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# **Informal Discussion by Members of Regulation Committee**

**Tuesday 20th July 2021**

**10.00 am**

**A virtual consultative meeting via  
Zoom meeting software**

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The following members are requested to attend this virtual consultation meeting:

Jason Baker  
Neil Bloomfield  
Malcolm Cavill  
Adam Dance  
Peter Gubbins

Sarah Dyke  
Tony Lock  
Sue Osborne  
Crispin Raikes  
Andy Soughton

David Recardo  
Paul Rowsell  
Linda Vjeh  
William Wallace

Any members of the public wishing to view the meeting, or address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, must email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am Monday 19<sup>th</sup> July 2021. The meeting will be viewable online by selecting the meeting on YouTube at:

[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

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

This Agenda was issued on 12<sup>th</sup> July 2021.

*Nicola Hix, Director, Support Services & Strategy*

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

## **Information for the Public**

In light of the coronavirus pandemic (COVID-19), Regulation Committee will meet virtually via video-conferencing to consider reports. As of 7 May 2021 some interim arrangements are in place for committee meetings.

At the meeting of Full Council on 15 April 2021 it was agreed to make the following changes to the Council's Constitution:

a) To continue to enable members to hold remote, virtual meetings using available technology;

b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;

c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council; For full details and to view the report please see: <https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2981&Ver=4>

At the meeting of Full Council on 8<sup>th</sup> July 2021, it was agreed:-

a) To continue to enable members to continue to enable members to hold remote, virtual meetings using available technology and so extend the delegation given on 15 April 2021 for a further 6 months, to 08 January 2022;

b) To delegate authority to the Monitoring Officer and Chief Executive to amend the Constitution to reflect these changes.

## **Regulation Committee**

Meetings of the Regulation Committee are usually held monthly, at 10.00am, on the third Tuesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom.

Agendas and minutes of meetings are published on the council's website:

[Browse Meetings, 2000 \(southsomerset.gov.uk\)](#)

Agendas and minutes can also be viewed via the Modern.gov app (free) available for iPads and Android devices. Search for 'modern.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 consultative meetings. If you would like to participate and contribute in the meeting, please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) for the details to join the meeting.

If you would like to view the meeting without participating, please see:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

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.

If you would like to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on 19<sup>th</sup> July 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

#### **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 will un-mute your microphone at the appropriate time.
- 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](mailto:democracy@southsomerset.gov.uk) by 9.00am on 19<sup>th</sup> July 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.***

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

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 cannot 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 3 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:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

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

### **If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest**

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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# **Regulation (Informal)**

**Tuesday 20 July 2021**

## **Agenda**

### *Preliminary Items*

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Public Question Time**
4. **Schedule of planning applications to be considered (Page 6)**
5. **Planning Application 18/00650/OUT Knights Templar Court Nursing Home Throop Road Templecombe BA8 0HR (Pages 7 - 25)**
6. **Planning Application 21/00056/S73A Land Os 4200 Sutton Montis Road Queen Camel (Pages 26 - 33)**
7. **Date of next meeting**

The next scheduled meeting of the Regulation Committee (Informal) will be held on Tuesday 17<sup>th</sup> August 2021 at 10.00am. However this meeting will only take place if there is business to conduct.

# Agenda Item 4



**South Somerset**  
District Council

## Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins, Service Delivery  
Lead Officer: Lesley Barakchizadeh, Planning Consultant  
Contact Details: Lesley.barakchizadeh@southsomerset.gov.uk

## Purpose of the Report

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

## Recommendations

Members are asked to note the schedule of planning applications.

*The meeting will be viewable online by selecting the committee at:*  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

Any member of the public wishing to address the virtual meeting regarding a Planning Application need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Monday 19th July 2021.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
5	BLACKMOOR VALE	18/00650/OUT	Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application)	Knights Templar Court Nursing Home Throop Road Templecombe BA8 0HR	Lawsh One Ltd
6	CAMELOT	21/00056/S73A	Application to vary planning condition 7 of approval 13/01697/FUL to extend the life of the solar farm from 25 years to 40 years.	Land Os 4200 Sutton Montis Road Queen Camel BA22 7HW	Abercomyn Solar Limited

Further information about planning applications is shown on the following page 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.

