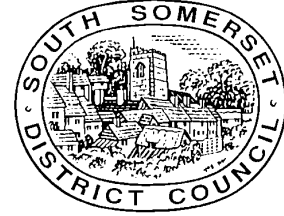


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 16th August 2017

5.30 pm

**The Guildhall
Fore Street
Chard
TA20 1PP**

(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 6.15pm.

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

This Agenda was issued on Monday 7 August 2017.

Ian Clarke, *Director (Support Services)*

**This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app**



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

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 16 August 2017

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 19th July 2017**

- 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, Angie Singleton and Martin Wale.

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 20th September 2017, commencing at 5.30p.m. in the Guildhall, Chard TA20 1PP.

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. Town Centre Events Grants Programme (Executive Decision)** (Pages 6 - 9)
- 8. Area West Committee - Forward Plan** (Pages 10 - 11)
- 9. Schedule of Planning Applications to be Determined by Committee** (Pages 12 - 13)
- 10. Planning Application 17/02156/FUL - 45 Nursery Gardens, Chard** (Pages 14 - 19)
- 11. Planning Application 17/02272/S73A - Lynash Nurseries, Boozers Pit, Merriott**
(Pages 20 - 25)
- 12. Planning Application 16/05500/OUT - Land South West of Canal Way, Ilminster**
(Pages 26 - 49)

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

Town Centre Events Grants Programme

Portfolio Holder: Cllr Val Keitch, Chairman of Area West Committee
Service Manager: Zoë Harris, Area West Team Leader
Lead Officer: Dylan Martlew, Neighbourhood Development Officer (Economy)
Contact Details: dylan.martlew@southsomerset.gov.uk or 01935 462695

Purpose of the Report

To inform members about the programme to provide additional grant funding to boost town centre footfall and retail engagement in Chard, Crewkerne and Ilminster, and to request approval to run the programme.

Public Interest

The programme will make £4,500 of grant funding available to boost town centre footfall and encourage retailers to engage in events and activities in Chard, Crewkerne and Ilminster. This funding is available because savings from Christmas free parking have been ring-fenced for economic development in the three town centres.

Recommendations

That the Area West Committee:

- i. Note the content of the report.
- ii. Support the proposed Town Centre Events Grants programme.
- iii. Allocate £4,500 of Area West revenue budget funding to the programme.

Background

At the Area West Members workshop in April 2017 it was suggested that the £4,500 of community grant money usually allocated for free Christmas parking, be used for town centre events that increase footfall in each of the market towns.

The Area Development Team has devised this town centre events programme which has been informed by discussion with Area West Members.

Town Centre Events Grants Programme

The aim of the programme is to support economic development through increased footfall in town centers and increased engagement by retailers in town centre events.

Funding

The programme will have a funding pot of £4,500 from which it will make grants of between £200 and £1,500 available to local community groups in Crewkerne, Chard and Ilminster.

Administration

The programme will be administered by the Area West Development Team using a tailored version of the established community grants process. This will provide consistency, transparency and an audit trail.

What are the timescales?

If approved the programme will be launched in September 2017. There will be two calls for applications, the first from 1/9/17 to 31/10/17 and the second from 1/1/18 to 28/2/17. Applications will be assessed and selected at the end of each call and successful applicants notified. All events will need to be completed and claims paid by August 2018.

Who will we fund?

We will fund formally constituted not for profit groups and organisations who are based within SSDC Area West. This could include:-

- Community, voluntary and charitable organisations
- Chambers of Commerce, Town Teams
- Parish and Town Councils

To be eligible groups must be based within SSDC Area West and have a constitution or signed set of group rules, as well as a bank account in the name of the organisation.

How much will we fund?

Requests for grant support can be from £200 - £1,500. Although we will fund 100% of programme costs applicants are encouraged to provide match funding wherever possible. We will be looking for even distribution across the three towns.

What will we fund?

Applications will be considered for new events or enhancements of existing events that:-

- can show a measurable increase in visitor footfall in the town centres of Ilminster, Chard and Crewkerne.
- can demonstrate engagement with town centre retailers.

We will look more favourably upon events that are a collaborative effort. i.e. involve more than one organisation working together.

We will not fund:-

- Events that have already taken place.
- Organisations which have more than one year's running costs held in uncommitted reserves.
- Organisations generating funds for private profit.

Applications will be assessed by the Area West Development Team. They will be scored against the criteria above and grants will be awarded on a first-come, first-served basis.

Except in exceptional circumstances grant funding will only be made upon receipt of invoices or receipts.

(See Appendix A for the 'Guidance for Applicants' document which will be sent to applicants with the application form.)

How do groups apply?

Interested parties should contact Dylan Martlew at the Area West Development Team by email (dylan.martlew@southsomerset.gov.uk) or by telephone on 01935-462695. We will discuss the proposal and if it fits the criteria we will send out an application pack including guidance and an application form. The initial discussion will help to save both parties time.

Feedback

Successful applicants will need to produce feedback (with photos if appropriate) that provides evidence of how the award was spent and the level of success achieved.

Financial Implications

The programme will draw on £4,500 of the community grants revenue budget.

Council Plan Implications

The SSDC Council Plan 2016 – 2021 states:

Focus on economy: “We will work with businesses and use our assets to grow our economy.”

Focus on Heath and communities: “Support communities so that they can identify their needs and develop local solutions.”

Carbon Emissions and Climate Change Implications

None directly arising from this report.

Equality and Diversity Implications

Rural communities are vulnerable to isolation from services & markets and face higher transport costs. This programme provides an opportunity to support locally important economic initiatives.

Privacy Impact Assessment

None directly arising from this report.

Background Papers

None cited.

Appendix 1 – Guidance for Applicants

AREA WEST TOWN CENTRE EVENTS GRANTS PROGRAMME GUIDANCE

Before, and whilst completing your application form, please read and refer to these guidance notes carefully. If, having read them, you are still unsure about how to answer any of the questions, please contact the Area West Neighbourhood Development Team. Contact details can be found at the end of this document.

Introduction

This is a one off, time-limited grants fund administered by the Area West Committee of South Somerset District Council. Its primary aim is to increase the footfall in the town centres of Ilminster, Chard and Crewkerne.

What are the timescales?

This grants programme opens on 1st September 2017 and closes on 31st May 2018. Applications can be made at any time between these dates. Events must be complete and all claims made by 31st August 2018.

Who will we fund?

We will fund constituted not for profit groups and organisations which are based within SSDC Area West. This could include:-

- Community, Voluntary and charitable organisations.
- Parish and Town Councils
- Business networking groups and Chambers of Commerce
- Town Teams

To be eligible groups must have a set of rules / constitution and a separate bank account in the group's name.

How much will we fund?

Requests for grant support can be from £200 - £1500.

Although we will fund 100% of event costs applicants are encouraged to provide match funding wherever possible.

What will we fund?

Applications will be considered for events that:-

- Can show a measurable increase in visitor footfall to the town centres of Ilminster, Chard and Crewkerne.
- Can demonstrate and engagement with town centre retailers.

We will consider new events, or an enhancement of an existing event, as long as the criteria above can be demonstrated.

The grant is expected to mainly cover revenue costs but may also be used for capital expenditure on equipment.

We will look more favorably upon events that are a collaborative effort, i.e. more than one group/organisation working together.

Please note that we are unable to fund:-

- Events that have already taken place.
- Organisations generating funds for private profit.

Except in exceptional circumstances grant funding will only be made upon receipt of invoices or receipts. Therefore you will need to ensure that you have sufficient resources to cover any upfront costs.

Please remember

- Successful applicants will need to produce feedback (with photos) that provide evidence of how the award was spent and the level of success achieved.
- Organisations must be based within SSDC Area West and have a constitution or signed set of group rules, as well as a bank account in the name of the organisation.
- All grants offered will be subject to conditions. We will discuss these with you and these will clearly be set out in your offer letter.

For more information please contact Dylan Martlew in the Area West Development Team on 01935 462695 or dylan.martlew@southsomerset.gov.uk

Agenda Item 8

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.

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
20 th September 2017	Community Offices Update	Service Update Report	Lisa Davis, Community Office Support Manager
20 th September 2017	Chard Regeneration Scheme	Progress Report	Timothy Douglas, CRS Project Manager
<i>20th September 2017</i>	<i>One Public Estate Programme</i>	<i>Update report on the One Public Estate Programme</i>	<i>Nena Beric, Project Manager</i>
<i>18th October 2017</i>	<i>Countryside Service Update Report</i>	<i>Service update report</i>	<i>Katy Menday, Countryside Manager</i>
<i>18th October 2017</i>	<i>Historic Buildings at Risk</i>	<i>Confidential report to update members on current Historic Buildings at Risk cases in Area West.</i>	<i>Greg Venn, Conservation Officer</i>
<i>18th October 2017</i>	<i>S106 Obligations</i>	<i>Update Report</i>	<i>Neil Waddleton, S106 Monitoring Officer</i>
18 th October 2017	Area West – Reports from Members on Outside Bodies - Ilminster Forum – Cllr Carol Goodall	To introduce reports from members appointed to outside bodies in Area West.	Zoe Harris, Area Development Team Leader
<i>15th November 2017</i>	<i>Environmental Health Update Report</i>	<i>Service update report</i>	<i>Alasdair Bell, Environmental Health Manager</i>
<i>15th November 2017</i>	<i>Highways Update Report</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority.</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
<i>6th December 2017</i>	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>Progress Report</i>	<i>Zoe Harris, Area Development Lead (West)</i>

Agenda Item 9

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
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 6.15 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.00 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
10	CHARD JOCELYN	17/02156/FUL	Demolition of existing lean to extension and detached garage and the erection of a two storey side extension and single storey rear extension to dwellinghouse	45 Nursery Gardens, Chard TA20 1HJ	Mr Phillip Loaring
11	EGGWOOD	17/02272/S73A	Application to remove condition 02 (agricultural workers occupancy) from planning permission 04/02261/FUL	Lynash Nurseries, Boozer Pit, Merriott	Mr & Mrs Wallis
12	ILMINSTER	16/05500/OUT	Outline application for residential development for up to 400 dwellings with associated access.	Land South West Of Canal Way, Ilminster	Persimmon Homes SW & Somerset County Council

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.

