
Area West Committee

Wednesday 12th August 2020

5.00 pm

A virtual meeting via Zoom meeting software

The following members are requested to attend this virtual meeting:

Jason Baker
Mike Best
Dave Bulmer
Martin Carnell
Brian Hamilton
Ben Hodgson

Val Keitch
Jenny Kenton
Paul Maxwell
Tricia O'Brien
Sue Osborne
Robin Pailthorpe

Oliver Patrick
Garry Shortland
Linda Vijeh
Martin Wale

Planning applications will be considered no earlier than 5.00pm.

Any members of the public wishing to address the virtual meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 11th August (the day before meeting).

This meeting will be viewable online by selecting the committee meeting at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact:
democracy@southsomerset.gov.uk

This Agenda was issued on Monday 3 August 2020.

Alex Parmley, Chief Executive Officer

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

Information for the Public

In light of the coronavirus pandemic (COVID-19), Area West Committee will meet virtually via video-conferencing to consider and determine reports. For more details on the regulations regarding remote / virtual meetings please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

Area West Committee

Meetings of the Area West Committee are usually held monthly, at 5.30pm, on the third Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom and the starting time may vary.

Agendas and minutes of meetings are published on the council's website at:
<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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 meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings.

If you would like to address the virtual meeting during Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on 11th August 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

This meeting will be streamed online via YouTube at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman or Administrator will un-mute your microphone at the appropriate time. We also respectfully request that you turn off video cameras until asked to speak.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Planning applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am the day before the meeting (Tuesday 11th August). When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

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 12 August 2020

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting**
- 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 Jason Baker, Sue Osborne and Linda Vjeh.

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 16th September commencing at 5.30pm**. It is anticipated that this will be a virtual meeting using Zoom on-line meeting software.

- 5. Public Question Time**

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

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

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

6. Chairman's Announcements

Items for Discussion

- 7. Area West Committee - Forward Plan** (Pages 7 - 8)
- 8. Planning Appeals** (Pages 9 - 21)
- 9. Schedule of Planning Applications to be Determined by Committee** (Pages 22 - 23)
- 10. Planning Application: 19/01053/FUL** - Land at Thorhild, Tatworth Road, Chard**
(Pages 24 - 43)
- 11. Planning Application: 20/00536/REM - Howley Farm, Howley, Chard** (Pages 44 - 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

Area West Committee Forward Plan

Director: Kirsty Larkins, Strategy and Commissioning
Agenda Co-ordinator: Jo Morris, Case Officer (Strategy and Commissioning)
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.
- (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

Meeting Date	Agenda Item	Lead Officer(s) SSDC unless stated otherwise
September, and quarterly thereafter	Area Chapter Update	Tim Cook, Locality Team Manager
September, December 2020	Chard Regeneration Scheme – quarterly update reports	Dan Bennett, Property and Development Project Manager
September 2020	Ilminster Tennis and Bowling club – Tennis recovery project	Debbie Haines, Locality Team Leader
<i>TBC</i>	<i>Ilminster Forum</i>	<i>Cllr. Val Keitch</i>
<i>TBC</i>	<i>Meeting House Arts Centre, Ilminster</i>	<i>Cllr. Val Keitch</i>
<i>TBC</i>	<i>Highways Update</i>	<i>Highway Authority</i>
<i>TBC</i>	<i>Historic Buildings at Risk</i>	<i>TBC</i>
<i>TBC</i>	<i>Update on CIL contributions</i>	<i>TBC</i>

Agenda Item 8

Planning Appeals

Director: Netta Meadows, Service Delivery
Lead Specialist: Stephen Baimbridge, Lead Specialist - Planning
Contact Details: Stephen.baimbridge@southsomerset.gov.uk or 01935 462497

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

20/00799/FUL - Single storey extension to dwelling and change of use of land into residential curtilage.
The Cattle Barton Ludney Lane, Allowenshay, Hinton St George, Somerset TA17 8TB
(Officer delegated decision)

19/00810/FUL - The erection of 2 No. commercial buildings with the provision for car parking, access and turning areas.
Land at Tail Mill, Tail Mill Lane, Merriott TA16 5PF
(Committee decision)

Appeals Allowed

18/01917/FUL – Erection of 39 No. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure
Land off Shiremoor Hill, Merriott, TA16 5PH
(Committee decision)

Background Papers – Appeal decision notices attached.



Appeal Decision

Site visit made on 27 May 2020

by Rory Cridland LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/R3325/W/20/3246302 Land off Shiremoor Hill, Merriott TA16 5PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stonewater Ltd against the decision of South Somerset District Council.
 - The application Ref 18/01917/FUL, dated 15 June 2018, was refused by notice dated 22 October 2019.
 - The development proposed is the erection of 39 no. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 39 no. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure at Land off Shiremoor Hill, Merriott, TA16 5PH in accordance with the terms of the application, Ref 18/01917/FUL, dated 15 June 2018, subject to the conditions set out in the attached Schedule.

Application for Costs

2. An application for costs was made by Stonewater Ltd against South Somerset District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (i) the effect of the proposed development on highway safety, with particular regard to parking;
 - (ii) the effect of the proposed development on biodiversity;
 - (iii) the effect of the proposed development on heritage assets;
 - (iv) whether the proposal meets the aims and objectives of Policy EQ1 of the South Somerset Local Plan; and
 - (v) whether the proposal makes adequate provision for affordable housing.

Reasons

Parking

4. Policy TA5 of the South Somerset Local Plan 2006 – 2028¹ (LP) seeks to ensure, amongst other things, that the parking needs generated by new development

¹ Adopted 2015.

does not have a detrimental impact on the character or amenity of the area and does not compromise the safety of the local or strategic road network. In addition, LP Policy TA6 requires parking provision to be design-led and based upon site characteristics, location and accessibility. Furthermore, it applies the parking standards set out in the Somerset County Council Parking Strategy ("the Parking Standards").

5. The proposal would provide 104 parking spaces against the optimum level set out in the Parking Standards of 125, a shortfall of 21. The Council is concerned that this shortfall would result in illegal or inconsiderate parking on the highway which would be detrimental to highway safety, hinder access for emergency vehicles and negatively impact on the character and appearance of the area.
6. I do not agree. While the Parking Standards are intended to provide an indication of what the Council considers to be the optimum levels of parking generally, they make clear that provision above or below those levels can be justified by specific local circumstances. This accords with the guidance set out in the National Planning Policy Framework (2019) ("the Framework") which advises that when setting local parking standards for residential development a number of matters should be taken into account. These include the accessibility of the development, the availability of and opportunities for public transport as well as local car ownership levels.
7. No robust evidence has been provided as part of this appeal of local car ownership levels. Nevertheless, the proposed development would be located within easy walking distance of Merriott, a village with a good range of local facilities. Furthermore, the site itself already benefits from extant planning permission for up to 30 dwellings which provides a further indication that it is both sustainably located and future occupiers would have reasonable access to local facilities and services.
8. Moreover, I note the Highway Authority has acknowledged that the appellant's Transport Statement demonstrates that there would be no severe impact on the highway network, and it has not raised any issues in relation to highway safety. In addition, there is no evidence that the shortfall in parking provision identified would result in high levels of illegal or inconsiderate parking either within the development site itself or the surrounding road network. I have no reason to conclude otherwise.
9. Accordingly, I am satisfied that the parking provision proposed would not compromise highway safety or have a detrimental impact on the character or amenity of the area. As such, I find no conflict with LP Policies TA5 or TA6. Similarly, I find no conflict with LP Policy EQ2 which, amongst other things, seeks to ensure that development proposals preserve or enhance the character and appearance of the district.

Biodiversity

10. The Council contend that the creation of the culvert and bridge would enclose part of the stream altering its ecology detrimentally and reducing its biodiversity value. Similar concerns have been raised by the Parish Council and local residents.
11. However, I consider these concerns somewhat overstated. While I note the site is located in close proximity to a Local Wildlife Site, no robust evidence has been

provided which would indicate that the proposed culvert and bridge would materially impact on biodiversity or ecological networks. Indeed, the ecological assessments carried out indicate that the impact on nearby ecological receptors would be generally of low significance. This was accepted by the Council's ecological consultee who broadly agreed with the assessments' conclusions and recommendations.

12. Furthermore, the appellant has identified a number of enhancement and mitigation measures including the maintenance of a buffer between the stream and the built development, areas of open space, and measures to mitigate or reduce impacts to ecology during construction. These provide some additional protection to nearby ecological receptors and help ensure that any impacts are minimised.
13. Accordingly, I do not consider the proposed development would negatively impact on ecology or biodiversity. As such, I find no conflict with LP Policy EQ4 which aims to protect the biodiversity value of land and buildings, minimise fragmentation of habitats and promote coherent ecological networks.