# Agenda Item 5

## Officer Report On Planning Application: 18/00650/OUT

<b>Proposal :</b>	Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application)
<b>Site Address:</b>	Knights Templar Court Nursing Home Throop Road Templecombe BA8 0HR
<b>Parish:</b>	Abbas/Templecombe
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr William Wallace Cllr Hayward Burt
<b>Recommending Case Officer:</b>	Martin Lee Tel: 01935 462645 Email: <a href="mailto:martin.lee@southsomerset.gov.uk">martin.lee@southsomerset.gov.uk</a>
<b>Target date :</b>	18th June 2018
<b>Applicant :</b>	Lawsh One Ltd
<b>Agent: (no agent if blank)</b>	Mr Chris Miell Pure Town Planning Suite 7 Pine Court 36 Gervis Road Bournemouth BH1 3DH
<b>Application Type :</b>	Major Dwlgs 10 or more or site 0.5ha+

### **REASON FOR REFERRAL TO 20<sup>TH</sup> JULY 2021 REGULATION COMMITTEE**

The Regulation Committee last considered this application on 20th November 2018 (following referral from Area East Committee) and resolved to grant the application subject to completion of a S.106 Legal Agreement to secure the relevant Planning Obligations. Officers have negotiated positively in an effort to resolve an acceptable Agreement, to the point where it solely remained for the Applicant to complete the signature of the Agreement. Despite repeated requests the Applicant has chosen not to complete the Agreement. Accordingly, the application is hereby returned to Regulation Committee with the following officer recommendation for refusal.

### **CURRENT RECOMMENDATION TO THIS 20<sup>TH</sup> JULY 2021 REGULATION COMMITTEE**

#### **Refuse Planning Permission due to the failure to complete:**

a) A section 106 agreement (in a form acceptable to the Council's solicitor(s)) in order to enable planning permission to be issued by providing an appropriate, robust mechanism to deliver the following planning obligations:

- Three affordable housing units on-site;
- A financial contribution towards affordable housing provision off-site; and
- A Travel Plan

For the following reason:

01. Whilst the principle of residential development on this vacant brownfield site within Templecombe village is considered acceptable (with the submitted illustrative plan demonstrating that 19 dwellings at a density of 20.4 units per hectare may be accommodated utilising the existing access off Troop Road, and other matters including appearance, landscaping, layout and scale may reasonably be considered at the reserved matters stage) it is the lack of an appropriate, robust mechanism to secure delivery of the necessary planning obligations of affordable housing and a Travel Plan which means the proposal is

considered to be contrary to the aims and objectives of Policies SD1, SS4, SS5, SS6, SS7, HG2, TA1, TA5, HW1, EQ1, EQ2 and EQ4 of the South Somerset Local Plan and the aims and provisions of the NPPF

- (1) The proposal fails to provide an appropriate mechanism to secure the essential planning obligations required to effectively mitigate the anticipated impacts/demands which the development and the additional residents will create and is accordingly contrary to policy SS6 of the adopted South Somerset Local Plan.