Agenda Item 10

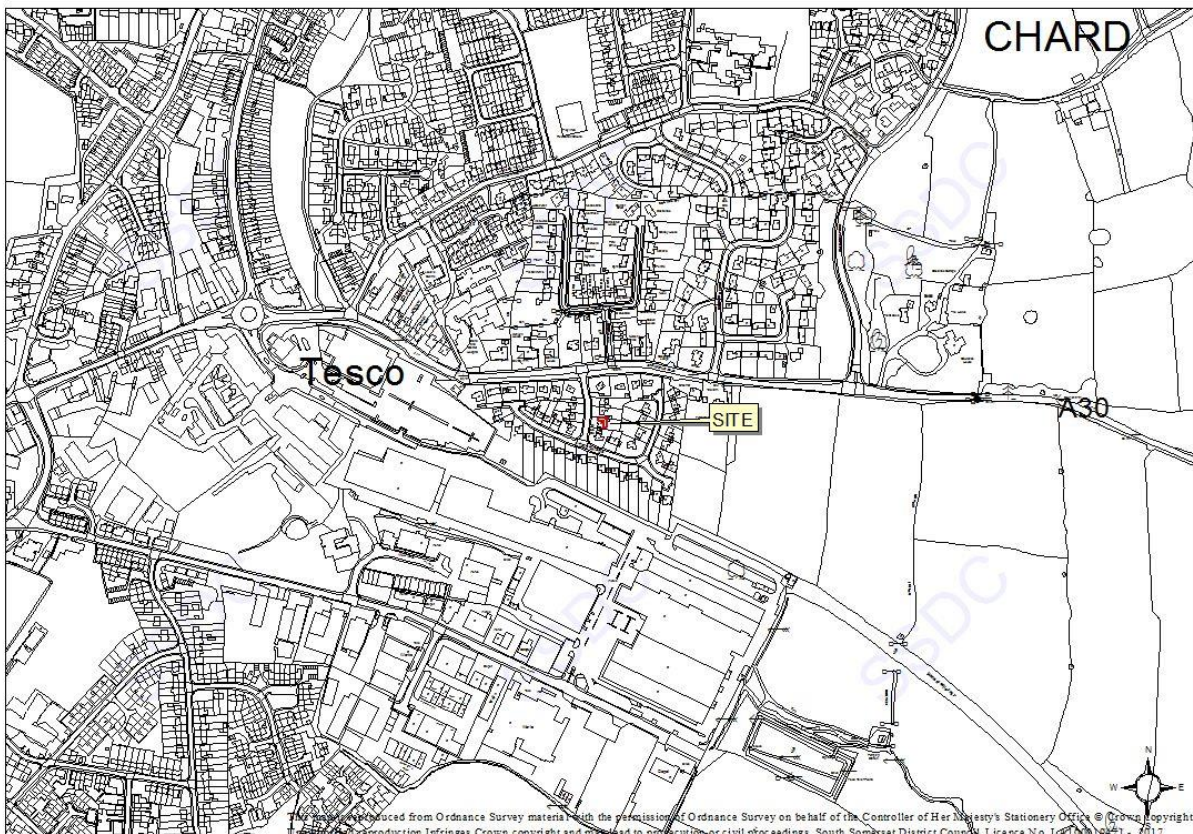
Officer Report on Planning Application: 17/02156/FUL

Proposal :	Demolition of existing lean to extension and detached garage and the erection of a two storey side extension and single storey rear extension to dwellinghouse
Site Address:	45 Nursery Gardens, Chard TA20 1HJ
Parish:	Chard
JOCELYN (CHARD) Ward (SSDC Member)	Cllr D M Bulmer
Recommending Case Officer:	Chloe Beviss Tel: (01935) 462321 Email: chloe.beviss@southsomerset.gov.uk
Target date :	27th July 2017
Applicant :	Mr Phillip Loaring
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member and in agreement with the Area Chair in order for Members to fully consider the neighbour objections.

SITE DESCRIPTION AND PROPOSAL





This application is seeking planning permission for the demolition of an existing garage and lean-to extension and the erection of a two storey side and single storey rear extension.

The two storey detached dwellinghouse is of red brick elevations under a concrete tile roof off Nursery Gardens in Chard. The property is set up from the adjacent road with a concrete driveway leading up to a single garage which is attached to the neighbours similar garage.

The two storey side extension will be set back from the principal gable and mirror the height of the main ridge. It is proposed to the northern side elevation and to extend beyond the original rear elevation by 1.9 metres whilst the proposed single storey rear extension will span the width of the original rear elevation of the dwelling as well as the two storey side extension, extending out from the rear by 4 metres (2.1 metres from two storey extension).

Materials are proposed to match the existing whilst it also proposed to form additional parking by extending the driveway in front of the dwelling. (An integral garage is also proposed as part of the application).

HISTORY

None since property built.

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.

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities

have 'special regard to the desirability of preserving the building or its setting'.

Relevant Development Plan Documents

South Somerset Local Plan (2006-2028):

TA5 - Transport Impact of New Development

EQ2 - General Development

National Guidance

National Planning Policy Framework (March 2012):

Chapter 7 - Requiring good design

National Planning Practice Guidance

Design

CONSULTATIONS

Chard Town Council: Resolved that this application should be approved.

SCC Highway Authority: Standing advice applies.

SSDC Highway Consultant: Given the increase in bedroom accommodation I support the provision of additional car parking within the front garden area of the property, as indicated on the block plan. The extended parking area should accommodate minimum dimensions of 4.8m x 2.4m (but preferably 5.5m x 3.0m), it should be properly consolidated and surfaced (not loose stone or gravel), and suitable drainage measures should be implemented to prevent surface water from discharging onto the public highway. A S184 Road Opening Notice will be required from SCC for the dropping of the kerbs and the re-profiling of the footway.

REPRESENTATIONS

Six neighbours notified and site notice displayed. Three letters of objection which are summarised below:

- Plans ill-considered, will effect integrity of street with side extension sitting on boundary of no. 44
- Popular street due to spacious front gardens and properties not being enclosed
- New driveway on steep slope which cannot be screen from road
- Size of extension not in keeping with style and size of properties in cul-de-sac
- Parking for one vehicle on large development would means other cars parking on already congested road
- Plans give impression garage is detached although it is attached to garage of no. 44
- Deeds of no. 44 refer to right of support for garage i.e. the adjoining garage, concerns relating to remedial work required etc.
- Two storey extension to be built within 100mm of boundary - will make difficult to build without trespassing, difficult to maintain and repair remaining garage and open car doors on driveway
- Two storey side extension disproportionate in size to existing dwelling and will be overbearing, visually intrusive and out of keeping with spacious open plan estate
- Existing drive currently provides four parking spaces, development will lose two of those and plans will only replace one causing possibility of further on road parking

- Proposal to replace part of garden with parking contravenes covenant on deeds relating to walls/structures/trees/hedges etc in this location
- Two storey extension will reduce light in rear amenity area of no. 44 and proposed first floor window will overlook that area
- Application states existing drive tarmac, it is concrete. Any change would not be in keeping

Officer Comments:

Any objections regarding covenants contained within the deeds of the property are a civil matter and are not a planning consideration as these would not be grounds for refusing planning permission.

Any resulting difficulty in maintenance etc is not unfortunately a material planning consideration.

CONSIDERATIONS

The main considerations in this case relate to:

- Residential amenity
- Visual amenity
- Highway safety/parking

Principle of Development

The principle of extending the existing property is acceptable in principle providing it accords with the relevant development plan policies and any other material considerations.

Visual Amenity

The proposed extension is considered of an acceptable scale, form, design and appearance which will not adversely affect the visual amenity of the area.

It is not considered disproportionate to the size of the plot in which it is located.

Notwithstanding the proposed extension extending to the northern boundary of the site, it is not considered to result in a significantly harmful development such as to warrant refusal of the application.

Residential Amenity

It is acknowledged that the proposed extension will be located alongside the northern boundary and therefore in close proximity to the neighbouring property to the north. However, the driveway that serves this property runs to the side, retaining a gap of approximately 4 metres.

There are no windows on the main south facing elevation of the neighbouring property, only a ground floor opening on the two storey rear element which is approximately 9 metres from the proposed extension.

Given the orientation of the properties, it is not considered the proposal will significantly adversely affect the neighbouring property through loss of light, overlooking or causing an overbearing impact given there are no windows proposed in the north facing elevation and due to the projection of 1.9 metres in terms of the two storey rear extension from the rear elevation.

The first floor window in the rear facing elevation of the extension which is to serve a bedroom will be situated beyond the rear elevation of the neighbouring property meaning views will not be possible down into the amenity space immediately to the rear of the dwellinghouse. The views which will be introduced across the further part of the garden are not considered a significant increase on the mutual overlooking that is already possible.

Highway Safety/Parking

This application sees an increase in bedroom numbers from three to four and the loss of parking provision by the demolition of the existing garage and siting of the extension over part of the existing driveway.

In accordance with the Council's Highway Consultant's comment and the Somerset Parking Strategy optimum standards, sufficient off road parking for three vehicles has been indicated on the plans which includes an integral garage and the formation of an increased area of driveway for parking.

Notwithstanding the concerns of the neighbours relating to parking, the adequate number of spaces have been provided for and as such, there are no grounds for refusal on this basis.

It would appear there is an error within the submission as it states the existing driveway is tarmac whilst it is actually concrete. The applicant has confirmed his willingness to use concrete to match the existing drive and has indicated this on the submission of a new parking plan which also proposes an aco drain to adequately deal with the disposal of surface water to a soakaway.

CONCLUSION

Having regard to the above, it is considered that the proposals would not cause significant harm to the residential amenity of neighbouring occupiers or the visual amenity of the area whilst providing sufficient parking in connection with the development. This is in accordance with Policies TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework (2012).

RECOMMENDATION

Approve with conditions

01. The proposals, by reason of their scale, siting, design and materials, will cause no significant adverse impact to residential or visual amenity whilst providing sufficient parking in accordance with the aims and objectives of Policies TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006 - 2028) and the policies of the National Planning Policy Framework (2012).

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:

Amended Block Plan received 24th July 2017

Drawing No. 4:7 received 15th May 2017
Drawing No. 5:7 received 15th May 2017
Drawing No. 6:7 received 15th May 2017
Drawing No. A:A received 12th July 2017

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

03. The new driveway and drainage measures, as indicated on the approved plans, shall be installed and made available for the parking of vehicles prior to the first occupation of the development hereby approved.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset local Plan (2006-2028).

04. The area allocated for parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking 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).

Informatives:

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager on 0300 123 2224. Applications for such a permit should be made at least four weeks before access works are intended to commence.