Heritage Assets

14. The appeal site is situated outside but adjacent to the Merriott Conservation Area ("the CA"). The Council has raised concerns that the proposed bridge and culvert would create an alien feature within the setting of the CA resulting in harm to its significance.
15. However, both the bridge and culvert would be outside the CA and neither would be particularly visible from within it. Furthermore, I noted during my site visit there is little intervisibility between this part of the site and the CA itself. As such, I consider any effect would be marginal and have little impact on the CA's character or appearance.
16. Moreover, I note that the site already benefits from planning permission for up to 30 dwellings under planning permission reference 16/00865/OUT ("the Extant Permission"). No detailed explanation has been provided as to why the Council considers the bridge and culvert would have a materially greater impact on the CA than the Extant Permission. I am not therefore persuaded that the impact of these elements of the scheme on nearby heritage assets provides sufficient reason for withholding permission.
17. Likewise, while I note the concerns raised by both the Council and other interested parties in relation to the impact on the public right of way known as Holwell Lane, the grant of planning permission does not authorise the interference with the public's rights or negate the appellant's obligations in respect of them. Furthermore, any proposed diversion would be considered as part of a separate application.
18. Nevertheless, the application includes a heritage statement which considers the effects of the proposed development on nearby heritage assets. This concludes that the proposal would result in less than substantial harm to the CA particularly around the access. In addition, the assessment identifies additional harm to the setting of Shiremoor House and St Katherine's Lodge, both Grade II listed buildings. This is not disputed by the Council and I have no reason to conclude otherwise.

19. Accordingly, although I do not consider the proposed bridge and culvert would result in harm to the CA, I nevertheless find that the proposal as a whole would result in less than substantial harm to the setting of the CA, Shiremoor House and St Katherine's Lodge. This would be in conflict with LP Policy EQ3 which, amongst other things, seeks to ensure that heritage assets are conserved or enhanced.

Sustainability

20. The Council is concerned that the proposed development does not accord with the aims of LP Policy EQ1 by failing to consider the use of renewable technologies such as solar panels, air source heat pumps or the positioning of the dwellings to achieve maximum solar gain.
21. However, while LP Policy EQ1 encourages the use of energy efficiency measures, renewable and low carbon energy, neither the LP nor the Framework imposes any specific requirement for new development to include the provision of air source heat pumps or solar panels.
22. In the present case, while I accept that there are opportunities to incorporate sustainable construction and energy efficiency measures into the scheme which will help reduce the impact of climate change, I do not consider that a failure to include air source heat pumps or solar panels as part of the development is in conflict with LP Policy EQ1 or the Framework.

Affordable Housing

23. LP Policy HG3 permits the erection of new dwellings subject to them providing affordable housing in accordance with defined targets and thresholds. The proposed scheme meets the 35% requirement set out in LP Policy HG3. However, the Council has raised concerns with the lack of 1-bedroom dwellings, arguing that the mix proposed does not meet the local need and fails to meet the requirements of the LP.
24. I do not agree. Policy HG3 does not impose any requirement for a particular mix or type of affordable dwellings. Instead, it leaves it to the parties to negotiate on a site-specific basis taking into account the contemporary information from the housing register and any local imbalances.
25. In the present case, the proposal includes a mixture of 2, 3 and 4-bedroom affordable dwellings which accords with that requested by the Council's Strategic Housing Officer. These are secured by means of a Unilateral Undertaking. While I note the Council's housing register indicates a small preference for 1-bedroom properties in Merriott, it does not demonstrate that there is a particularly greater unmet need for 1-bedroom dwellings than elsewhere in the district.
26. In the absence of evidence which would demonstrate a particular need for 1-bedroom properties in Merriott or the wider district, I am satisfied that the proposal meets the affordable housing requirements of LP Policy HG3.

Other Matters

27. In reaching my decision I have noted the concerns raised by Merriott Parish Council, the Merriott Heritage Trust, local residents and others. However, there is no robust evidence which would lead me to conclude that the proposed development could not be adequately drained or would result in an increased risk

of flooding elsewhere. As such, I see no reason that these matters cannot be adequately addressed by means of a suitably worded condition requiring the submission and approval of a surface water drainage scheme.

Planning Obligations

28. The appellant has provided an executed unilateral undertaking ("the UU") which provides for 35% of the dwellings to be affordable. This is in response to identified needs and is supported by LP Policies SS6 and HG3 which, amongst other things, aim to secure 35% affordable housing to be delivered on sites of 6 dwellings or more. I consider these to be a considerable public benefit.
29. The UU also provides for the provision, management and maintenance of public open space as well as financial contributions towards community and health facilities and education. These are supported by LP Policies SS6 and HW1 which seek to secure the provision of, or contributions to, additional open space, community and cultural facilities and education to accommodate the additional needs generated by new housing development.
30. While I note that the contributions included in the UU are lower than the contributions sought by the Council in its written evidence, they nevertheless accord with the amounts included by the district valuer when considering the viability of the overall scheme.
31. In view of the above, I consider the obligations in the UU meet the tests set out in CIL Regulation 122 of the Community Infrastructure Levy Regulations 2010 and those set out in paragraph 56 of the Framework. As such, I have taken them into account in reaching my decision.

Planning Balance

32. I have found above that the proposal would accord with the Council's policies on parking, ecology and biodiversity. I have also found that the proposal would accord with the Council's policies on affordable homes and climate change. However, I have also found that the proposal would result in less than substantial harm to heritage assets and, as such would be in conflict with LP Policy EQ3.
33. Paragraph 196 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. However, it also makes clear that heritage assets are an irreplaceable resource and that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Furthermore, Paragraph 194 indicates that any harm to the significance of a designated heritage asset should require clear and convincing justification
34. The proposal would result in a number of public benefits not least of which is its contribution towards meeting identified affordable housing need locally. I afford this considerable weight. Likewise, it would result in some modest economic benefits to the local economy during construction which would help support local businesses and services. However, while this provides some additional public benefit, it is limited, and I afford it only a moderate amount of weight.

35. Nevertheless, in the present case, while I am mindful of the need to have special regard to the desirability of preserving the setting of heritage assets and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, I consider the public benefits identified would provide a clear and convincing justification for the limited harm which would result

Conditions

36. I have had regard to the various planning conditions suggested. In addition to the standard condition in relation to commencement, I consider a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.
37. A condition requiring the development to be carried out in accordance with the recommendations set out in the appellant's Ecological Assessment is necessary in the interest of biodiversity as is a condition in respect of trees.
38. I consider a condition requiring the submission of a Construction Environment Management Plan to be necessary in the interests of highway safety and to ensure that the development is carried out in a manner that is sensitive to the local environment. Conditions in respect of materials and parking layout are necessary in the interests of the character and appearance of the surrounding area. Furthermore, I consider conditions in relation to the disposal of surface water and sewage are necessary to ensure the site is suitably drained.
39. A condition restricting occupation until the part of the service road providing access to the dwelling has been constructed is necessary in the interests of highway safety and to ensure adequate access for future residents.
40. However, the grant of planning permission does not obviate the appellant's obligations in respect of public rights of way which are dealt with as part of a separate process. Similarly, the highway authority has other powers available to address any damage to the public highway. I do not therefore consider the proposed conditions in respect of these matters are necessary.
41. Likewise, I do not consider separate conditions in relation to access and visibility are necessary as these matters are already set out on the approved plans. I note that the application is accompanied by a Travel Plan Statement (TPS) which aims to promote alternative modes of transport. I do not therefore consider a condition requiring the submission and approval of a further TPS is necessary.
42. A number of the above conditions need to be discharged before work commences on site as they relate to matters which need to be resolved on a fully coordinated basis.

Conclusion

43. For the reasons set out above, and having had regard to all other matters raised, I find the proposed scheme would be in accordance with the development plan as a whole, and as such, conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Nos:

3808-BB -SP-00-DR-A-001 (Location Plan)
3808-BB -SP-00-DR-A-PL/100 (Plot 1 & 2 Floor Plans)
3808-BB -SP-00-DR-A-PL/101 (Plot 1 & 2 Elevations)
3808-BB -SP-00-DR-A-PL/102 (Plots 3 to 6 Floor Plans)
3808-BB -SP-00-DR-A-PL/103 (Plots 3 to 6 Elevations)
3808-BB -SP-00-DR-A-PL/104 (Plots 7 Floor Plans)
3808-BB -SP-00-DR-A-PL/105 (Plots 7 Elevations)
3808-BB -SP-00-DR-A-PL/106 (Plots 8 & 12 Floor Plans)
3808-BB -SP-00-DR-A-PL/107 (Plots 8 & 12 Elevations)
3808-BB -SP-00-DR-A-PL/110 (Plots 13 to 16 Floor plans)
3808-BB -SP-00-DR-A-PL/112 (Plots 13 to 16 Elevations (2 of 2))
3808-BB -SP-00-DR-A-PL/113 (Plots 17 to 19 Floor Plans)
3808-BB -SP-00-DR-A-PL/115 (Plots 20 & 21 Floor Plans)
3808-BB -SP-00-DR-A-PL/116 (Plots 20 & 21 Elevations)
3808-BB -SP-00-DR-A-PL/117 (Plots 22 to 23 Floor Plans)
3808-BB -SP-00-DR-A-PL/118 (Plots 22 to 23 Elevations)
3808-BB -SP-00-DR-A-PL/121 (Plots 30 & 31 Floor Plans)
3808-BB -SP-00-DR-A-PL/122 (Plots 30 & 31 Elevations)
3808-BB -SP-00-DR-A-PL/123 (Plots 32 & 33 Floor Plans)
3808-BB -SP-00-DR-A-PL/124 (Plots 32 & 33 Elevations)
3808-BB -SP-00-DR-A-PL/125 (Plots 34 to 37 Floor Plans)
3808-BB -SP-00-DR-A-PL/126 (Plots 34 to 37 Elevations)
3808-BB -SP-00-DR-A-PL/127 (Plots 38 & 39 Floor Plans)
3808-BB -SP-00-DR-A-PL/128 (Plots 38 & 39 Elevations)
3808-BB -SP-00-DR-A-PL/129 (Garage for Plots 38 & 39)
3808-BB -SP-00-DR-A-PL/111 Rev A (Plots 13 to 16 Elevations (1 of 2))
3808-BB -SP-00-DR-A-PL/114 Rev A (Plots 17 to 19 Elevations)
3808-BB -SP-00-DR-A-PL/108 Rev A (Plots 9 to 11 Floor Plans)
3808-BB -SP-00-DR-A-PL/109 Rev A (Plots 9 to 11 Elevations)
3808-BB -SP-00-DR-A-PL/119 Rev A (Plots 24, 26, 28 & 29 Floor plans)