## **REASONS FOR PREVIOUS REFERRALS**

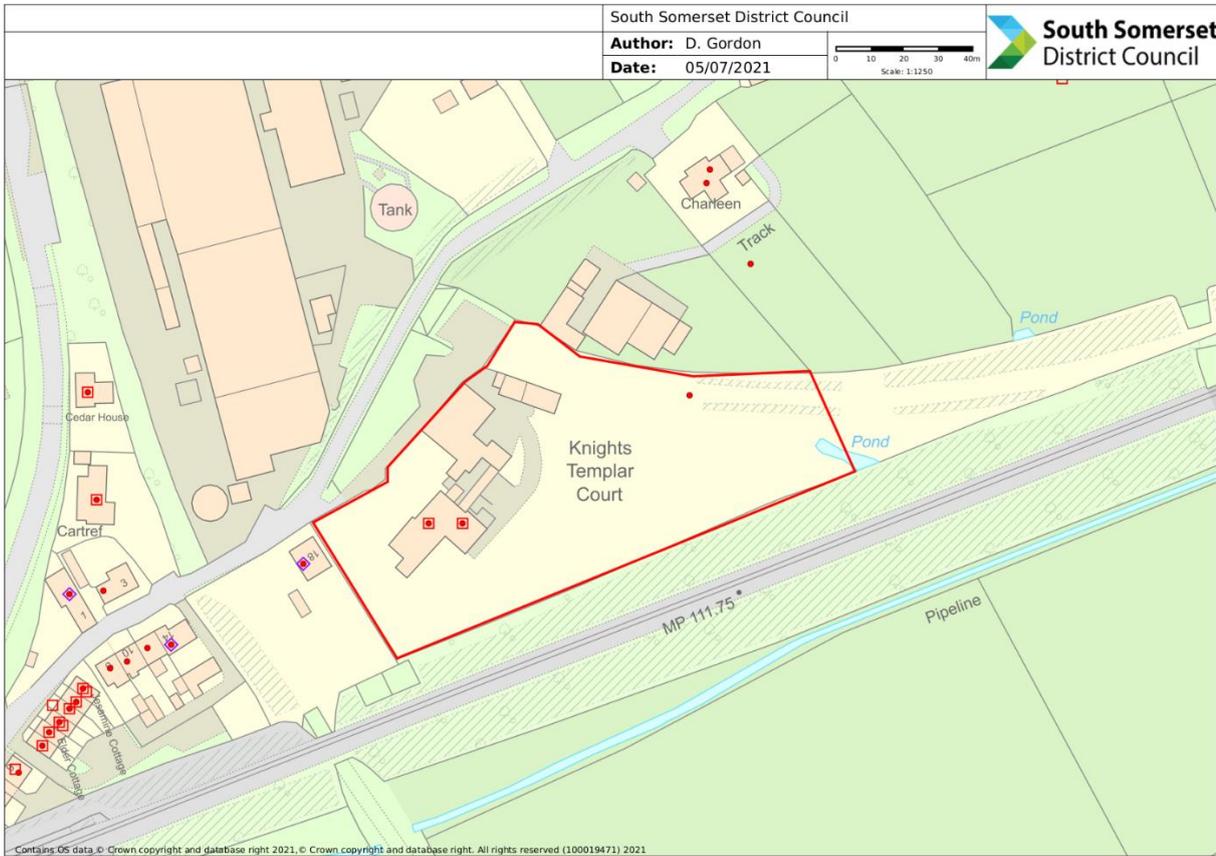
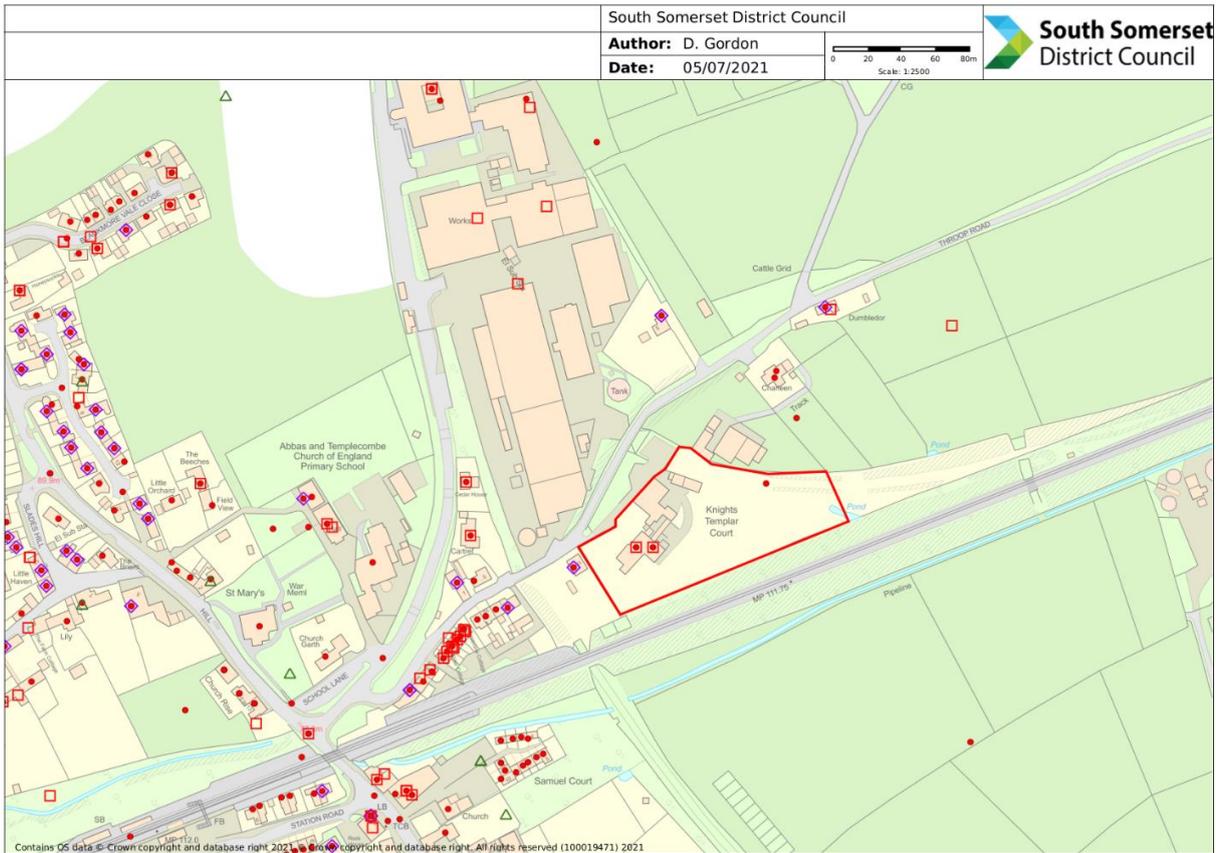
### **1. Regulation Committee on 21st August 2018**