Agenda Item 11

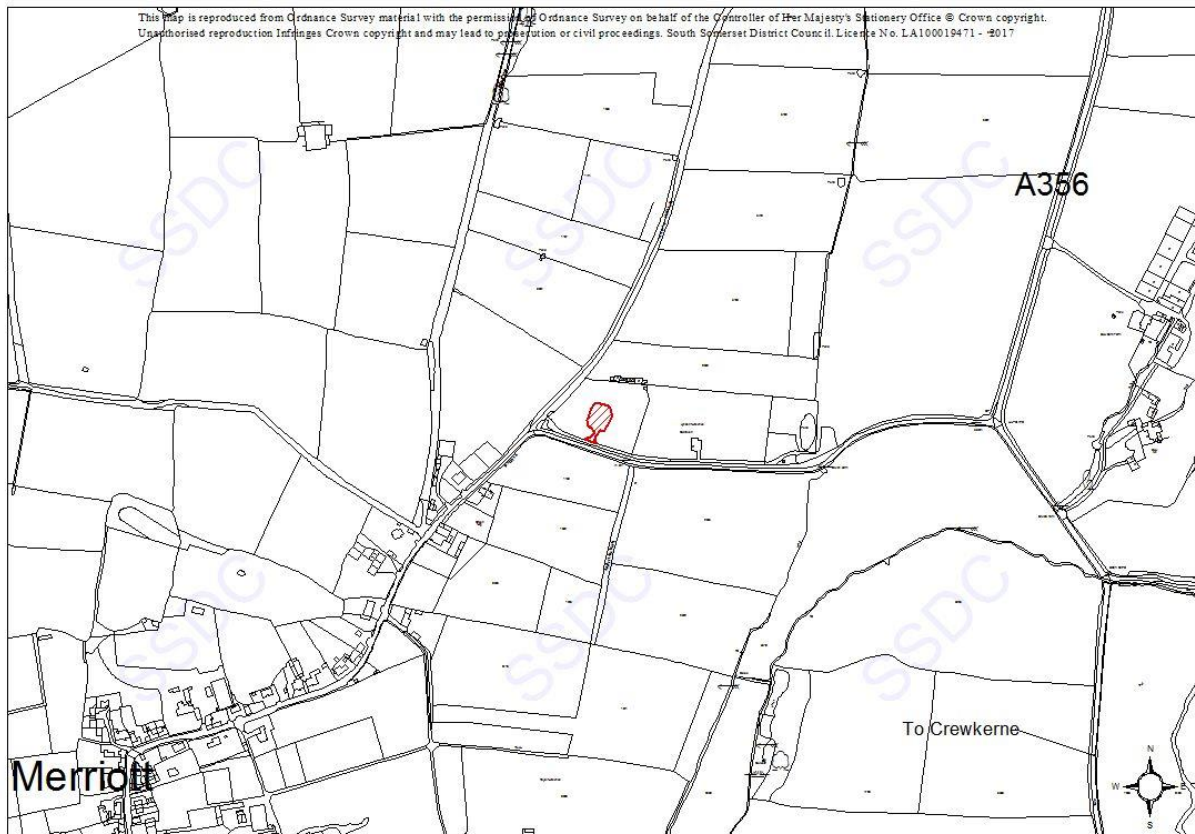
Officer Report on Planning Application: 17/02272/S73A

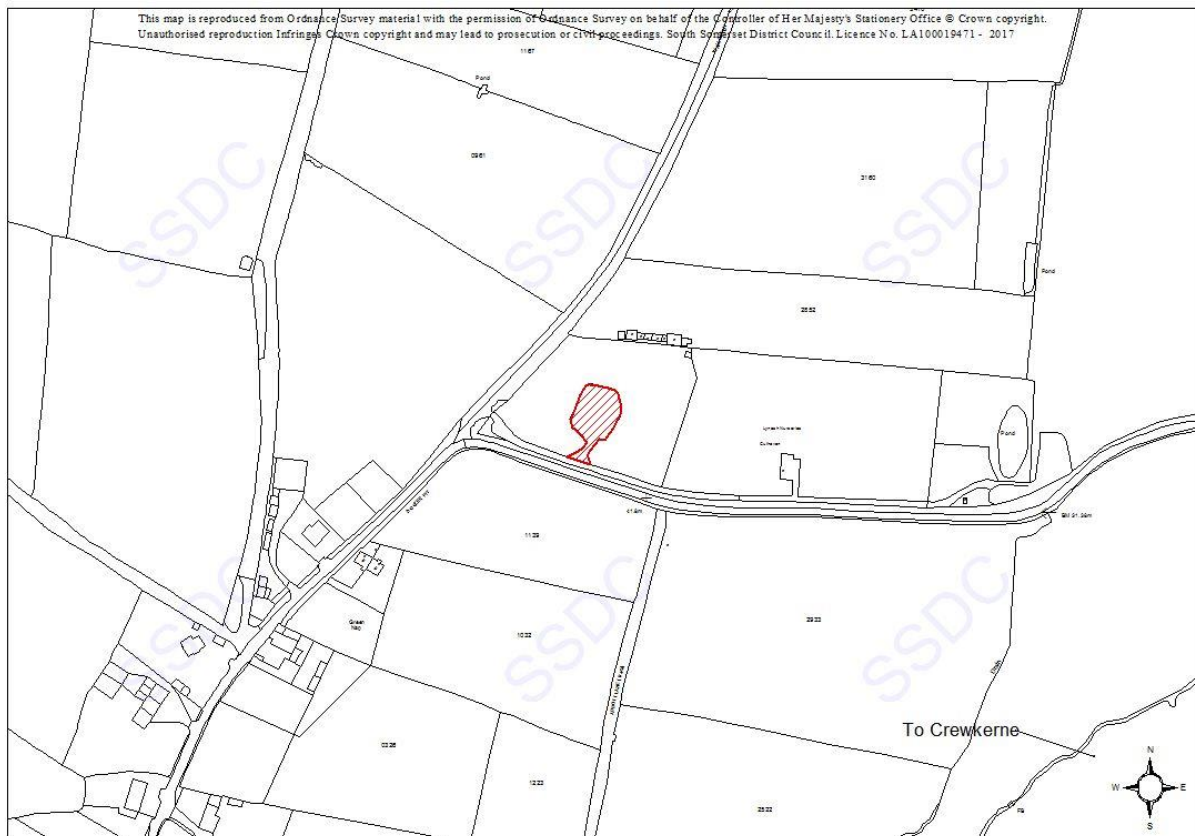
Proposal :	Application to remove condition 02 (agricultural workers occupancy) from planning permission 04/02261/FUL
Site Address:	Lynash Nurseries, Boozer Pit, Merriott
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date :	26th July 2017
Applicant :	Mr & Mrs Wallis
Agent: (no agent if blank)	Mr APA Booth, Symonds and Sampson LLP 2 Court Ash Yeovil BA20 1HG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The ward member, in agreement with the Area Chairman, has requested that it goes to committee so that a full and democratic debate can take place concerning all the issues of the case.

SITE DESCRIPTION AND PROPOSAL





This is a Section 73A application to remove condition 02 (agricultural workers occupancy) from planning permission 04/022661/FUL.

The site is located within the open countryside on the outskirts of Merriott, which is situated to the southwest. The agricultural dwelling is a large two-storey property situated to the north of the highway, with the nursery business and polytunnels to the east of it.

HISTORY

- 00/00189/OUT: erection of an agricultural workers dwelling - approved 19/06/00
- 02/02646/REM: Erection of an agricultural workers dwelling - approved 14/11/02
- 03/02179/FUL: continued use of land as a site for a mobile home for horticultural worker - approved 14/03/05
- 04/02261/FUL: Proposed erection of Agricultural Workers Dwelling - approved 02/11/04
- 15/00625/DPO: application to vary S106 agreement to allow release of part of land relating to planning application 00/00189/OUT - allowed 24/03/15

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.

Relevant Development Plan Documents:

Government Guidance:

National Planning Policy Framework

Chapter 3: Supporting a prosperous rural economy

Chapter 7: Requiring Good Design

Chapter 11: conserving and enhancing the natural environment

National Planning Practice Guidance

South Somerset Local Plan (Adopted March 2015):

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy HG10 - Removal of Agricultural and Other Occupancy Conditions

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Merriott Parish Council:

"The parish council understand the declining horticultural industry in the current economic climate has played a major part in the need for this application. We can only sympathise and give our whole hearted support for Mr Wallis's application."

SCC Highways:

Standing advice.

SSDC Highway consultant:

The planning submission is considered to be largely a planning matter to determine.

REPRESENTATIONS

A site notice displayed. No comments have been received.

CONSIDERATIONS

This application is to remove the agricultural tie condition from the property. The proposal does not include any changes to the current access, parking or appearance of the dwelling as such the only matter to consider is if the property can be occupied without the agricultural tie.

The site is located within the open countryside where the NPPF supports dwellings where there is an agricultural need; which outweighs the local policy SD1 on sustainable development.

Policy HG10 of the local plan addresses the criteria which must be assessed when considering if an agricultural tie can be removed. The Agent has addressed each point of this policy in turn and as such this will be addressed accordingly.

"There is no longer a continued need for the property on the holding, or for the business."

The agent identifies that the site can only be occupied by a retired farmer or someone working locally in agriculture or prepared to work on the existing holding. However he states that factors that would limit this are the size of the holding, the existing buildings, infrastructure and size and value of the dwelling and success of the current business.

The agent states that the holding is only 7.3 acres and that the modest holding has a limited use with the temporary structures and as such any purchaser would need a significant capital investment for new buildings. He further states that the lack of advertisement being allowed on the A356 affected the retail trade and there is the knowledge of similar horticultural businesses failing.

The supporting document giving a valuation of the site, as carried out by Rendells, indicates that in total the applicants own 15.27 acres of land. This is further supported by the site plan that shows an additional area edged in blue. Whilst this land was the subject of a variation to the Section 106 agreement, which was allowed, it is still in their ownership and could be used to market the whole plot. The agent states that the holding is only approx. 7 acres, but that statement is only through the applicant's choice, as in fact all 15 acres could be included, thus making the holding possibly more feasible for a business investment.

It is noted that horticultural business may be failing and some of these are referred to by another owner of such a business, however many are also not failing. In addition to this the agricultural tie refers to agriculture and not the nursery business alone, as such another agricultural activity could take place on the site, which has not been investigated.

The tie also relates to 'someone last working, in the locality in agriculture or forestry...' as such a retired farmer may be interested in the dwelling.

"There is no long term need for a dwelling with restricted occupancy to service local need in their locality."

The Agent states that the dwelling is too large to meet any local need. He refers to the original consent back in 2004 which allowed a larger dwelling than the policy guidelines at the time. There is nothing on the previous planning approval that indicates why the larger dwelling was allowed, however the policy at the time required dwellings to be commensurate with the needs of the holding and as such it can only be considered that the case officer considered there was a need.

The agent argues that the dwelling is too large and valuable for an agricultural worker; however this theory has not been tested. The valuation may be beyond the spending power of an agricultural worker, but there is no proof of this, as the property has not been marketed to see if anyone is interested in the site with the 15 acres, and with the possibility of starting an alternative agricultural business. In addition to this the statement that the valuation is 'beyond the spending power of all but the wealthiest of retired farmer', has not been tested.

"The property has been marketed locally for an appropriate period (a minimum eighteen months) at an appropriate price and evidence of marketing is demonstrated."

The agent states that a marketing campaign is unwarranted due to the peculiar and unusual circumstances at Lynash Nurseries, those being;

1) The applicants do not wish to sell, so marketing campaign would be pointless, and costly.

It is considered that there is no justified reason to remove the tie if the applicants do not intend to sell. Currently they comply with the agricultural tie as they either work or last worked in agriculture. This condition relates to being retired and to the widow or widower of such a

person.