3808-BB -SP-00-DR-A-PL/120 Rev A (Plots 24, 26, 28, 25 & 29 Elevations)
3808-BB -SP-00-DR-A-PL/130 Rev A (Proposed Site Section)
3808-BB -SP-00-DR-A-PL/131 Rev C (Site Section C & D)
3808-BB -SP-00-DR-A-PL/132 (Plot 27 Floor Plans)
3808-BB -SP-00-DR-A-PL/133 (Plot 27 Elevations)
3808 -BB-SP-00-DR-A-PL/134 (Sections EE & FF)
3808-BB -SP-00-DR-A-PL/002 Rev E (Site Plan)
3808-BBA-SP -XX -DR-L – 210 Rev A (Site Wide Planting Plan)
C13884-D001sh2
00737-YHYD-XX-XX-DR-TP-0103

- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 4) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall provide for:
- (a) the parking of vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (e) wheel washing facilities;
 - (f) measures to control the emission of dust and dirt during construction;
 - (g) construction vehicle routes to and from the site;
 - (h) a scheme for recycling/disposing of waste resulting from construction works;
 - (i) delivery and construction working hours;
 - (j) proposed phasing/timescales of construction; and
 - (k) proposed monitoring and timing of submission of monitoring reports.

The approved CEMP shall be adhered to at all times during all phases of development.

- 5) No development shall take place until a scheme for the disposal of surface water has been carried out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.

- 6) Prior to the commencement of above ground works, details of the external materials to be used on the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Prior to the commencement of above ground works, details of the car and motorcycle parking layout, including details of cycle parking and facilities for the charging of electric vehicles, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the areas identified for parking shall thereafter be kept available for those purposes.
- 8) No dwelling shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 9) No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with details which have first been submitted to and approved in writing by the local planning authority. The service road as constructed shall be retained thereafter.
- 10) The Development shall be carried out in accordance with the recommendations set out in Section 5 of the Ecological Assessment Report dated 14 June 2018.

END OF SCHEDULE



Costs Decision

Site visit made on 27 May 2020

by Rory Cridland LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Costs application in relation to Appeal Ref: APP/R3325/W/20/3246302 Land off Shiremoor Hill, Merriott TA16 5PH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Stonewater Ltd for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for the erection of 39 no. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure.
-

Decision

1. The application for an award of costs is partially allowed in the terms set out below.

Preliminary matters

2. The Council has not submitted a response to the costs application. The Planning Practice Guidance ("the PPG") states that where a party has made a written application for costs, clearly setting out the basis for the claim in advance, their case will be strengthened if the opposing party is unable to, or does not offer evidence to counter the case. I have taken this into account in my reasoning below.

Reasons

3. The PPG advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
4. Furthermore, it provides a number of examples of the types of behaviour that may give rise to a substantive award of costs against a local planning authority. Those relied on by the applicant include where they (i) prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; (ii) fail to produce evidence to substantiate each reason for refusal on appeal; (iii) make vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; (iv) refuse planning permission on a planning ground capable of being dealt with by condition; (v) where they fail to determine similar cases in a consistent manner; and (vi) where they fail to grant a further planning permission for a

- scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
5. I should say at the outset that I do not agree that the Council has failed to determine similar cases in a consistent manner. Furthermore, it is clear that there is a material difference between the extant permission granted on the site and the appeal proposal, not least in terms of the quantum of housing. I am not therefore persuaded that the Council has demonstrated unreasonable behaviour in respect of examples (v) and (vi) above.
 6. Nevertheless, four reasons for refusal (RFR) were provided by the Council and all were maintained as part of this appeal. In relation to RFR 1 (insufficient parking), while I note no objection was raised by the Highway Authority, their consultation response draws attention to the shortfall in parking provision and makes clear that this matter should be given further consideration by the Council. Likewise, while I note Council officers concluded that the level of parking proposed was adequate, it nevertheless fell below the optimum levels set out in the Council's adopted guidance. In such circumstances, the matter is one of planning judgement and the Council are entitled to come to a different conclusion to its officers. The case advanced, while unsuccessful, was nevertheless clear and not without merit. As such, I do not consider the Council has acted unreasonably in maintaining this reason for refusal.
 7. However, the same cannot be said of the Council's other reasons for refusal. In respect of RFR 2 (biodiversity and heritage assets), the applicant's ecological assessments indicate that the impact on nearby ecological receptors would be of low significance and that the proposed culvert had been designed to allow small animals to continue to travel up and downstream. This was accepted by the Council's ecological consultee who broadly agreed with the applicant's conclusions and recommendations.
 8. While the Council is not required to follow the advice of its professional officers, if a different decision is reached by members, the Council has to demonstrate, on planning grounds, why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. In the present case, no robust evidence has been put forward by the Council to challenge these conclusions and no specific impacts have been identified.
 9. Likewise, the Council's assertion that the culvert and bridge would negatively impact on the Merriott Conservation Area (CA) is not supported by evidence. No explanation has been provided as to why the Council considers these features would result in any material harm to the character and appearance of the CA. Overall, I consider the Council's case in respect of RFR 2 is both vague and unsubstantiated and the Council has acted unreasonably in maintaining it as part of the appeal.
 10. Turning then to RFR 3 (energy efficiency), the Council's reason for refusal refers to a failure to maximise solar gain opportunities and the absence of heat source pumps and solar panels. However, while Policy EQ1 of the South Somerset Local Plan 2006 – 2028¹ encourages the use of energy efficiency measures, it does not impose any requirement that they are included in development proposals. No firm policy basis has been provided by the Council to substantiate this reason for refusal.

¹ Adopted 2015.

11. Likewise, in respect of RFR 4 (affordable homes), Policy HG3 does not impose any requirement for a particular mix or type of affordable housing. Instead, it leaves it to the parties to negotiate on a site-specific basis taking into account site specific factors. In the present case, the affordable housing mix accords with that requested by the Council's Strategic Housing Officer. As my decision makes clear, no robust evidence has been submitted which would indicate that there was a significantly greater need for 1-bedroom dwellings than there is for other types.
12. Accordingly, while I find no unreasonable behaviour on the part of the Council in maintaining RFR 1, it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations RFRs 2, 3 and 4 should not have been maintained. As such, I find the Council has acted unreasonably in this respect. This has resulted in the appellant having incurred unnecessary expense in defending these matters as part of this appeal.
13. I therefore conclude that a partial award of costs, to cover the expense incurred by the appellant in contesting RFRs 2 (heritage assets and biodiversity), 3 (energy efficiency) and 4 (affordable housing), is justified.

Costs Order

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Somerset District Council shall pay to Stonewater Ltd, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting refusal reason 2 (biodiversity and heritage), 3 (energy efficiency) and 4 (affordable homes).
15. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Rory Cridland

INSPECTOR

Agenda Item 9

Schedule of Planning Applications to be discussed by Area West Committee

Director: Netta Meadows, Service Delivery
Service Manager: Stephen Baimbridge, Lead Officer (Development Management)
Contact Details: stephen.baimbridge@southsomerset.gov.uk or 01935 462497

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 5.00pm

The meeting will be viewable online at: <https://youtu.be/Y7g5Tna24wg>

Any members of the public wishing to address the virtual meeting regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 11th August 2020.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
10	CHARD JOCELYN	19/01053/FUL**	Proposed residential development for the erection of 94 dwellings, formation of vehicular access from Tatworth Road and associated works.	Land at Thorhild, Tatworth Road, Chard	Mr E Khodabandehloo
11	BLACKDOWN, TATWORTH & FORTON	20/00536/REM	Application for reserved matters following outline approval of 18/03895/OUT seeking approval of access, appearance, landscaping, layout and scale	Howley Farm, Howley, Chard	C Edwards

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 has 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: 19/01053/FUL**

Proposal:	Proposed residential development for the erection of 94 dwellings, formation of vehicular access from Tatworth Road and associated works.
Site Address:	Land At Thorhild, Tatworth Road, Chard
Parish:	Chard
CHARD JOCELYN Ward (SSDC Member)	Cllr D M Bulmer
Recommending Case Officer:	Linda Hayden Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	30th July 2019
Applicant:	Mr E Khodabandehloo
Agent: (no agent if blank)	Collier Planning 2nd Floor, Unit 2 Chartfield House Castle Street Taunton TA1 4AS
Application Type:	Major Dwlg 10 or more or site 0.5ha+

Members will recall that this application was deferred from their last meeting (15 July 2020) as the County Highways Officer was unable to attend. Councillors are asked to note that the following report has been updated to show the correct levels of affordable housing as agreed by the District Valuer and the Housing Team (19% not 25%).