The application had been referred to the Regulation Committee on 21st August 2018 where it was deferred pending the resolution of outstanding ecology matters. Those ecology issues had been addressed prior to the 20<sup>th</sup> November 2018 Regulation Committee Meeting.

### **2. Area East Committee on 11<sup>th</sup> July 2018**

The Area East Committee considered this application on 11<sup>th</sup> July 2018 and resolved to refuse the application for the following reason:

- (2) The proposal fails to address the requirements of the Templecombe settlement and would add to pressures on local services. As such it is contrary to policy SS2 of the adopted South Somerset Local Plan.
- (3) The proposal fails to provide pedestrian and cycle access and would compromise the safety of the local road network. As such it is contrary to policy TA5 (ii) and (iii) of the adopted South Somerset Local Plan including, should the scheme eventually be approved, strengthened conditions on water capacity; sewage management and anti - flooding.



Attached below as an Appendix is the report that went to the Regulation Committee on 20<sup>th</sup> November 2018.

### Officer Report On Planning Application: 18/00650/OUT

<b>Proposal :</b>	Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application).
<b>Site Address:</b>	Knights Templar Court Nursing Home, Throop Road, Templecombe
<b>Parish:</b>	Abbas/Templecombe
<b>BLACKMOOR VALE Ward (SSDC Members)</b>	Cllr William Wallace Cllr Hayward Burt
<b>Recommending Case Officer:</b>	Jeremy Guise Tel: 01935 462645 Email: jeremy.guise@southsomerset.gov.uk
<b>Target date :</b>	18th June 2018
<b>Applicant :</b>	Lawsh One Ltd
<b>Agent: (no agent if blank)</b>	Mr Chris Miell, Pure Town Planning, Suite 7 Pine Court, 36 Gervis Road, Bournemouth BH1 3DH
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