2) Mrs Wallis is suffering from a medical condition and the applicants wish to ensure domestic arrangements are ordered and organised in good time.

It is considered that the health of the applicants does not affect the agricultural tie, due to the wording of it and as they have stated within point 1 that they do not wish to sell, it is unclear as to how the removal of the tie will help with domestic arrangements. If the intention was to sell the property then this could be assessed in further detail, but the agent has clearly indicated that this is not the case.

3) Evidence of an appeal submitted where a marketing campaign was deemed unnecessary.

This has been looked at and the appeal was following a certificate of lawfulness for non-compliance with an agricultural tie condition. The COL allowed the current occupiers to continue the occupation not complying with the tie but any future occupiers who met the condition's requirements would still need to adhere to the restrictions. An application was then submitted to remove the tie and this was refused and appealed. The inspector allowed the appeal on the basis that there was no evidence that the condition was necessary for the small holding as the holding was very small and unlikely to be capable of supporting a full-time agricultural worker.

However this case differs from the appeal, in so much as the condition on the appeal did not refer to those who 'last worked' in agriculture, thus allowing a retired agricultural worker to occupy the dwelling and the holding was approximately 4 acres, not the 15 acres that this applicant owns.

4) The large house and smallholding and high value demonstrate why a marketing campaign would be fruitless.

This is not based on tested evidence of carrying out any marketing, in addition to this as stated within this report the land ownership extends to 15 acres, though only the approx. 7 acres has been referred to. Also the owners comply with the tie and do not currently intend to sell the premises.

5) There are a lack of purchasers from the world of horticulture, nursery and plant propagation.

This may be the case however the condition is for an agricultural and forestry tie and as such another agricultural business may be successful on the site, this has not been addressed.

6) SSDC accepted evidence of the nurseries financial pressure in 2015 when allowing some of the land to be released from the Section 106 agreement.

The Section 106 was assessed on its individual merits at the time and based on the applicants need to cover debts. Within the report the Case Officer stated;

"A condition on the 2000 planning application restricted the occupancy of the dwellinghouse with an agricultural tie and the Section 106 tied the land to the dwellinghouse with some area of land being allowed to be let for short periods of time. A request was made in 2008 to allow the release of some of the land so that it could be sold separately, and this was allowed. This request seeks to allow the remainder of the land shown in yellow on the Section 106 agreement to be released as the land has not been used in conjunction with the nursery since 1988."

The variation was supported as the land had not been used in connection with the nursery for some time and as such was considered surplus to the nursery activity. The application showed

that the land containing all the polytunnels and the dwelling were to remain as one.

Additionally this application shows that the applicants still own a proportion of the land that was released from the Section 106 agreement and therefore can be included in any marketing of the agricultural dwelling.

Conclusion:

It is considered that the application does not provide the evidence required to support the removal of the agricultural tie condition and the application also fails to recognise the full extent of land ownership which would make the site more appealing to an agricultural business. The agent routinely refers to 7 acres of land when the valuation includes up to 15 acres of land, as shown on the site plan edged in blue.

Furthermore the owners do not wish to sell the property at this time, and as they last worked in agriculture, they still comply with the agricultural tie, accordingly it is considered that there is no need or justification to remove the condition which is still considered to be;

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise and
- Reasonable in all other respects.

Therefore it is considered that the proposal is contrary to the aims and objectives of policy HG10 of the South Somerset Local plan and the NPPF.

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The application lacks evidence that the property has been appropriately marketed and that there is no longer a need for the continued use of the occupancy condition, no. 02 on planning permission 04/02261/FUL, contrary to Policy HG10 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 instance no pre-application advice was sought prior to submission. During the life of the application the Agent was informed of the District Councils view.

Agenda Item 12

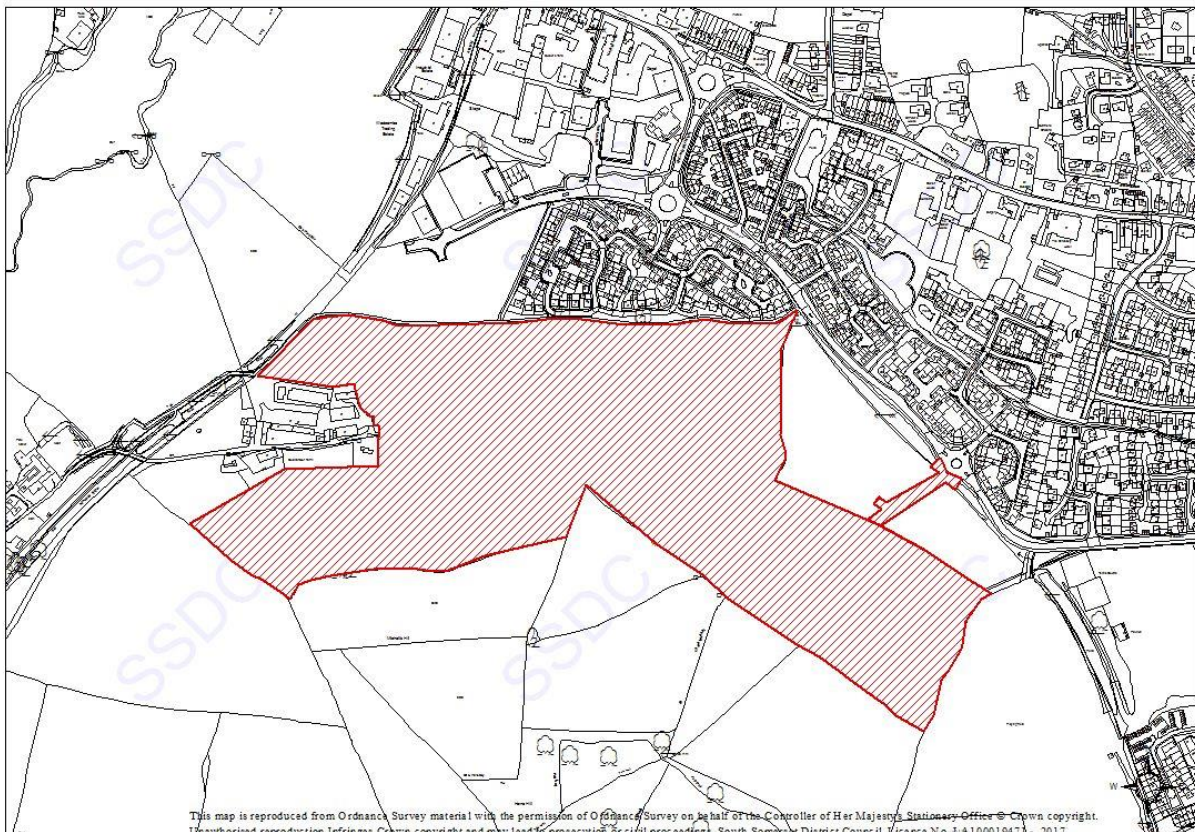
Officer Report on Planning Application: 16/05500/OUT

Proposal :	Outline application for residential development for up to 400 dwellings with associated access.
Site Address:	Land South West Of Canal Way, Ilminster
Parish:	Ilminster
ILMINSTER TOWN Ward (SSDC Member)	Cllr C Goodall and Cllr V Keitch
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	10th April 2017
Applicant :	Persimmon Homes SW & Somerset County Council
Agent: (no agent if blank)	
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred automatically to Area West Committee as it is a proposal for up to 400 homes and therefore is required to be determined by committee.

SITE DESCRIPTION



The application site is located towards the south west side of Ilminster, on the southern side of Canal Way. It currently comprises agricultural land and sits to the west of the medical centre with residential properties to the north. Coldharbour Farm is located to the west with further agricultural land/fields to the south. The fields are bounded by hedgerows with a number of mature trees located sporadically throughout the site.

A public footpath runs from Coldharbour Farm to the west heading eastwards along a track. Part of the parish boundary between Ilminster and Donyatt runs along this boundary. The right of way then dissects the field to the south of the proposed school field leading to the pedestrian and vehicular access from Canal Way. A section of the right of way also heads northwards towards Adams Meadow.

PROPOSAL

This application (as revised) seeks outline consent for the erection of up to 400 dwellings with associated vehicular and pedestrian access on land at Canal Way, Ilminster. Access only is sought for approval at this stage with detailed matters in respect of layout, scale, appearance and landscaping reserved for a future planning application.

The scheme proposes 1 point of vehicular access from Canal Way utilising the existing access serving the medical centre. A vehicular access for emergency vehicles only will be provided further to the west along the northern boundary into Adams Meadow.

A field adjacent to Canal Way and to the west of the vehicular access is proposed for the replacement Greenfylde School. Vehicular access into the school will be provided from the access road that serves the residential development. This outline scheme does not seek permission for the school; this would be subject to a separate application. The highway scheme includes 2 zebra crossing points, one to be located between the medical centre and school access with a second to be provided to the west of the roundabout on Canal Way. Technical changes will be made to the access road to accommodate the proposed development.

The scheme proposes a football pitch in an area of land in the south east corner, adjacent to the existing playing field. In addition, as amended, a field to the south of the pitch and proposed residential properties will be dedicated as an area of open space/wildlife mitigation and, subject to agreement, will be transferred to the Town Council or a management company. The scheme also proposes on site play and youth facilities along with enhancement of the facilities at the recreation ground. Existing hedgerows will largely be retained with small sections removed within the site to accommodate the internal access roads.

The application has been accompanied by a range of supporting documents including the following:

- Ecological Appraisal
- Archaeological Report
- Design and Access Statement
- Planning Statement
- Flood Risk Assessment
- Landscape Appraisal
- Transport Assessment + an Addendum Transport Assessment
- Travel Plan
- Geotechnical and Contamination Assessment Report

Plans submitted with the application include a location plan, masterplan, and a landscape masterplan. It should be noted that whilst the latter 2 plans show an indicative layout for the scheme, approval for the layout of the development is not being sought at this stage.

HISTORY

16/01095/EIASS - Residential Development of up to 465 dwellings, new school, public open space, formal sports area, landscaping and access. EIA not required.

No planning applications have been submitted on this site prior to the current application.

POLICY

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

Relevant Development Plan Documents:

South Somerset Local Plan (Adopted 2015)

PMT3 - Direction of Growth for Ilminster

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS5 - Delivering New Housing Growth.

SS6 - Infrastructure Delivery.

HG3 - Provision of affordable Housing.

HG5- Achieving a mix of Market Housing

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

EQ4 - Biodiversity

Other Relevant Documents/ Material Considerations:

National Planning policy Framework

Achieving Sustainable Development

Core Planning Principles

Chapter 6 Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

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

Chapter 11 - Conserving and Enhancing the Natural Environment

Somerset County Council Parking Strategy

CONSULTATIONS

Ilminster Town Council:

Taking into account the comments from other consultees, members of the public and the discussions, comments and issues raised during the meeting it was

RESOLVED to recommend refusal on the grounds of

- (I) The impact of additional vehicular movements that would be generated by the development without enhancement of the existing transport infrastructure
- (II) Lack of robust travel information especially walking distances
- (III) Lack of information about the Appearance and Character of the proposed dwellings
- (IV) Lack of infrastructure to support the development
- (V) Impact on the environment
- (VI) Impact on existing rights of way

- (VII) Impractical emergency vehicle access
- (VIII) Over development of the site

A full transcript of the minutes is available to view on the Council's website.