REASON FOR REFERRAL TO COMMITTEE

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

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

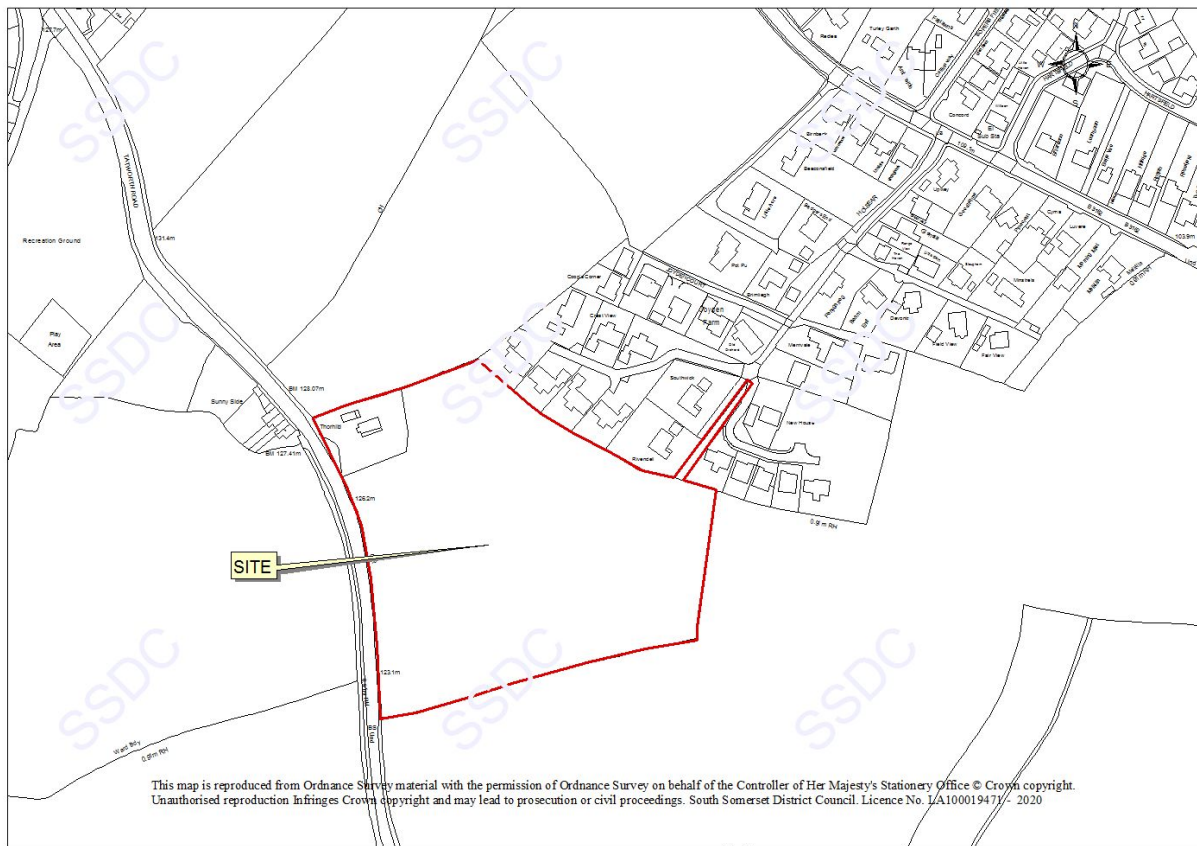
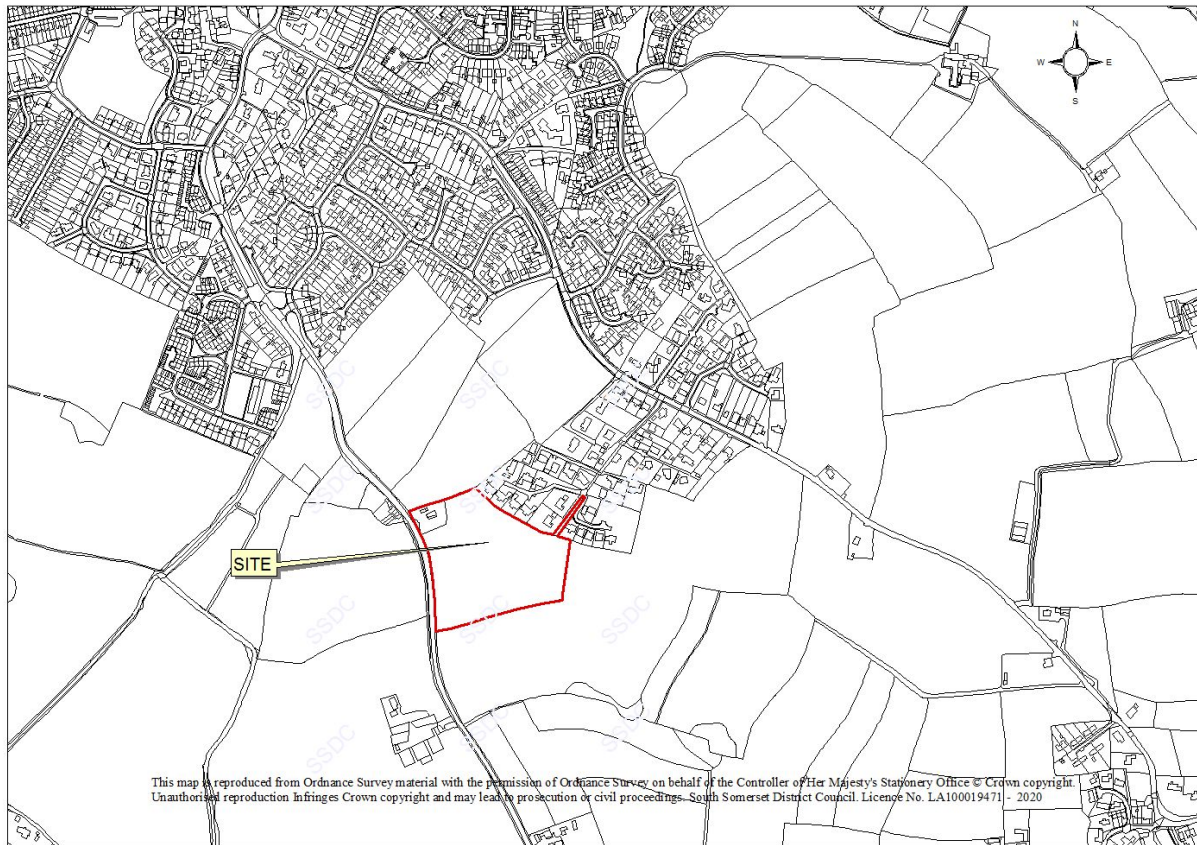
The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION

The application site has an area of 3.05ha and is located on the south eastern edge of the town of Chard. The site is bounded to the east by existing residential development (Holbear) and to the north and south by sites which have planning permission or are subject to a planning application for residential development.

The site is bounded by hedgerows and slopes gently downwards from the north western corner towards the south eastern boundary. There is an existing bungalow in the north west of the site which will be demolished to facilitate the proposed development.

The A358 runs north/south along the site and is one of the main routes connecting the town with the surrounding area. There is a mature hedgerow along the entire site boundary.



PROPOSAL

This full application proposes a residential development of 94 dwellings and includes a mix of 1, 2, 3 and 4 bed two-storey dwellings. Following the submission of a Viability Assessment, it has been determined that the development can provide 14 Social Rented, 4 Shared Ownership units (19% affordable).

Vehicular access from Tatworth Road will be provided via a new T junction. Pedestrian access will be provided from the site to the existing residential development known as Holbear to the north east, and new links are proposed to the planned residential developments to the north and south.

A total of 234 car parking spaces are proposed and cycle parking is provided for all dwellings either within garages or secure cycle parking for properties without garages.

The existing mature boundary hedgerow will be maintained save for a small section to provide the vehicular access and pedestrian links into the adjacent sites. Additional native hedgerow is proposed together with new tree and shrub planting. An area of public open space is proposed in the south east corner incorporating a soakaway pond with shallow sides.

The application is supported by:

- Planning Statement
- Design & Access Statement;
- Transport Assessment;
- Ecological Appraisal;
- Archaeological Desk Based Assessment;
- Statement of Community Involvement;
- Ground Investigation; and
- Flood Risk Assessment.

HISTORY

No recent planning history for the site.

91702 - OUTLINE: Development of land for residential purposes, formation of vehicular access. Refused 1972

740320 - OUTLINE: Proposed residential development of land at Tatworth Road, Chard. Refused 1974.

