be understood as is at what point safe access and egress from the development might become an issue.

In respect of the culvert, there are numerous points that will need to be clarified with the Highway Authority during the detailed design stage to satisfy either the Advance Payments Code (APC) legislation or highway adoption criteria and these are as follows:

- Position and alignment in relation to the estate roads;
- Ownership and future maintenance liabilities;
- Design and construction standards;
- Access arrangements for inspection;

- Construction of the road over the culvert; and
- Commuted sum payment for future maintenance (if applicable).

Finally it is noted that the ground investigation has determined that the site is underlain with made ground up to 2.0m in depth and that water table levels rise to within 0.4m of the existing ground level in places. The applicant will need to consider these factors when designing both the culvert and the access roads.

### **Conclusion & Recommendation**

To conclude the Highway Authority has concerns in regards to this proposal firstly in terms of traffic impact as the additional 14 dwellings, which are over and above the extant permission of 26.. The proposed highway works to upgrade the existing lane are similar to those previously proposed however these were never formally approved by the Highway Authority. The applicant has also not provided a Travel Plan as part of their submission. Somerset County Council's Travel Plan Guidance requires that a Measures Only Travel Plan will need to be submitted and secured via a S106 agreement.

Finally it is noted that previously the Highway Authority stated that we would be unable to proceed with the adoption of the internal layout as they have proposed a culvert which runs longitudinal through the site.

Therefore based on the above information the Highway Authority raises objection to the proposal for the following reason:

- The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan 2006-2028 since the increase use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to highway safety.
- The Local Planning Authority and the Highway Authority, in adopting the Somerset County Council publication 'Estate Roads in Somerset', have agreed standards for the layout of new streets. The proposed access road does not conform to these agreed standards and are not, therefore, adequate to serve the development proposed. The proposal therefore does not meet the requirements of Section 4 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan 2006-2028.

Yours faithfully,

Jon Fellingham  
Principle Planning Liaison Officer  
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Traffic and Transport Development Group  
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ETE-#737673