Donyatt PC

The Council did not support this application on the following grounds:

- The Council is extremely concerned that the sprawl of the urban development of Ilminster town is encroaching into Donyatt which is a small village
- It is essential that a clear demarcation is maintained between the boundaries of Ilminster and Donyatt to retain separate identities with a separation zone between the two communities.
- The two amenity fields should be excluded from the plan as they are within Donyatt plus there are no plans to maintain them
- Adverse impact on Herne Hill
- There are four Public Rights of Way that go across the site but only two are mentioned on the plans.
- Trees with TPO's have not been shown
- The Council consider that 450 more dwellings is over development for Ilminster with its present amenities. This could seriously affect Donyatt residents as Ilminster is the nearest town for essential facilities. (Schools, Health Care, Supermarkets etc)
- The Council know that it is difficult to get a timely doctor's appointment now.
- The Council understand that the proposed new school, which will replace the current school, will not have the capacity to cope with the children living in 450 additional dwellings
- Attenuation pond is sited next to the proposed school with the obvious risk of health and safety problems

Highways England: (HE) (summary of original comments)

HE operates and maintains motorways and major A roads. Accordingly, in this case, they have advised on the impact of development upon the A303.

HE originally recommended that planning permission is not granted for a period of 3 months in order to provide the applicant sufficient time to address outstanding HE concerns and to protect the operation and safety of the A303. HE agreed with most of the analysis outlined in the Transport Assessment undertaken by the applicant's consultant. However, further work was required in regard to the impact of the development on both the Southfields and Hayes End Roundabouts.

Further highway modelling work and assessments have now been undertaken by the applicant. HE have assessed this and are now content with the analysis. Their holding objection has now been withdrawn and no objection raised.

County Highway Authority: (HA) (summary of original comments- Feb '17)

Having reviewed The Transport Assessment, the HA raised concerns about the scheme in regard to trip generation and the absence of any junction modelling outputs. It was concluded that the trip generation modelling would give an under estimate of traffic on the road network; this would affect the volume of traffic on the network and cause a detriment to the operation of junctions. The HA also advised that the proposed Shudrick Valley proposal should be included in the assessment. The HA also raised safety concerns in regard to the proposed access and interaction with the doctors surgery. If the above concerns are not satisfactorily addressed, the HA would recommend refusal of the application.

County Highway Authority: (HA) (summary of revised comments (April '17) following

submission of additional information)

The Highway Authority retained concerns about the development and formally objected to the scheme for 2 reasons, namely 1) safety concerns in regard to the formation of the second access together with conflicting traffic movements onto and from Adams Meadow, and in regard to the cycleway/bridleway and the public right of way, and 2) The restricted width, alignment and current layout of Adams Meadow is not considered suitable to serve as a means of access to the proposed development.

The Highway Authority also sought changes to the alignment, width and visibility into the doctor's surgery and controlled crossings across Canal Way as well as the access road into the site. A crossing point is also required along the spine road where the public rights of ways cuts through the estate. Comments were also made in regard to the design of the internal estate road, in particular to the relationship with the secondary access road into Adams Meadow.

County Highway Authority: (HA) (summary of revised comments (June '17) following submission of further information in response to the Highway Authority's objection)

The Highway Authority has withdrawn its objection to the scheme.

Details have been provided in respect of 2 zebra crossings on Canal Way and along the access road between the entrance to the medical centre and proposed entrance to the school site. The Highway Authority have requested that these zebra crossings are in place before the first occupation of 25 dwellings or the school is first brought into use. A crossing point is also provided across the right of way. The secondary access is only proposed for emergency vehicles, rather than as a secondary access for all users. The Highway Authority have accepted this position, given that the internal layout avoids a single spine road running the whole length of the development. Advice is given on the specification of the internal roads. This would be dealt with at any reserved matters stage. No objection is raised subject to conditions.

Landscape officer:

If I have understood the scope of this application correctly, the proposal seeks consent for development of approx. 450 dwellings, with all details reserved other than the prime access to the site. Looking purely at the principle of development, the site has already been appraised as being an area suitable for residential growth by the local plan, and the approved 'direction of growth' was in part informed by the findings of the peripheral landscape study (PLS) of Ilminster, which was undertaken during November 2007. This study reviewed the town's immediate surrounds with the objective of identifying land with a capacity for development, looking both at the character of the land at the town's edge, and its visual profile. For the detailed evaluation I would refer you to;

<http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>

The outcome of the PLS is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the fields that are the subject of this application, are evaluated as having both a high and moderate-high capacity to accommodate built development. Consequently the principle of development in this location is considered to be acceptable from a landscape standpoint, and there is no issue with the main point of access. Whether or not the land has the capacity to accommodate 450 houses however, is a moot point.

Whilst this is an outline proposal, a suite of supporting documents has been submitted, including a landscape appraisal (LA) and masterplan. The LA proposes that development be

limited to the lower area of the site, to be contiguous with other modern development to the north of the site, whilst the rising land to the southwest is allocated as open space, to limit visual effects. It further proposes the provision of street trees; landscape buffers; green corridors and open space to be introduced within and at the development's margins, to break-up and buffer development form. It concludes that the development-impact upon both the character and visual amenity of the site and its immediate surrounds, is then capable of reduction through such landscape mitigation, over time.

Clearly, placement of the housing on land of lower elevation and alongside the existing residential edge is logical, as is the proposed approach to landscape mitigation. I am not persuaded however, that this is borne out by the landscape masterplan, not only because the level of landscape provision appears limited, but also because the schematic residential layout does not appear to have been informed by the landscape appraisal. Neither do I see a landscape plan that relates to the ecology report's mitigation proposals, to suggest that there is further work to be done.

An indicative residential layout has been offered, though as I understand it, this does not require consideration as part of the current application proposal. However, there are layout issues that I have previously raised at pre-application, which are yet to be addressed, and these should stimulate changes to the layout, and there may be a subsequent impact upon numbers. In brief, these issues follow. Where I have sought to identify and locate specific elements within the scheme, I have referred to housing blocks 1-4 referring to the 4 field parcels running east (1) to west (4).

In relation to the general layout.

1) I understand the general approach to parcel the development into 4 basic residential blocks, as determined by the retention of the existing field boundaries. However, other than a 'green wedge' between parcels 2 and 3, there is limited 'breathing space' within the residential part of the site, with the densities generally appearing tight, and crammed in places. I see little 'sense of place' evident in the housing layout, and I do not see any substantive differentiation across the layout. Much of the scheme comprises tightly-packed units with a heavy reliance upon parking to the fore of the plot. There is little sense of hierarchy, and more needs to be done to engender characterisation, and to create well-defined streets, and civic spaces within the layout.

2) Whilst I welcome the central green corridor between housing blocks 2 and 3, I consider the space between blocks 1 and 2; and 3 and 4, to be too narrow, and to require widening, to enable pedestrian access on both sides of the hedge (which also enables a consistency of hedge maintenance) and to allow for meaningful tree planting that will assist in breaking-up the housing mass as viewed from raised areas of land to the south. I would particularly advise that the east edge of block 2 is pulled well back from its eastern hedge boundary throughout, to enable an open corridor to be formed.

3) I note the area of rising land to the SW being offered as 'strategic POS'. However, if the offer is considered to balance the dense arrangement of the housing layout, then I would question if the balance is acceptable, better that we see a less dense, more diverse housing layout without this extra land. If this open space is to come forward, then we should see clear public access arrangements woven in; ecology and access issues reconciled by thoughtful design; and landscape enhancement being an integral component of this open area.

More detailed points:

4) Whilst I have no issue with the principle of some parking to the fore of plots, there are areas where long lines of frontage parking are indicated, which creates an over-wide space that is

dominated by parked cars and driveways. More work is needed to break up such areas, not only by planting and walling, but in places, by bringing house units closer to the back of the pavement, to create a narrowing effect, and thus break-up the long lines of parking.

5) To serve the site off a single-point of access is not good urban design. I would advise a stronger vehicular link between parcel 4 and the most recent Persimmon site to the immediate north to enable greater permeability.

6) There are locations at some of the corners of the housing blocks, e.g; SW corner of block 3; SE corner of block 3; SW corner of block 1, where an individual house projects beyond the general building line, to 'squeeze' the adjacent open space, and limit the vista, and I would advise such plots are removed from the scheme.

7) All 4 blocks should express a southern frontage, with the intervening land between frontage access and the hedgerow providing a green corridor with planting and pedestrian linkage.

8) Greatest public perception of the site will be gained from Herne Hill, and in this respect, the southern frontage of blocks 1; and an amended southern frontage to block 2, should be laid out to avoid too great a massing effect, and arranged to help provide incident, and enable the introduction of street trees. Side garaging/parking can be integrated to assist the break-up of too solid a frontage.

In summary, I consider the prime expression of this current layout to be too akin to a singular large housing estate, which does not encourage the perception that this could be a development that is rich and varied in its offer of housing and public space, and there is more fundamental work that needs to be done if this proposal is to match the projected quality of the appeal proposal to the east of the town (for 220 houses). I trust that a more detailed masterplan will offer some comfort on these matters, and to that end, if you are minded to approve this outline application, I'd suggest that the following is conditioned for approval prior to any submission of a Reserved Matters application.

- (a) a design code for the development;
- (b) a detailed masterplan for the whole site, including outline landscape treatment, and;
- (c) a public space proposal, inclusive of access detail, and site management prescriptions.

County Education:

As you are aware the Greenfylde First school is located on a constrained site and cannot sustain any further expansion. The accumulative effect of developments coming forward in the area will necessitate the need to expand Greenfylde and this is not achievable in its current location so relocation of Greenfylde is very likely. This development will also bring forward the need for an additional 52 middle school places.

The proposed development is within the catchment Swanmead Middle School. This school will need to be expanded to accommodate these additional numbers. Therefore the Authority will be seeking education contributions towards provision of the additional school places that will be required should this development be approved.

- 16 pre-school places at @ £14,175* per place = £226,800
- 65 first school places @ £14,175* per place = £921,375
- 52 middle school @ £17,766* per place = £923,832

*These figures have been reviewed using June 2016 confirmed BCIS General Building Cost Index figure.

Officer comment:

Further to the submission of the above comments, the County have advised that approval of this development would necessitate the need for a new First School. Designs and delivery of the school are being prepared to coincide with any approval for the residential scheme. As advised earlier in this report, the school will be located on land adjacent to and fronting Canal Way, to the north west of the medical centre.