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)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel
 TA3 - Sustainable Travel at Chard and Yeovil
 TA4 - Travel Plans
 TA5 - Transport Impact of New development
 TA6 - Parking Standards
 HW1 - Provision of open spaces, outdoor playing space, sports, cultural and community facilities in new development
 EQ1 - Addressing Climate Change in South Somerset
 EQ2 - General Development
 EQ4 - Biodiversity
 EQ5 - Green Infrastructure
 EQ7 - Pollution Control

Relevant Policy Material Considerations

National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change 44
- 15. Conserving and enhancing the natural environment 49

National Design Guide (NDG)

The National Design Guide is a material consideration when making planning decisions, and sets out how well designed places can be achieved and forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The NDG sets out the ten characteristics of well-designed places.

Chard Regeneration Plan (2010)

Sets out indicative designs and principles for the identified areas for development. The application site is identified for residential development at a density of 30 - 40 dwellings per hectare.

Chard Implementation Plan (2010)

Sets out a phased approach to the development of the area. The site is identified as being within Phase 3 of 5. The document states that the level of growth would represent a significant level of change to the town if implemented in full. However, the masterplan needs to allow for the possibility that not all phases will be implemented. Each Phase that comes forward needs to make sense in spatial and design terms. If a development phase comes forward out of sequence it will be the responsibility of the developer to demonstrate how it is compatible with the phasing principles and ensure an orderly provision of infrastructure.

(Note: In October 2019 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) In relation to decision taking is engaged, this states:-

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

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

Adopted Somerset County Council Parking Standards

CONSULTATIONS

Chard Town Council:

'RESOLVED - *That this application should be refused. The cumulative impact of three ongoing large developments should be considered including community safety, lack of infrastructure and the impact on the adjoining area with regards traffic. There should be no pedestrian access and there are concerns regarding density. Developers should also be seeking to include car charging points for electric vehicles in their plans.'*

Tatworth and Forton Parish Council (directly adjoining Parish):

'Resolved *that the Parish Council's objections should mirror those cited by Chard Town Council which were: That this application should be refused. The cumulative impact of three ongoing large development should be considered including community safety, lack of infrastructure and the impact on the adjoining area with regards to traffic. There should be no pedestrian access and there are concerns regarding density. Developers should also be seeking to include car charging points for electric vehicles in their plans. The Council also noted that the application ignored any reference to infra-structure that would be required such as School-Doctor's Surgery and a contribution to new roads.'*

County Highway Authority:

Initially raised concerns about the extent of the transport assessment and some of the data submitted.

In their second response they advise:

'Further to the comments previously submitted, additional information has been provided and this Authority has the following observations on the highway and transportation aspects of this proposal:-

Our initial concerns covered the full extent of the submitted information within the Transport Assessment. In discussion the following information has been confirmed;

- o Through initial scoping, the extent of the highway network and junctions to be assessed was agreed, and this included the following junctions:*
 - o Site access / A358 Tatworth Road*
 - o A358 Tatworth Road / B3162 Forton Road*
 - o A358 Church Street / Holyrood Street*
 - o A358 Millfield mini roundabout*
 - o A358 / A30 Fore Street signalised junction*
- o The assessment subsequently undertaken in the Transport Assessment was in line with*

that agreement.

- o *The modelling shows that the Crowshute link is expected to have 14 two-way movements in the AM peak and 13 in the PM peak which is within the day to day variation expected on this link and is not considered to have a significant impact on the functioning of the network.*
- o *The variance in the peak hours recorded and modelled is consistent with adjacent sites.*
- o *The ARCADY model for the Millfield junction has been checked and verified. The arms had been incorrectly labelled, however this does not alter the overall conclusions about the impact of the development at the junction presented in the TA report.*
- o *The model for the Convent Junction did not raise concerns for other similar data submitted for adjacent sites and therefore the assessment is consistent.'*

The County Highway Authority recommend that conditions in relation to; Construction Environmental Management Plan; access details; surface water; estate details; parking provision; travel plan; and visibility are imposed.

Ecologist:

Advises:

'An Ecological Impact Assessment of the application was carried out by Green Ecology and reported in January 2019. The application site comprised a sheep grazed, improved neutral grassland field bound by species-poor hedgerows, with narrow field margins. A prefabricated bungalow and lawned garden with scattered trees occur in the north-western corner, backed by a line of trees. The loss of grassland is unavoidable although an area of open space is to be created in the south-eastern portion of the Site. This will be managed to provide a mosaic of habitats and coupled with the planting of species-rich grassland mixes along road verges and in open areas to the front of properties along the western boundary, will ensure a net-gain in biodiversity.'

The ecologist recommends the imposition of conditions in relation to; Landscape and Ecological Management Plan; provision of Natural England licences; bat protection; lighting details; hedgerow removal; reptile protection; and biodiversity enhancement.

Natural England:

No objection.

Somerset Wildlife Trust:

'We have noted the Planning Application and the supporting Environmental Impact Assessment provided by Green Ecology. We would fully support the proposals of Mitigation and Enhancement as outlined in Table 2 and Section 8 of the EIA. All of these measures must be included in the Planning Conditions if it is decided to grant Planning Permission.'

Open spaces officer:

'The plans provided on the 'Site Layout' identifies approx.. 0.30ha of useable Public Open Space (POS), an amount less than the required 0.36 ha for a development of this size.

Whilst we are encouraged by the green entrance to the site, and we understand the topography narrates that the best location for the attenuation basin is to the east of the site, we would prefer to see some of the POS in a more centrally located position making it equally accessible by all residents as well as helping to break up the built form. Creating a village green style area in the centre of the site would not only address these comments but will also allow to make up the shortfall of open space as detailed above.'

Housing Officer:

The Housing Team have considered the plans in light of the changes brought about by the viability appraisal and have agreed to the proposed number and size of units.

Environmental Health Officer:

No comments.

Senior Historic Environment Officer, South West Heritage Trust:

'There is potential for archaeology on the site but it doesn't appear that any remains likely will be of such significance that it would preclude development. Therefore it is advised that a condition be attached to ensure archaeological survey takes place prior to development.'

Designing Our Crime Officer:

Objects to the current format for the following reasons:

- A very large percentage of domestic dwelling burglaries occur through the rear of properties and as such easy access to the rear is to be avoided. Please supply garden gates as close to the front elevation as is practicable to the following units: - 13/14, 22/23, 35/35, 36/38, 38, 44/45, 46/47, 74/75, 76/77, 78/79, 83/84/85.
- I query the need for a footpath adjacent to unit 81/82 to the hedgerow, could this not be incorporated into the garden access with the gate at the front?
- Unit 83 has a blank elevation end adjacent to a footpath. Please allow for a 600mil hedge (as Unit 21) to avoid loitering, ball games and graffiti
- Please provide a bollard/bollards on the footpath between units 72/73 & 24/25 to prevent unauthorised use such as mopeds.

(Officer note: Conditions can be imposed to address these comments.)

Local Lead Flood Authority:

'The developer is proposing to use an infiltration based scheme for the management of surface water runoff. This is generally considered to be the most sustainable means of drainage in terms of the SUDS hierarchy and we welcome the approach. However, as the scheme develops into detailed design stage, we would expect to see opportunities to include source control features where appropriate and perhaps a range of other smaller SUDS features throughout the site, which would prevent concentration on the eastern boundary of the site. The developer has included a bund to account for surface exceedance flows, but should also account for any potential waterlogging/seepage in this area in extreme events - the site is adjacent to existing properties/gardens.'

They recommend the imposition of a detailed drainage condition that requires the submission of details including; drainage rates and volumes; flood exceed routes; and a management and maintenance plan.

County Education:

Advise:

'94 dwellings in this location would generate the following number of pupils for each education level:

0.05 x 94 = 4.7 (5 pupils for early years)

0.32 x 94 = 30.01 (31 pupils for primary education)

0.14 x 94 = 13.16 (14 pupils for secondary)

There is no current need for nursery/early years provision in Chard, however, the primary schools and secondary will each reach capacity due to the new housing.

The current cost to build for primary is £17,074 and secondary is £24,861 therefore the education contribution required from this development is as follows:

Primary 31 x 17,074 = £529,294
 Secondary 14 x 24,861 = £348,054

There is an identified need for a new primary school in Chard so the Primary figure will contribute to the cost of that project. Holyrood secondary school also have feasibility studies underway to achieve the required expansion projects there, so the secondary costs will go towards the project at Holyrood.'

Somerset Waste Partnership

- *Plots 83,84,85 have a path running along the front it would be useful to have direct access to empty them from Tatworth Road to minimise the amount of bins potentially being left out between collections (and consequently attracting other waste to be left there).*
- *Plots 80-82 there needs to be enough room for 4 bins plus associated recycling. I appreciate this is down a private road so the collection point is away from the properties. This will need to be clearly marked as a collection point only for the particular plots and not a storage point as these can easily slide into mis-use. Waste collection always works better when containers are outside the property for collection as it gives a stronger sense of responsibility on the householder.*
- *It would be useful to know if the shared surfaces are to be adopted.'*

Sport and Play Officer

Have calculated:

Equipped play - off site	£76,392
Commuted sum	£44,125
Youth Facilities - off site	£15,000
Commuted sum	£5,546
Playing pitches	£36,569
Commuted sum	£22,197
Changing room provision - off site	£66,847
Commuted sum	£5,378
Overall contribution total	£272,053
1% Locality Service Administration Fee	£2,721
Overall Level of Planning Obligation to be Sought	£274,774
Overall contribution Per Dwelling	£2,923

REPRESENTATIONS

37 residential properties were notified of the application, a site notice was displayed and an advert was place in the local newspaper to advertise the application.