#### REASON FOR REFERRAL

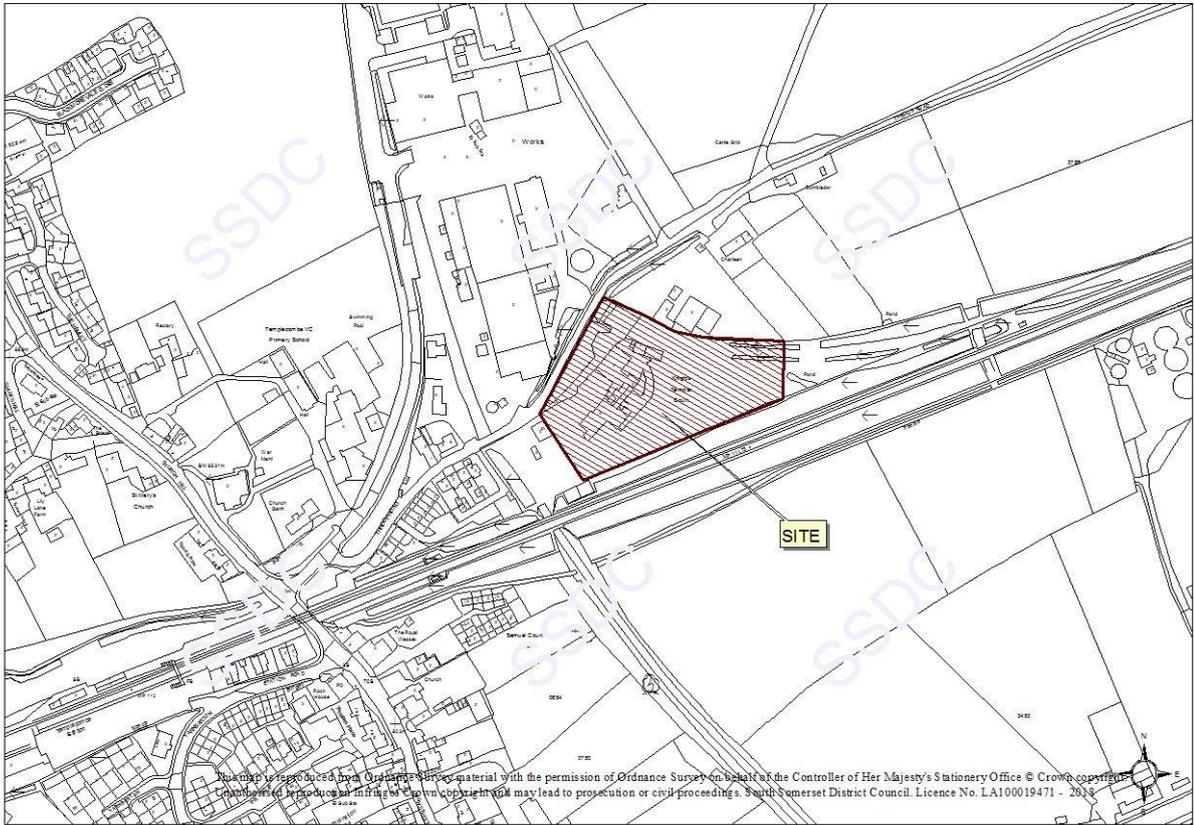
The Area East Committee considered this application on 11<sup>th</sup> July 2018 and resolved to refuse the application for the following reason:

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- (2) The proposal fails to provide pedestrian and cycle access and would compromise the safety of the local road network .As such it is contrary to policy TA5 (ii) and (iii) of the adopted South Somerset Local Plan including, should the scheme eventually be approved, strengthened conditions on water capacity; sewage management and anti - flooding.

The application was subsequently referred to the Regulation Committee on 21<sup>st</sup> August 2018 where it was deferred pending the resolution of outstanding ecology matters. These ecology issues have since been addressed, as such the application has now been brought back to the Regulation Committee for determination.