Lead Flood Authority: (summary)

No objection subject to a condition seeking submission of a surface water drainage scheme based on sustainable drainage principles, along with details of implementation and lifetime maintenance.

County Archaeologist:

I have been contacted by AC Archaeology who have submitted a trial trench evaluation strategy which I have agreed. This evaluation will provide sufficient information to assess the significance of archaeological remains on the site as indicated in the National Planning Policy Framework (Paragraph 128). Until the evaluation has taken place and a report submitted this application should not be determined.

Archaeology Update:

The results of the archaeological trial trench evaluation have now been submitted as requested by the County Archaeologist. The results of which have proved negative with no evidence for any settlement type archaeological activity in the trenches and no finds recovered. The County Archaeologist is satisfied with the findings and no further archaeological work required.

Environmental Health Officer:

No objection to the application. A condition is sought in regard to reporting and, if required, stopping development and remediation if any signs of pollution are found.

Natural England: (summary)

No objection. Natural England are satisfied about the great crested newt mitigation which follows pre-application advice. However, advise that this does not guarantee a license will be issued as this is subject to a separate process and considered in its own right. Provide advice on protected species and green infrastructure/biodiversity enhancements.

Ecologist:

I've noted the Ecological Appraisal (Green Ecology, Nov 16) and I've visited parts of the site. I raise the following concerns.

1. Site layout and insufficient dormouse mitigation along the southern boundary

Evidence of dormouse was recorded in the East boundary hedge (adjacent to the existing sports fields). I agree with the Ecological Consultant's statement that it is 'considered likely that they use hedgerows and woodland throughout the site.'

Dormice are a European Protected Species and a Section 41 'Priority Species' for the conservation of biodiversity (Natural Environment and Rural Communities Act 2006).

Therefore, any planning proposal/approval must:

- a) be able to demonstrate maintenance of favourable conservation status to satisfy obligations under the Habitats Regulations 2010, and
- b) satisfy NPPF and Local Plan Policy EQ4.

Dormice are very reluctant to cross open ground and therefore require good habitat connectivity to ensure their conservation. Within the site and surrounding areas, dormice will be restricted to the network of hedges and small woodlands. I agree with the ecological consultant that one of the potential impacts upon dormice could be cat predation. This is likely

to be a greater risk closer to houses. Fragmentation of habitat (by estate roads passing through hedges) is likely to be another significant impact that will likely leave many of the retained hedges, particularly in the northern half of the site, no longer suitable for use by dormice. I therefore consider the habitat loss for dormice could effectively be significantly greater than the 100m stated in the Ecological Appraisal (Table 9), and advise compensation habitat for such loss should be provided.

A layout that gives more buffering space alongside hedges would be appropriate throughout the site. However, I consider it to be particularly important along the southern boundary of the development. With dormouse evidence in the east of the site, and proposed dormouse compensation planting in the west of the site, I consider provision of a strengthened (wider) dormouse habitat corridor running east-west along the southern boundary, to be an important element of dormouse mitigation.

I suggest the current layout, particularly the proximity of housing to the south boundary hedge in the second field from the east, to be detrimental to establishing a strong east-west dormouse habitat corridor, and could represent grounds for refusal.

2. Retention of Eastern boundary hedge not shown on Landscape Masterplan

I note the Landscape Masterplan doesn't show retention of the Eastern boundary hedge, and I wonder if it is planned to remove this in order to better link the proposed new football pitch with the existing pitches? This would be a cause of concern as this is the hedge where evidence of dormouse was recorded.

Removal of this hedge would increase the amount of dormouse habitat loss and hence increase the amount of dormouse compensation habitat that will need to be provided.

Please could clarification be sought on this matter.

3. Wildlife mitigation and compensation areas aren't shown on the Landscape Masterplan

I suggest confirmation of compensation areas for European Protected Species (dormouse and great crested newt), and identification of such on development plans (e.g. landscape masterplan), should be provided to help demonstrate that sufficient compensation is feasible and not in conflict with other open space uses. This will be necessary to help demonstrate meeting of the Habitats Regulations test of maintaining favourable conservation status (necessary before planning permission can be granted).

Officer comment: The applicant is aware of the comments raised by the Council's Ecologist. Having discussed with the Ecologist, it is proposed to condition a detailed masterplan and detailed layout plans for the whole of the application site which will expect to address the points raised above. In regard to the question about the eastern hedgerow, this is not being removed.

In addition, the case officer was asked about the impact of the development on polecats on site. Having raised this with the ecologist, he has advised that the loss of farmland and polecat habitat is very unlikely to be sufficient to have a significant impact on the conservation and continued recovery of the local polecat population. With the majority of hedges being retained, the risk of direct harm to a polecat den is very small.

Somerset Wildlife Trust:

In general, support the findings of the submitted ecology report, in particular the recommended mitigation and compensation measures. Also, seek that the design of internal boundaries between properties are designed to allow passage of small animals.

Tree Officer: (summary)

Objects to the application due to the proximity of proposed dwellings to the root protection areas of retained trees. Also, outlines practical concerns about the proximity of trees to houses.

Officer comment:

Whilst layout plans have been submitted, these are indicative only. Access only is being sought for approval at this stage whilst details of the layout would be submitted as part of any subsequent reserved matters application. The applicant is aware of the points raised by the Council's Arborist and will need to be taken into account when any detailed layout is being sought for approval.

Climate Change Officer:

The majority of dwelling in this proposal have reasonably well orientated uncluttered roof space that would enable installation of photovoltaic arrays, either at the time of construction or at a later date. However, the layout could be improved within the constraints of the site to provide a greater number of dwellings with south facing roof space. It is very likely that future residents will want to install photovoltaic arrays roof space in the near future (if the developer does not install them during construction). Prices as of January 2017, when levelised over 20 years, provide electricity at less than 2p/kWh without subsidy. Prices are expected to fall still further, making PV a very attractive proposition, especially when combined with battery storage to time shift PV generated electricity to the evening.

I note that the building fabric will be particularly energy efficient and this is welcome. However, prevention of sterilisation of roof areas from PV installation is an equally important aspect of sustainability and conversations with the developer at this outline stage to consider this issue during the reserved matters stage would be worthwhile.

Housing Development Officer: (summary- based on 400 dwellings.)

Seek 35% affordable houses which equates to 140 dwellings. The tenure split will be 112 for social rent and 28 other intermediate solutions. A mix of dwelling sizes has been sought - 32 x 1 bed flats/houses, 58 x 2 bed flats/houses, 46 x 3 bed, 2x 4 bed and 2 x 4 bed parlour house. Appropriate trigger points for the delivery of the affordable homes will need to be agreed along with minimum space standards. It is also requested that the units are pepper potted throughout the site. The numbers of 1, 2 and 3 beds can be varied once the final house numbers are confirmed, but I will insist the number of 4 beds are preserved.

Horticulture Officer: (summary)

Based on a scheme of 450 homes, the amount of informal open space sought is 1.75 hectares. The indicative layout shows provision of open space in excess of that required. Whilst no objection is raised to the amount of open space, improvements are sought to the design and siting of the open space to establish better links throughout the whole development and to provide smaller pockets of open space with a central green area in each of the different areas of the development. The LEAP and NEAP on opposite sides of the road should be avoided.

Officer comment:

The applicant is aware of the above comments. The whole layout of the scheme would be subject to a reserved matters application provided outline consent is granted. It will be expected that the comments and advice of the horticulture officers is taken into account in any subsequent reserved matters application. A masterplan shall be sought as a condition and this will be expected to show the areas of open space and links within the development.

Leisure Policy Officer:

Based on a scheme of up to 450 dwellings, total contributions have been sought totalling £1,424,672. This is split as follows:

- Equipped play space - £229,176 + £132,376 (commuted sum) - on site NEAP.
- Equipped play space - £152,784 + £88,250 (commuted sum) - off site contribution towards enhancing the equipped play area at the recreation ground.
- Youth facilities - £74,999 +£27,729 (commuted sum) - on site provision of floodlit multi-use games area.
- playing pitches - £207,128 + £125,723 (commuted sum) - 1 on site pitch.
- changing rooms - £357,729 +£28,778 (commuted sum) - towards new/refurbished cricket changing rooms at the recreation ground.

Community halls, theatres/art centres, swimming pools, indoor tennis centres and sports hall all to be funded through the Community Infrastructure Levy. No contribution sought towards artificial grass pitches.

Sport England: (summary)

No objection.

Advise that the development will create a demand for sporting provision and that the developer should make a contribution towards meeting this demand through the provision of on site and/or where required off site facilities. The level and nature of such facilities should be informed by up to date sports facilities and playing pitch strategies and other relevant needs assessments. They provide advice on playing pitches and associated infrastructure along with making people more active.

Wessex Water:

As identified within the FRA submitted with the application (WYG, August 2015) hydraulic modelling will be required to confirm the capacity of the existing foul network to accept foul flows and to identify any required improvement works. As such, if the Local Planning Authority decides to grant consent to the proposed development, we require the following planning condition to be imposed to ensure that a drainage strategy for the site is agreed. This is necessary to ensure that the proposals do not increase the risk of downstream flooding and pollution.

Officer comment: Submission of a foul water drainage strategy is required via condition.

Somerset Drainage Boards Consortium:

No objection subject to a condition in respect of surface water drainage works.

CPRE: (summary)

Object to the application due to the harmful cumulative impact of development in Ilminster, particularly when taking into account the Shudrick Valley scheme. This should also be taken into account in an EIA assessment. Raised concern that cumulative impact not taken into account. Also suggest waiting for the outcome of the Shudrick case before determining this application.

Officer comment:

Having given the cumulative impact further assessment, it is not considered that the cumulative impacts would give rise to significant environmental effects necessitating an Environmental Assessment. In any case, the Shudrick scheme has been dismissed following an appeal and is therefore not being developed.

Crime Prevention Design Advisor:

Despite being an outline application I would urge that consideration is given to gating the many alleyways that are shown on the masterplan. The gating should be as close to the entrance of the alleyway and where it accesses more than one property then access control will be required

The issue of garden gates has been discussed previously with Persimmon but my stance is that they should be included on all properties as a basic protection to the property boundary to prevent unauthorised access to the garden and house.

County Rights of Way:

I can confirm that there are public rights of way (PROW) recorded on the Definitive Map which runs through and adjacent to this proposed development I have attached a plan of these for your information.

Specific Comments

Public footpath CH 11/3 will be obstructed by the development and thus will require a diversion, or a revision of the current proposed layout. An informative note should be added to any permission that may be granted in relation to the need for a diversion. Public footpath CH 11/4 runs through the site adjacent to two hammerheads, and may be affected by the proposal. However, any diversion proposal for CH 11/3 may present an opportunity to regularise the definitive line of CH 11/4 to that which is walked on the ground, as the two appear to vary, (subject to a site visit). Public footpath CH 11/2 would appear to have been catered for within the layout, albeit this will need closer checking at the REM stage in terms of ensuring that the width is not being encroached upon. The spine road will cut across footpath CH 11/2 and will, one assumes, be subject to later technical approval and potential adoption, which should address any concerns regarding visibility and dropped kerbs etc, for those using the footpath.