16 letters of objection and a letter of representation have been received in response to the application.

The comments of the objectors are summarised as follows:

- The proposals is for too high a density of housing and is not in keeping with the scale and character of the area.
- There is inadequate infrastructure to cope with the proposed levels of residential development in Chard.
- The exit onto the A358 will be very dangerous.

- Loss of visual amenity
- Impact on privacy through overlooking, loss of light
- Increased traffic, road network is not capable of dealing with increase from all the proposed developments
- Proposal should be viewed jointly with the other housing developments in the area for 550 homes
- Object to footpath into Holbear, query rights of access as it is a private road
- Local amenities such as doctors, dentists, schools are not able to cope with increased demand
- There are insufficient employment opportunities
- It will be long walk to services
- Increased noise and disturbance
- Increased risk of crime
- Query the need for additional housing
- Concerned about disruption and noise from construction
- Concerned about use of Holbear by pedestrians and cyclists
- Lack of solar heating and electric car points
- Drainage is a concern
- Light pollution
- Impact on wildlife

The letter of representation queries maintenance of the track to Holbear and requests fencing to screen properties from the track.

CONSIDERATIONS

Principle of development

Chard is identified as a Primary Market Town within the South Somerset Local Plan and as such plays a significant role in delivering the district's required growth through until 2028 and beyond. Historically, the growth of Chard has been problematic, due primarily to a requirement to provide a distributor road in its entirety from the Tatworth Road through to the northern section of the Furnham Road in the area of the Chard Business Park. Due to an historic significant lack of progress the District Council worked with relevant bodies and the community to produce the Chard Regeneration Plan. This document identified that the previous requirement to secure a relief road in its entirety right from the outset was unrealistic. In lieu of this requirement the Implementation Plan advocated an approach that would allow different parcels of land to be developed individually provided that they included the required infrastructure for their scheme and didn't prejudice the development of other parcels within the growth area.

This site is located wholly within part of the larger Chard strategic growth area. Therefore, the principle of development is acceptable.

Chard Regeneration Plan

Members will be aware that delivery of the various sites within the Chard Regeneration Plan is based on 3 broad growth phases over the plan period and beyond. Phasing of the sites is based on the need to incrementally increase the capacity of the highways infrastructure to accommodate the traffic flows as the town grows. The application site is included in phase 3 of the Chard Plan.

The site, if approved, would come forward earlier than the Chard plan proposes under its phased recommendations. The Chard Plan advises that this site would come forward once the sites to the north have been implemented with their respective sections of the main spine road in place. The Chard Plan does also advise that sites can come forward out of sequence but

must not prejudice the delivery of other sites from coming forward. In this case, delivery of the current application site would not physically prevent other sites to the north from coming forward. However, if permission were to be granted for this site, there is a risk that with this and the adjacent sites to the west the build out /sales would take a number of years with no other development coming forward providing the new highway infrastructure that the town needs. It is noted that it was considered acceptable for the site immediately to the north (being developed by Keir) to proceed out of sequence as it would not be detrimental to the delivery of the Chard Plan and Chard as a whole. It is accepted in the Chard Plan that there will be some short term pain before longer term gain before full completion of the new highway infrastructure.

Notwithstanding the aims and objectives of the Chard plan, from a district wide housing position, the Council is not currently able to demonstrate a deliverable 5 year housing supply. Therefore, from a housing point of view, the grant of full permission and subsequent delivery of this site will make a very valuable contribution towards meeting the Council's housing requirements, including much needed affordable housing. From a Chard perspective, housing delivery has been much slower than anticipated in the Local Plan and, therefore, this scheme would make a positive contribution towards the town's housing needs.

Highway issues

A Transport Assessment was undertaken and submitted with the application which has been assessed by the Highway Authority and additional information has been submitted at their request to ensure appropriate consideration of the impacts of the development upon junctions within the town.

As outlined above in this report, the Highway Authority have not raised an objection to the development. The development trip generation analysis shows that the site could be expected to generate approximately one movement every 90 seconds during the busiest times of the day. This limited level of additional traffic is within the natural day to day variation in traffic flow along the A358, and therefore is unlikely to cause a noticeable impact for drivers using the route. Capacity modelling of junctions along the A358 into Chard shows that the development traffic is unlikely to cause a noticeable impact on junction operation.

In terms of the actual access arrangements, the County Highway Authority have agreed that the proposed access is acceptable in highway safety terms subject to the imposition of appropriate highways conditions including the required visibility splays at the access.

Therefore, on the basis that the Highway Authority have not objected, it is considered that the overall impact on the local highway network could not be considered severe, and is therefore acceptable at this location given the requirements of paragraphs 108 and 109 of the NPPF.

Residential Amenity

Objections to the scheme have been received in regard to the harmful impact that the proposed dwellings along the northeast boundary would have upon the amenity of those existing adjacent residents in Holbear. It is clear that the properties along this boundary would be subject to a significant change in their outlook given that they currently adjoin an undeveloped field. It is however noted that the land to the north is also currently being developed by Keir (200 homes) so there has already been a change to the surrounding environs. It is felt that whilst there will be an impact upon these properties, the proposed dwellings have been designed in the main to be 'end on' to the existing houses and as such there will be no direct overlooking. Whilst there will be some loss of light to the rear gardens of the existing properties it is not considered that it would be of such significance as to justify refusal of the application on such grounds.

Density, visual amenity, scale and character

Concern has been raised that the density of the scheme is too high for the site and not in

character with adjacent development. The density is 31 dwellings per hectare which is in line with the Chard Plan which suggests a density of 30-40 on the southern section. Whilst it is recognised that the density is higher than the adjoining Holbear development, this is much older development where plots are larger, with the current demand for housing it is no longer possible to require such a low density. On this basis, and with the lack of objection from any statutory consultees on the density, it is not considered that the density is significantly adverse to warrant refusal.

In terms of visual amenity, the site will clearly change in character but it is important to note that it sits between two larger sites that form part of the allocated residential sites shown in the Chard Plan. The proposals are for traditionally designed two storey dwellings and are considered to be appropriate to the character of the area. Conditions can be imposed to require details of materials and finishes to be submitted for agreement to ensure that they respect the character of the area.

In the circumstances, the proposal are considered to be acceptable in relation to density, visual amenity and the scale and character of the area.

Affordable housing

The scheme makes provision for 18 affordable housing units (14 Social Rented, 4 Shared Ownership units) representing 19% of the overall development. This is less than that required to meet the Council's policy of 35% affordable housing. However, the viability of the site has been assessed by the District Valuer who has found that the site can only provide 19% as affordable units and continue to provide the required s106 contributions towards sports facilities and education. The Housing Team have examined the proposed changes to the affordable housing and advised that they are acceptable.

Ecology

The Council's Ecologist has carefully reviewed the submitted ecological report and supports the recommended mitigation measures contained within that report. The ecologist has no objection to the proposal subject to the imposition of conditions in regard to; Landscape and Ecological Management Plan; provision of Natural England licences; bat protection; lighting details; hedgerow removal; reptile protection; and biodiversity enhancement.

Flooding/Drainage

A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. The LLFA have thoroughly considered the proposals for surface water drainage and has no objections subject to the imposition of a detailed condition to require drainage details before commencement of work at the site. As such, it is not considered that the proposal could reasonably be refused on the grounds of flooding/drainage issues.

Play and sports facilities

Due to the provision of sports and play facilities on the larger sites to the north and south it has been agreed that there is no requirement for the provision of a LEAP upon this site. However, it has required an increased contribution towards off site provision and as such an additional £50,000 is proposed, giving a total contribution of £324,774.

Open space/landscape

The development proposes areas of green space throughout the development with a tree lined entrance to the site and additional trees spread throughout the site. Whilst the proposal is slightly underprovided for in terms of open space and the location has been questioned it has been agreed that due to the topology of the site, the open space is best located in the south-eastern corner. The northern boundary partly adjoins the proposed open space for the site to the north with a pedestrian link proposed to this site. As such it is not considered that the proposal could reasonably be refused on the small under provision of open space.

Concerns of local resident

The detailed concerns of local resident have been carefully considered and the main issues are dealt with in the report above. However, the following additional points can be addressed: Capacity of existing infrastructure - It is important to recognise that this site forms part of allocated site for housing. There is no objection from any Statutory Consultee and the County Education Team have provide details of the contributions that should be sought for the additional school places that will be created.

Footpath through Holbear - It is considered important that the site has good pedestrian connections to the developments surrounding it and the town centre to prevent it from being an insular community. It is not considered that the creation of a pedestrian/cycle link would result in an acceptable impact upon the residents of Holbear.

Walking distance to services - The site is considered to be a sustainable location within acceptable walking distance of many services including schools, shops, doctor's surgery etc. within a 15-20 minute walk from the site.