# AREA EAST COMMITTEE REPORT

## SITE DESCRIPTION AND PROPOSAL



The application site is a roughly triangular shaped piece of land, accessed from the west off Throop Road. It is approximately 0.93ha in size, located in a 'bowl' of lower land to the north of the London Waterloo to Exeter railway line and on the eastern fringes of Templecombe.

The site has been vacant since June 2017, but was previously occupied by the Knights Templar Court Nursing Home and its' landscaped grounds (Use class category C2). The nursing home premises comprise: a late eighteenth / early nineteenth century stone built house in the centre north of the site and a series of linked modern extensions located mainly in the south east. There's a brick built outbuilding dating from the late nineteenth century located immediately to the rear of the stone house, otherwise the landscaped grounds are interspersed with a number of small ornamental and garden trees. These are concentrated along the railway embankment that rises to the south and, in the form of a line of tall, dense firs adjacent to Throop Road that screen the industrial buildings to the north.

The surrounding area is mixed in character. There is residential property to the west, including No.18 the neighbour immediately to the west, whose garden abuts the western boundary and has windows that outlook onto the site. To the northwest, screened by the firs, is the Thales factory complex whilst to the north east the track bed of former railway line defines the site.

Outline planning permission is sought for the demolition of existing buildings and the erection of 19 dwellings. The application is submitted in outline at this stage with the principle and access to be considered at this stage leaving appearance, landscaping layout and scale to be considered at the reserved matters stage, should planning permission be granted.

An illustrative plan showing two small terraces in the centre and pairs of detached and semi-detached in the north of the site accompanies the application.

The application is accompanied with a suite of supporting documents; planning statement prepared by Pure Planning; a Transport Statement Prepared by JPC Highway Consultants; an Extended Phase 1 Habitat Survey and Bat Compensation / Enhancement Measures and Site Enhancement (both prepared by Abbas Ecology). The planning statement concludes and summarises the case as follows:-

*“The application seeks outline planning permission with some matters reserved for the erection of up to 19 dwellings with associated access and parking in Knights Templar Court, Troop Road, Templecombe.*

*The LPA do not have a 5 year housing supply and therefore the presumption in favour of sustainable development has been triggered and existing policies relating to the supply of housing are out-of-date.*

*The site is located within a rural settlement, which is considered an appropriate location for additional residential development*

*The proposal would deliver economic, social and environmental benefits through the reuse of previously developed land and provision of on-site affordable housing and therefore is considered to represent sustainable development.*

*The indicative plans show that a proposed could be delivered which would integrate satisfactorily with the character and appearance of the area, whilst protecting against harm to the amenities of neighbouring properties and highway safety .*

*The applicant therefore considers there are no adverse impacts to the scheme and certainly none which would significantly and demonstrably outweigh the benefits of the proposal.”*

The existing stone house is attractive and makes a positive contribution to the character of the area. It can be considered as an undesignated heritage asset. During the course of the application the applicant

was asked to consider whether it can be retained and incorporated as a feature into the proposal. The applicant's agent has declined to retain the building for the following reasons:

- *The existing property suffers from damp and repair work would be very expensive.*
- *The existing property has uneven floor levels and low head height throughout the building therefore would be likely inappropriate for occupation by disabled and elderly occupiers.*
- *The existing property has been heavily internally and lacks heritage value.*
- *The modern external alterations also detract from the site's heritage value. In our view, if the building had significant heritage value and was in good order, given its age, it would have been statutory listed by Historic England.*
- *If the building was retained, the garden areas for the converted units would be north facing, this is something we've tried to minimise with our layout. I note that the climate change mitigation officer sought to minimise north facing gardens within her consultation response.*
- *The converted units would be cramped and provide a poor standard of living for occupants and the development would unlikely to meet the Government's minimum space standards.*
- *The conversion of the building would significantly increase development costs, which may impact on the scheme's viability and the provision of much needed new-build affordable housing.*

## **HISTORY**

06/02840/OUT: Erection of 20 bed extension to care home conditional planning permission granted 20/10/2006 (Not built).