Public bridleway CH 32/25 also appears to be affected by a road linking to Adams Meadow. It is not clear what the intention is for this link, but whatever the intention there will need to be consideration for the use of public bridleway in terms of the detailed design.

Throughout the site there are several links/ open space running North - South which are beneficial to local residents. If there is any intention for the ownership of these areas to be transferred to a private company, then there may be some value in terms of seeking linking paths, albeit, as Highway Authority, we would want to be involved in any such discussions. To facilitate connectivity it is requested that some breaks in the hedge line between the residential areas and public footpath CH 11/3 are provided. I have discussed school access with colleagues and the intention is to have only one site entrance to the school, which is the one as indicated on the site plans.

Generic Comments

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

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

REPRESENTATIONS

26 letters/emails have been received raising the following objections:

- Accept town needs to grow but this is not the most suitable site.

- Should use existing redundant sites first - Pwrmatic and Horlicks.
- Persimmon have a monopoly on new development in the town. Why have they been chosen?
- Too many houses proposed
- If allowed, the number of houses would far exceed local plan requirement of 496.
- One access and emergency access will create safety issues - should create a new access onto Swanmead Drive
- Where are people going to work?
- Increase in traffic on local roads - improvements to A303/A358 have not taken place
- Local service and facilities would not be able to cope
- Local GP services struggling
- Local schools will not be able to cope with the additional children- would Persimmon build a new school?
- Wrong to build on agricultural land
- Lack of parking spaces in the town
- Character of Herne Hill would be harmed
- Loss of views of the countryside
- The setting of the well used cycle path will be harmed
- Don't agree that 30% of people would walk into town
- Lack of parking/visitor spaces
- Impact on wildlife
- New homes would be out of character with traditional homes in Ilminster
- Drainage and other issues/ problems experienced on persimmon housing site opposite.
- Will drainage proposal be adequate for this development?
- Too many 2/3 bed homes- need larger 4 bed homes
- Congestion along Canal Way

4 letters/emails have been received making the following observations/comments:

- Asked about the impact of construction traffic on local residents and how long the Council keep plans.
- Refers to the poor bus services and that if these were better, less car use would occur. Figures for the 30 service is not correct and may change again.
- Development would mean a huge amount of traffic travelling through the Adams Meadow housing area.
- Road would cut through the cyclepath, thus raising safety issues for users - agree with connecting paths but not the road. Other options for the road should be considered.
- Support the proposed development in general, welcome retention of trees, wildlife corridors, amenity space and space for a new school.
- Raised the issue of providing additional off road parking spaces due to numbers of cars parked on roads in the local area.
- Suggested relocating second access further along Canal Way.

CONSIDERATIONS

Principle of development

Ilminster is classified as a Primary Market Town in the adopted South Somerset Local Plan, one of 4 such towns in the district. These 4 towns sit below Yeovil in the settlement hierarchy. Therefore, as one of the largest settlements in the district and, in accordance with its important housing, employment, retail and community role, and close proximity to major road links, the Local Plan has allocated 496 dwellings in Ilminster over the plan period (2006-2028). To accommodate this level of housing growth, a Direction of Growth has been identified to the south west of the town, on the southern side of Canal Way.

The application site is located within this Direction of Growth and, therefore, is in principle an

area of land that the Council has identified as being acceptable to meet identified housing needs over the plan period. On this basis, there is no objection to the principle of housing on this site. Members will recall that this site along with another option at Shudrick Valley was subject to a Local Plan Examination; the outcome of which was that the Local Plan Inspector clearly found the Canal Way site to be the preferred option. Moreover, in dismissing a planning appeal in January 2017 against a proposed development in the Shudrick Valley for 220 houses, the appeal Inspector referred to the fact that an application has been received within the Direction for Growth as part of his overall assessment, and was one of the decisive factors for dismissing that appeal.

Number of proposed dwellings/scale of growth.

Whilst the principle of development is acceptable, and the application is located in the Direction for Growth, it does not necessarily follow that any number of houses sited within and absorbing the whole of the Direction of Growth would be acceptable. An assessment has to be made as to whether the proposed number of units are acceptable taking into account the local plan strategy and the wider impact of the development on the town's infrastructure, service and facilities. It is also important to have regard to appeal decisions elsewhere in the district where the numbers of houses and scale of growth have been one of the key issues.

The current scheme seeks outline consent for up to 400 dwellings. In regard to meeting the housing requirements for Ilminster, housing completions and commitments up until the end of March 2017 are 264 dwellings completed with 120 commitments (i.e. those with planning permission but yet to commence). This gives a total of 384 within the current plan period. It should be noted that 72 of the committed dwellings are those on one site (former Powrmatic) with permission lapsing in January 2018. Accordingly, this would potentially give a figure of 784 for Ilminster or 58% over the local plan figure of 496. Without the Powrmatic site, this would reduce to 712 or just under 44% over the local plan requirement.

The Council is not currently able to demonstrate a 5 year supply of deliverable housing sites. Accordingly, there is a presumption in favour of development provided that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. It is important to note that the lack of a 5 year supply is a district wide issue, and even though a certain settlement may be performing well in terms of meeting its own housing needs/local plan number, it does not mean that additional housing cannot be accommodated within that settlement.

It is important to note that the local plan figure of 496 is not a maximum housing figure. However, proposed housing developments that would take the town's housing numbers significantly over that number have to be carefully assessed. In this case, the application has been assessed by a range of different consultees and service/infrastructure providers. Importantly, none of the service/infrastructure providers have either raised an objection to the development or have maintained an objection following submission of further information.

In addition, it is also important to have regard to appeal decisions in the district where the number of dwellings being sought is significantly over the local plan number. On the whole, Inspectors have allowed settlements to grow beyond the local plan number unless there are significant adverse impacts of approving such schemes. One of the most recent and relevant decisions is in regard to Ansford/Castle Cary where 2 sites were approved taking the housing provision to approximately 56% over the local plan number. Thus, a similar figure to Ilminster but in a smaller settlement than Ilminster.

Another relevant consideration in respect of the scale of growth for the town is the current local plan review. A review was sought by the Local Plan Inspector within 3 years of the adoption of the local plan. The currently adopted local plan runs from 2006-2028. The local plan review will extend the local plan timescale by another 6 years i.e. from 2014 to 2034. Additional housing

across the district will be required, and given Ilminster's status as one of the district's largest towns, is very likely to be expected to take its share of the housing requirements. Clearly, the actual position has yet to be decided and would be subject to a thorough process and public consultation. Thus, whilst this should only be afforded limited weight in the overall planning balance in regard to determining this application, it is clear that this application site in seeking up to 400 homes can absorb some or all of the additional housing that may be required/concluded as part of the local plan review.

On the basis of the above, the principle of development is accepted. The following section examines the key issues and importantly assesses whether on the basis of the Council's current lack of a 5 years supply of housing, there are any significant adverse impacts that would warrant a refusal of the proposal.

Highways

This outline application seeks consent for the vehicular and pedestrian access arrangements. As outlined above in this report, the Highway Authority had raised an objection to the proposals particularly in regard to safety issues arising from the use of the existing access from Canal Way, which currently serves the medical centre. However, following the submission of further details from the applicant, in particular the introduction of 2 zebra crossings, a crossing point over the right of way and other technical changes to the access road, the Highway Authority are now satisfied that these measures will provide a safe means of access for all users.

In regard to the secondary access that will run into Adams Meadow, this access is only proposed for emergency vehicles, rather than as a secondary access for all users. The Highway Authority had objected on the basis that the estate road within Adams Meadow is not suitable to act as an access route to serve the development. On the basis that this is not the case, the Highway Authority have also withdrawn their objection to this issue.

In regard to wider vehicle impacts of the development on the local road network outside of the site, the Highway Authority had originally raised concerns about trip generation and the absence of any junction modelling outputs. Following discussion and advice from the Highway Authority, further work was undertaken by the applicant and an updated Transport Statement was submitted. This provided further information in regard to the impact on the Riec-sur-Belon Way /Canal Way roundabout and the Station Road / Riec-Sur-Belon Way roundabout. The Highway Authority are satisfied that the scheme would not result in capacity issues on the local highway network. Moreover, the Travel Plan would seek to reduce the traffic impact.

Following concern from the Town Council in regard to the validity of the traffic data informing the traffic analysis within the Transport Assessment, the applicant commissioned a new set of site surveys to provide a comparison exercise to be undertaken. New surveys were undertaken at a number of key local junctions in the town. A Technical Note was submitted which sets out the results of this comparison exercise. It concludes that the original traffic surveys, and consequently the findings of the Transport Assessment, remain valid.

In addition, as outlined earlier in this report, Highways England had originally placed a holding direction on the application as they sought information from the applicant about the impact of the development on the Southfields and Hayes End Roundabouts. Following the submission of additional modelling information, Highways England were satisfied that the development would not create any capacity issues on the main A roads and trunk roads and withdrew their objection.

Concern has been raised by many local residents that the local highway infrastructure would not be able to cope with the additional traffic created by this development. Those concerns have been carefully assessed as part of the overall assessment of the impact of this proposal. The highways impact has been carefully assessed by the Highway Authority and Highways

England. Following the submission of the various highway documents and highway safety proposals as outlined above, both are satisfied that the development would not be detrimental to highway safety and that the local roads along with the nearest A roads and major trunk roads will be able to satisfactorily accommodate the additional traffic. On this basis, it is not considered that there are any adverse highway related issues that warrant refusal of the application.

In regard to parking provision, this would be determined as part of any reserved matters application.

Flooding/Drainage

The site is located entirely within Flood Zone 1. This is defined as an area where there is less than 0.1% (1 in 1000 year) probability of flooding from rivers or sea. Due to the size of the application site exceeding 1 hectare, the applicant commissioned and submitted a Flood Risk Assessment. This confirmed the relevant flood zone and that there are no recorded river flooding incidents within the site.

In regard to the risk of flooding from surface water, the vast majority of the site sits outside of the Environment Agency's map showing areas at risk of flooding from surface water. A small section along the edge of the northern boundary of the site is included and it is recommended to keep houses away from this area. Indeed, the indicative layout proposes a balancing pond in this area. In respect of groundwater flooding, there are no recorded such events on site; the report does advise that before any detailed design work that boreholes are installed to monitor groundwater levels.

As per more recent guidance, it is likely that rainfall will increase and hence an increase of 30% is required to take into account climate change. The surface water drainage scheme has been designed to take this increase into account.

Due to the predominance of clay within the site, soakaways are not considered to be an appropriate method of surface water drainage. During the officer site visit, it was noted that there was an area of standing water towards the northern edge of the site. This would confirm the findings of the applicant's geotechnical study. However, it should be noted that the site is currently not attenuated and that the scheme proposals will seek to ensure that surface water is dealt with appropriately in accordance with specialist advice.