Noise and disturbance - It is accepted that the proposal will result in additional noise and disturbance once constructed. However, this will be the generalised noise associated with a residential development and it is not considered that this would be unacceptable or result in such a loss of amenity as to justify refusal of the application.

Noise and disruption for construction works - It is accepted that there will be some temporary disruption during the course of works. A Construction Environmental Management Plan can be required via a condition to ensure that appropriate restrictions are imposed with regard to work hours and delivery times.

Risk of crime - It is not considered that the erection of dwellings should lead to an increase in crime and it would not be appropriate to refuse the application on this basis.

Solar heating/electric car points - The development will be subject to the Part L of the Building Regulations which relate to the conservation of fuel and power. A condition can be imposed to require the installation of electric charging points.

SECTION 106 PLANNING OBLIGATION

If the application is approved it will be necessary to seek the prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) to cover the following terms/issues:

- 1) The provision of 19% affordable housing with a split of 14 Social Rented, 4 Shared Ownership units;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan and all works which affect land covered by highway rights; and
- 5) Provision and maintenance of open space.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

CIL is a fixed levy that Councils can charge on new developments to fund infrastructure needed to support development. For viability reasons, CIL is not charged on the Chard Eastern Regeneration sites.

CONCLUSION

This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian

and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The site is in a sustainable location within reasonable distance of the town centre accessible by foot and bicycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (adopted 2015), the aims and objectives of the NPPF and the Chard Regeneration Plan.

RECOMMENDATION

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 to cover the following terms/issues:

- 1) The provision of 19% affordable housing with a split of 14 Social Rented, 4 Shared Ownership units;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan and all works which affect land covered by highway rights; and
- 5) Provision and maintenance of open space.

The permission to be subject to the following:

01. This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The site is in a sustainable location within reasonable distance of the town centre accessible by foot and bicycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (adopted 2015), the aims and objectives of the NPPF and the Chard Regeneration Plan.

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 approved shall be carried out in accordance with the following approved plans:

- Drawing Register dated 15/05/2020 by Thrive Architects (SW) Ltd.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;
- a) materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
 - b) details of the design, materials and external finish for all external doors, windows, boarding, lintels and openings;

- c) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- d) details of the surface material for the parking and turning areas;
- e) details of boundary details (new and existing, to include consideration of the advice of the Designing Out Crime Officer dated 20/05/2019)

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

- 04. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a scheme showing a network of cycleway and footpath connections (to include bollards to prevent vehicular access) has been submitted to and approved in writing by the Local Planning Authority. Before the new development is brought into use, the agreed pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with the approved scheme.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

- 05. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'Outline Master Plan' (Drawing No. SPP.3053.001 Rev D), unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any part of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan 2006 and the provisions of the National Planning Policy Framework.

- 06. Prior to commencement of the development, site vegetation clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme to protect retained trees and hedgerows during construction shall be submitted to and approved in writing by the Local Planning Authority. The approved tree/hedge protection requirements shall remain implemented in their entirety for the duration of the construction of the approved development (inclusive of hard and soft landscaping operations) and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in writing.

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

- 07. All garaging, parking and turning spaces shall be provided, laid out, surfaced, drained and (where appropriate) delineated in accordance with Drawing No. SL.01 Rev E prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business

purposes and they shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided in accordance with details indicating siting and numbers of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

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

09. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements;
 - o Construction operation hours;
 - o Construction vehicular routes to and from site;
 - o Construction delivery hours;
 - o Expected number of construction vehicles per day;
 - o Car parking for contractors;
 - o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - o A scheme to encourage the use of Public Transport amongst contractors; and
 - o Measures to avoid traffic congestion impacting upon the Strategic Road Network.
 - o On-site vehicle wheel washing facilities.

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

10. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number SL01 rev A, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

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

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

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

12. The proposed estate roads, footways, footpaths, tactile paving, 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

14. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

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

15. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 70 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

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

16. Prior to the first occupation of any dwelling, a lighting design for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management. [biodiversity enhancements including]
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the maintenance and enhancement of biodiversity generally, and in accordance with the National Planning Policy Framework and policy EQ4 of the South Somerset Local Plan.

18. Works to the dwelling at the north west corner of the development site shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that works to the dwelling will require a licence.

Reason: In the interest of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

19. Works to the dwelling in the north west corner of the development site shall not commence until:
- a) Demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. A letter confirming the induction will be submitted to the local planning authority by the licensed bat ecologist.
 - b) Two Schwegler bat boxes, to accommodate any discovered bat(s), are hung on a suitable trees on the northern boundary at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. A photograph showing its installation will be submitted to the local planning authority

Reason: In the interests of ensuring the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

20. Unless modified by Natural England licence, two Habitat 001 bat box (or similar) will be built into fabric, under the eaves and away from windows, of the westerly elevations of the row of terrace houses numbered 75 to 78. Photographs of the installed roost will be submitted to the Local Planning Authority prior to completion of construction work

Reason: in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

22. Any vegetation within the construction area should be initially hand-strimmed or cut down to a height of 10cm above ground level. Additionally, any brash piles or cuttings should be removed from the site in phases; beginning from the centre of the field moving slowly outwards to give any protected species present within the grassland areas time to disperse away from the clearance team and to avoid being isolated from ecological corridors that will provide a means of escape. Clearance can occur at a maximum rate of 2ha per day, immediately followed by a 48 hour dispersal period which will occur during warm suitable weather (limited rain and wind, with temperatures of 10°C or above) to encourage any protected species that may be present in the vegetation to disperse to the surrounding habitats. After the 48 hour dispersal period, a further 2ha will then be cleared. This process will then be repeated until the site clearance is completed. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as muck heaps which potentially afford resting places for reptiles will be dismantled by hand supervised by a competent ecologist in April or August to October and any individuals found translocated. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and s41 priority species and in accordance policy EQ4 of the South Somerset Local Plan

23. The following will be installed into or on to new dwellings:
- a) Clusters of four Schwegler 1a swift bricks or similar not less than 60cm apart will be built into the wall in northern gable ends and away from windows at least 5m above ground level in five dwellings
 - b) One Schwegler 1SP Sparrow terraces or similar under the eaves and away from windows of north elevations of twenty dwellings
 - c) One bee brick built into the wall about 1 metre above ground level on the south elevation of twenty five dwellings.
- Drawings showing the installed features will be submitted to and approved by the local planning authority prior to the commencement of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

24. All ecological measures and/or works shall be carried out in accordance with the details contained in Appendix 8 of the Ecological Survey (Richard Green Ecology, dated 26 February 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Written notification of the

actions and findings of the method statement will be submitted to the Local Planning Authority by the licensed ecologist at the completion of each stage of the operation.

Reason: In the interests of the strict protection of a European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

25. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure the proper recording of archaeological remains in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained in the NPPF.

26. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles and in accordance with the submitted Flood Risk Assessment (undertaken by AWP dated 29th March 2019) 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 details shall include:

- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water, and the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters.
- o 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).
- o Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- o 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 throughout the lifetime of the development, in accordance with National Planning Policy Framework (2019) and the Technical Guidance to the National Planning Policy Framework.

Informatives:

01. The developers attention is drawn to the associated s106 agreement dated */**.

02. The developers attention is drawn to the comments of the Somerset Waste Partnership dated 18/03/2020.
03. Please be advised that approval of this application 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 2 - 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. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

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

Agenda Item 11

Officer Report on Planning Application: 20/00536/REM

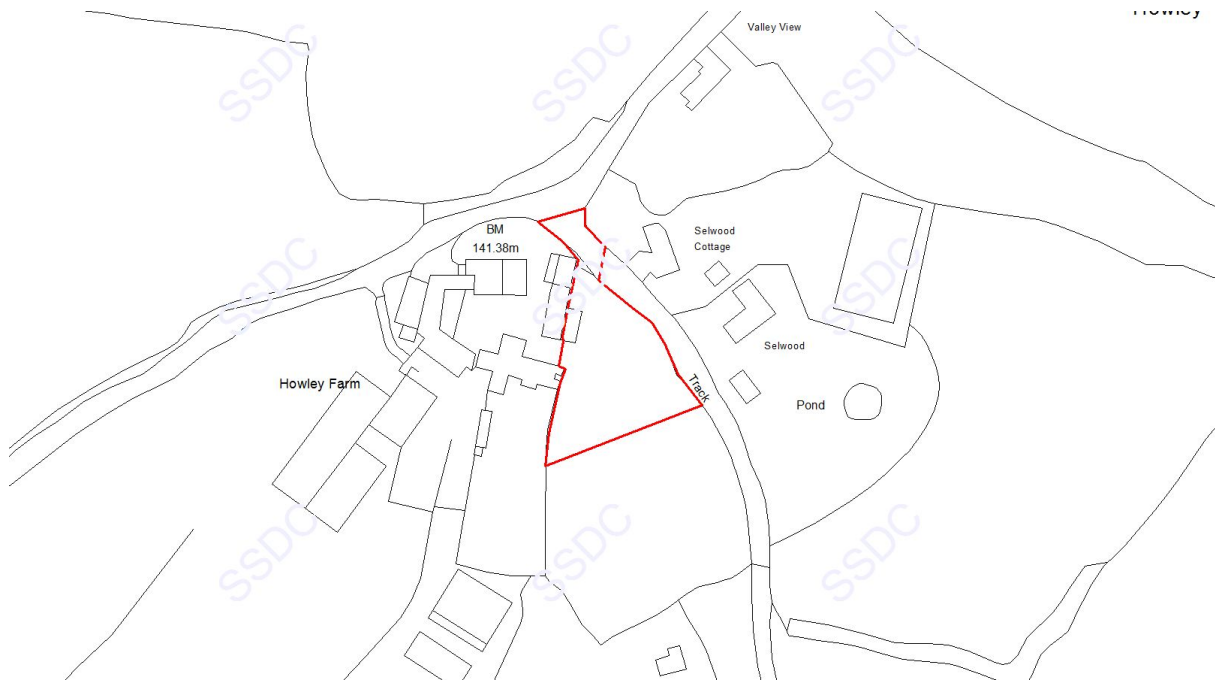
Proposal:	Application for reserved matters following outline approval of 18/03895/OUT seeking approval of access, appearance, landscaping, layout and scale
Site Address:	Howley Farm, Howley, Chard
Parish:	Whitestaunton
BLACKDOWN, TATWORTH & FORTON Ward (SSDC Member)	Cllr M Wale and Cllr J Kenton
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date:	6th April 2020
Applicant:	C Edwards
Agent: (no agent if blank)	Mrs Tamsyn Froom, Tamsyn Froom Architecture The Old Dairy Pudleigh Wadeford Chard TA20 3BL
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION AND PROPOSAL