Pipes will be installed to take surface water runoff to the attenuation areas on site ie to attenuation basins and underground tanks. These will be located along the site's northern boundary which will form part of the applicant's proposals for a green corridor. In regard to foul drainage, a foul gravity sewer will be installed which will discharge to the existing Wessex Water sewage pumping station to the north east of the site.

Importantly, details for the management and maintenance of all the drainage features shall be conditioned and submitted as part of any reserved matters applications. Adoption of these features will be offered to Wessex Water. The Lead Flood Authority and Wessex Water have assessed these works and have not raised any objections subject to conditions. These will cover the design and maintenance of the drainage systems. On the basis of the above, it is considered that the development can be served by a satisfactory system of surface and foul water drainage and would not increase the risk of flooding elsewhere.

Accordingly, it is not considered that there are any grounds to refuse the application in respect of flooding or drainage issues.

Rights of Way

Public footpaths run both within and on the boundary of the site. A public bridleway also runs

through the site. Based on the indicative layout, sections of these public rights of way will be directly affected by the scheme and some sections will need to be diverted. The Rights of Way Service Manager at the County Council has not raised an objection to the scheme and has advised about the need to apply for the necessary diversion order(s).

Residential Amenity

Given the location and relationship of the site in regard to existing dwellings, it is considered that a layout can be achieved that would not cause any adverse harm to the amenity of existing residential occupiers. A construction management plan can be secured via a condition to ensure that the impact of construction work and deliveries etc is satisfactorily mitigated.

Landscape/Trees

The Landscape officer has not raised an objection in principle to the development of the site on landscape grounds, accepting that the site is included in the local plan as a Direction of Growth and noting that the Peripheral Landscape Study found that the site has the capacity to take development. A number of points/concerns have been raised in regard to the indicative layout details submitted. However, as approval of the layout is not being sought at this stage, the applicant has been made aware of the points and will need to be addressed at the reserved matters stage. 3 conditions have been recommended in respect of:

- 1) a design code for the development;
- 2) a detailed masterplan for the whole site, including outline landscape treatment, and;
- 3) a public space proposal, inclusive of access detail, and site management prescriptions.

Concerns have been raised about the impact of the development upon the setting of Herne Hill. This has been carefully assessed by the council's Landscape officer who has not raised an objection on these grounds. Moreover, the impact upon the setting of Herne Hill was assessed as part of the local plan process. In addition, the extent of housing development will be limited to the first row of fields that run parallel with existing housing. Development will not extend further south beyond the hedgerow that is adjacent to the track/right of way that runs from Coldharbour Farm. Whilst built form would come closer to Herne Hill than at present, development will be restricted to the lower lying fields. For these reasons, it is not considered that the development would adversely harm the setting of Herne Hill.

The Council's Arborist has raised an objection due to the close proximity of dwellings to trees within the site and the associated issues that this raises. However, these comments are based on the indicative layout plan submitted with the application. The applicant is aware of those concerns and will need to be satisfactorily addressed as part of the layout details when any subsequent reserved matters application is submitted.

Ecology

The applicant submitted an Ecological Appraisal with the application and this has been reviewed by the Council's Ecologist. The applicant has undertaken a number of ecological site surveys to establish the position in regard to habitats and species present on the site, the implications of development and appropriate mitigation. The site contains species rich hedgerows, mature trees, scrub, and a pond. Species on site include breeding birds, badgers, great crested newts, butterflies, reptiles, dormice and bats. The mitigation includes a 5 hectare mitigation area/open space with new planting in this area and throughout the site, new ponds and grassland, protection of habitats/trees during construction, wildlife corridors, translocation of great crested newts to a new pond, buffer zones around badger sets and a landscape and ecology mitigation plan.

The Council's ecologist had raised concerns about particular aspects of the proposals. Having discussed those with the case officer, it was confirmed that the layout provided is only indicative and will need to be changed to address the issues raised, particularly in terms of providing adequate buffering for dormice from development and a wider corridor to support

and link with the new mitigation planting. In addition, the eastern hedgerow will be retained. A site wide masterplan will be required to be submitted as part of the reserved matters application(s) and this will include a landscape masterplan to include wildlife mitigation and compensation areas. The area of land to the south of the built development will be used to provide mitigation in addition to the mitigation within the site as outlined above. On this basis, it is considered that the ecological impacts of the development can be adequately secured.

Archaeology

The County Archaeologist is satisfied with the findings of trial trenching on site which proved negative with no evidence for any settlement type archaeological activity in the trenches and no finds recovered. No further archaeological work is required. On this basis, there are no archaeological grounds to refuse the application.

Planning Obligations and Community Infrastructure Levy

Planning obligations have been sought from the Housing, Education, Sport and Play, Open Spaces and Highway officers. The specific requests have been outlined above in this report. In addition, the Community Infrastructure Levy will be liable on this development at a rate of £40 per sqm for every dwelling. An exemption can be applied to the affordable housing. The applicant is fully aware of the obligations and has not raised any viability issues to date. Accordingly, it is expected that the development will provide a fully policy compliant scheme in respect of planning obligations.

In particular regard to education provision, the County have advised that approval of this development would necessitate the need for a new First School. Greenfylde First School is at full capacity and the design and delivery of the school are being prepared to coincide with any approval for the residential scheme. As advised earlier in this report, the school will be located on land adjacent to and fronting Canal Way, to the north west of the medical centre. Persimmon are providing access to the school but planning approval for the school would be subject to a separate application.

Concern has been raised about the inability of the town's infrastructure to cope with the proposed development. All of the key infrastructure providers have been consulted about these proposals and all apart from the health authority have commented. None of those who have responded have any objection to the scheme. It is acknowledged that there is a national issue with regard to GP recruitment. However, this matter is likely to apply wherever new houses are to be built across the country and needs to be addressed at national level. It is not a direct matter that developers can resolve, although, as with other service providers, there was nothing to stop the health authority from requesting planning obligations to mitigate the impact of the development. However, none have been requested.

Other issues

In regard to the concern about the lack of information regarding the appearance and character of the dwellings, the Design and Access statement outlines that the scheme would be reflective of local vernacular. However, the scheme has been submitted in outline; details in respect of the design/layout and materials of the dwellings would be dealt with at any reserved matters stage.

Comments and concerns have been raised about Somerset County Council's decision to agree a deal with Persimmon for their land. It should be made clear that this is not a material planning consideration and not relevant to the assessment of the planning merits of this application.

Donyatt PC commented that the area of open space should be excluded from the plans as these are located within the Donyatt parish. This area of land has been removed from the application and has been re-sited to the south east of the new dwellings adjacent to the

existing recreation area.

Overall assessment and conclusion

It is considered that the principle of residential development on this site is acceptable. Ilminster is an appropriate place for development and the site falls within the Direction of Growth in the adopted local plan. It was considered a sustainable location by the Local Plan Inspector with good access to a range of services and facilities. The scheme will make an important contribution towards meeting the district's housing needs, including 35% affordable housing, plus contributions towards education, play and sport facilities. Having assessed all of the responses and advice, as outlined in this report, it is not considered that there are any adverse impacts that significantly and demonstrably outweigh the benefits of the scheme. On this basis, the scheme is recommended for approval.

SECTION 106 PLANNING OBLIGATION

The application be approved subject to:

- a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:
 - 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
 - 2) Contribution towards the provision of sport, play and strategic facilities,
 - 3) Contribution towards education provision;
 - 4) Submission of a Travel Plan;
 - 5) Provision and maintenance of open space; and
 - 6) Provision and maintenance of compensatory ecological habitat.

RECOMMENDATION

Grant permission

01. It is considered that the proposed scheme would provide a sustainable development with good access to a range of services and facilities. It will make an important contribution towards meeting the district's housing needs, including 35% affordable housing, it would provide a safe means of vehicular and pedestrian access, would not adversely harm residential amenity, ecology or the local landscape and would satisfactorily mitigate for surface and foul water drainage. The proposal is in accord with PMT3, SD1, SS1, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2 and EQ4 of the adopted South Somerset Local Plan, the Core Planning Principles and Chapters 6, 7, 8, 10 and 11 of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

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

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

03. For each phase of development, approval of the details of the layout, scale, external appearance, internal floor levels of the building(s), the means of access thereto and residential boundary treatments, shall be obtained from the Local Planning Authority before any development is commenced.

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

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

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 TA5 of the South Somerset Local plan.

06. No work shall commence on the development site until works to the roundabout on Canal Way, changes to the access to the doctors surgeries and first part of the spine road, providing access to the school (as shown generally in accordance with drawing number: 28326/5503/001) have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

07. There shall be no commencement of development until details of the new zebra crossings have been submitted to and approved in writing by the LPA; with no occupation of the school or 25 dwellings (whichever is the soonest) until the works have been carried out in accordance with the approved design and specification.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

08. Details of the emergency access (as shown generally in accordance with drawing number: 28326/5503/002) shall be submitted to and approved in writing, prior to the commencement of any dwelling within that phase of development. The emergency access shall then be fully constructed in accordance with the approved design and specification.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

09. Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety and to promote sustainable modes of travel to accord with Policy TA5 of the South Somerset Local Plan.

11. 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 to accord with Policy TA5 of the South Somerset Local Plan.

12. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and to minimise the impact of construction activities on local residents to accord with Policy TA5 and EQ2 of the South Somerset Local Plan.

13. The dwellings hereby permitted shall not be occupied until parking spaces in accordance with SCC parking strategy has been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: In the interest of highway safety to accord with Polciy TA5 of the South Somerset Local Plan.

14. For each phase of the development, no development hereby permitted shall be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls, roofs and rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

15. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of (IN) from the date of occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect trees during construction of the development.

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

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with the NPPF.

17. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker
- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing
 - the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that the development is adequately drained to accord with the NPPF.

18. The development hereby approved shall be carried out in accordance with the following approved plans:
Drawing numbers: 2016 - ILLM P2, 28326/5503/001/A and 28326/5503/002.

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

19. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles 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. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- 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 must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- 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 and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, 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).

20. The first reserved matters application to be submitted shall include the following details:
- (a) a design code for the development;
 - (b) a detailed masterplan for the whole site, including outline landscape treatment, and;
 - (c) a public space proposal, inclusive of access detail, and site management prescriptions.
 - (d) compensation habitat for the loss of dormice habitat and great crested newt.
 - (e) an appropriate dormouse habitat corridor running east -west along the southern boundary

Reason: To ensure that a satisfactory design and layout is achieved and appropriate ecological mitigation is secured to accord with Policies EQ2 and EQ4 of the South Somerset Local Plan.

Informatives:

01. In regard to condition no 20, the applicant is strongly advised to enter into discussions with the Local Planning Authority prior to the submission of any reserved matters application.
02. In regard to the highway works, the applicant is advised to contact the Highway Authority as soon as practicable in order that the appropriate legal agreement can be completed prior to the commencement of highway works.
03. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

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

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