This is a reserved matters application for the erection of a detached dwellinghouse, in respect of application 18/03895/OUT, which agreed the principle of the development of 1 no. agricultural with all matters reserved. This application seeks agreement to the access, appearance, landscaping, layout and scale.

The site is located to the southwest of Howley and to the south of the highway on a piece of land that slopes upwards from the north to the south. There is an orchard to the south of the site. To the west is the original farmhouse and barns which are Grade II listed, to the east across the lane are detached residential properties. A mature hedge runs along the east boundary. There is an existing access in the north corner of the site.

The site is located within an Area of Outstanding Natural Beauty.

HISTORY

18/03895/OUT: outline application for the erection of an agricultural workers dwelling with all matters reserved - approved 16/05/19

Various consents for agricultural buildings in relation to the operation of the farm.

POLICY

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

In relation to listed buildings Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

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'.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the

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

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Rural Settlements

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy EQ2 - General Development

Policy EQ3 - Historic environment

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport impact of new development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 5: Delivering a sufficient supply of homes

Chapter 6: Promoting a strong, competitive economy

Chapter 12: Achieving well-designed places

Chapter 16: Conserving and enhancing the historic environment

National Planning Practice Guidance

Design

Historic Environment

Other material considerations

National Design Guide - September 2019

Somerset County Council Parking Strategy (September 2013)

Highways Development Control - Standing Advice (June 2015)

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Whitestaunton Parish Council:

No comments received or extension of time requested.

Blackdown Hills AONB:

"I can confirm that we do not wish to submit detailed comments on this occasion. It is noted that the proposal reflects considerations highlighted at the outline stage regarding height and design, and appears to have taken account of the site context and surroundings, such that this proposal does not raise significant landscape concerns in respect of the AONB. Nevertheless, matters of detail relating to entrance gates and fencing for example should be appropriate to the agricultural context."

SSDC Conservation Officer:

Verbally stated that there is a low to medium level for substantial harm.

Rights of Way:

No objection subject to informatives and further states;

"The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path CH 29/7. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

Please note that any proposed changes to the surface of the PROW will require authorisation from SCC Rights of Way team."

Forestry Commission:

On this occasion due to the scale of the proposed development and the distance from the ancient woodland we have no comments to make. We would like to refer you to the standing advice 'Ancient woodland, ancient trees and veteran trees: protecting them from development' that we prepared jointly with Natural England.

Ecology:

No objection subject to recommended condition for biodiversity enhancements.

SCC Highways:

Standing advice

SSDC Highway Consultant:

"I refer to the comments I made at Outline stage, specifically the following: 'I believe sufficient visibility at this point of access could be achieved simply by trimming back the hedgerow (edged blue) immediately to the east of the access. The first 5m of access must be properly consolidated and surfaced. At the point where the lane meets the public highway, it would appear sufficient visibility is available in both directions given the likely low speed of traffic on the approaches to this point but this should be checked on site by the planning officer. Adequate on-site parking and turning should be made available within the site.' The above points of detail are still relevant. I can confirm that the proposed level of on-site parking and turning is acceptable."

REPRESENTATIONS

Two neighbours were notified and a site notice displayed. Three letters of support have been received, one refers to the design and its reduced visual impact due to its scale and location and all three refer to the need for a dwelling in this location for the family and farming business. The principle of the development has been agreed at outline.

CONSIDERATIONS

The principle of the housing has been approved on the outline application, and as such is not under consideration as part of this application. This application is submitted to agree the access, appearance, layout, scale and landscaping.

Visual amenity, impact on historic environment and AONB:

Layout:

Advice was given at outline stating that the dwelling should be located near to the east boundary of the site, so as to pull it away from the listed building. This proposed scheme sites the dwelling centrally within the site and near to the listed farmhouse. Due to the layout and the topography of the site retaining walls are required to the south of the building.

It is considered that the dwelling's location/layout when assessed with the setting of the listed building will lead to 'low - medium' less than substantial harm to the significant of the heritage asset, however this does not mean there is no harm.

Scale and Appearance:

The dwelling will be 1.5 stories high, which is in accordance with the relevant conditions on the outline consent. The overall style is a 'T' shape property finished in natural stone, render and cladding. It is accepted that the materials match those used in the area, however there is concern over the scale and appearance, this is compounded by its location near to the listed building. The proposed dwelling does not appear subservient to the listed farmhouse, which sits at a lower level than it, in addition the 'T' shape design has been done to try and match the listed farmhouse, and it is considered that this detracts from the listed buildings prominence.

Landscaping:

Existing hedgerows on the east and west boundaries will be retained and the orchard trees to the south. The driveway and part of the area around the proposed dwelling will be gravel with the other areas laid to lawn. It is considered that the landscaping is acceptable.

Conclusion of impact on visual amenity and historic environment:

During the life of this application alternative designs have been looked at with the agent and one was agreed on, which positioned the dwelling along the east boundary and had an agricultural appearance similar to the barn to the north of the site, which is listed through association. However amended plans to the agreeable design were not submitted.

The AONB have raised no objection in regard to its impact on the landscape, but equally have stated they do not wish to provide detailed comments.

The application has been submitted with a Design and Access Statement but there is no reference within it to the impact of the scheme on the listed building.

The NPPF advises that applicants describe in their application the significance of any heritage assets affected, including any contribution made by their setting. Applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposal. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance. Paragraph 190 states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

It is considered that at this stage an adequate justification has not been made. Furthermore it is considered that the current location and design would lead to 'low-medium' less than substantial harm to the significant of the heritage asset. Paragraph 196 of the NPPF states that if harm is identified this should be weighed up against any public benefit of the development. In this instance there does not appear to be any public benefit which would override the harm caused and as such the proposal would be contrary to policies EQ2 and EQ3 of the south Somerset Local Plan and the NPPF.

Residential amenity:

The proposed dwelling will be 1.5 stories high. Based on its location, orientation and fenestration it is considered that there will be no adverse impact on residential amenity, by reason of over bearing, loss of light or loss of privacy in accordance with policy EQ2 of the South Somerset Local Plan.

Highway safety:

There are no objection raised on highway safety grounds. Right of Way have stated that part of the access runs over a right of way and the applicant should ensure they have a vehicular

right of way across it. As their map shows this to be at the main junctions from the lane to the main highway and not along the land to access the drive to the proposed dwelling it is considered to add this as an informative.

The plans show the parking and turning area which the SSDC highway Consultant has stated are acceptable.

Policy TA1 requests that all new development meet certain criteria. It is considered reasonable in this instance to condition that the development includes an electric charging point for vehicles in connection with the development.

It is considered that the proposed parking is acceptable and in accordance with policy TA6 of the South Somerset Local Plan and the implementation of the necessary condition will also enable the development to be in accordance with policy TA1 of the South Somerset Local Plan.

Community Infrastructure Levy:

This development is liable for CIL and Form 1 has been submitted

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposed dwelling by reason of layout, scale and appearance adversely affects visual amenity and has been identified as having a 'low-medium' less than substantial harm on the setting of a listed building which has not been adequately justified and there does not appear to be any public benefit which would override the harm caused, as such the proposal is contrary to policies EQ2 and EQ3 of the South Somerset Local Plan and Chapter 16, in particular paragraphs 190 and 193-196, of the NPPF.

Informatives:

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case no pre-application advice has been sought. Concerns over the design were raised with the agent during the life of the application and alternative designs were informally looked at. An alternative design was agreed in principle by the Planning Officer and the agent informed, however the applicant wished to proceed with the original plans and no amended plans were formally submitted.