02/00826/FUL: The demolition of outhouse and erection of two storey extension conditional planning permission granted 29/04/2002.

01/02501/OUT: The erection of a two storey 20 bedroom nursing home (renewal) conditional planning permission granted 9/11/2001.

98/00728/OUT: The erection of a two storey 20 bedroom nursing home (renewal) conditional planning permission granted 16/10/1998.

94/02199/OUT: The erection of a two storey 20 bedroom nursing home (outline renewal) conditional planning permission granted 31/03/1995.

90/02519/OUT: Erection of two storey 20 bedroom nursing home conditional planning permission granted 02/05/1991.

90/02518/FUL: The erection of a single storey extension to elderly persons' rest home /nursing home conditional planning permission granted 09/05/1990.

## **POLICY**

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

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

The policies of most relevance to the proposal are:

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

SD1 - Sustainable Development  
SS2 - Development in Rural Settlements  
SS4 – District Wide Housing Provision  
SS5 – Delivering New Housing Growth  
SS6 – Infrastructure Delivery  
SS7 - Previously Developed Land  
HG2 – The Use of Previously Developed Land (PDL) for New Housing Development  
HG3 – Provision of Affordable Housing  
HG5 – Achieving a Mix of Market Housing  
HG6 - Care houses and specialist accommodation  
TA1 – Low Carbon Travel  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
HW1 – Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ3 - Heritage  
EQ4 – Biodiversity  
EQ7 – Pollution Control

**National Planning Policy Framework**

Part 2 – Achieving sustainable development  
Part 5 – Delivering a sufficient supply of homes  
Part 6 – Building a strong, competitive economy  
Part 8 – Promoting healthy and safe communities  
Part 9 – Promoting sustainable transport  
Part 11 – Making effective use of land  
Part 12 – Achieving well-designed places  
Part 14 – Meeting the challenge of climate change, flooding and coastal change  
Part 15 – Conserving and enhancing the natural environment  
Part 16 – Conserving and enhancing the historic environment

**Other Material Considerations**

Somerset County Council Parking Strategy

**CONSULTATIONS**

**Abbas /Templecombe Parish Council** - Members discussed the applications and made the following observations:

- There seemed to be some inconsistencies with regard to mains sewer or septic tank. The application refers to main sewer but previous applications on the property refer to septic tank. It is believed that the sewage is pumped from the site to the main sewer. It is acknowledged that pumping stations are now owned and managed by Wessex Water.
- It was felt that the loss of the property as a care home is detrimental in view of an aging population and a shortage of care homes.
- Density of dwellings. Expansion is welcomed but not to this density and It is noted there are only three affordable dwellings included in the application.

- Access to site is restricted currently by parked vehicles and there is no inclusion of a footpath from the site.
- No prior public consultation.
- It is noted that Doctor's Surgery and School is now full and there is no pub. It is questioned whether the infrastructure could cope. Under the Local Plan Templecombe are committed to 108 properties, taking into account the Slades Hill development and current development in the Village of 25 properties that leaves a total of 8 outstanding
- It is felt there is natural growth in the Village, is there a market for a further increase in the capacity of properties?

The following response is submitted:-

The Members have reservations on the number of properties. The Parish Council are concerned with both the density of the dwellings within the site, the fact that only three affordable dwellings would be generated as a result of the inclusion of former dwellings on the site in the overall calculation and also the limited space for additional visiting traffic to the site in addition to any residents cars. The number of properties would have an impact on the Village infrastructure and it is felt access to and from the site is not adequate. The Parish Council are concerned that the development would need to be accessed down a narrow lane with poor visibility and a small bridge and further restricted by existing on road parking and where there is no footpath linking the proposed site to the rest of the Village in order to encourage anything other than private vehicle access. It is also considered that the sewage system may not be sufficient for an application of this extent. It is considered that the application is currently in an inappropriate form.

**County Highway Authority:** The applicant should be aware that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This will include any private roads/drives that serve more than 2 dwellings.

The planning application is for 19 dwellings on a site with the existing use of a nursing home. According to TRICS, the average dwelling generates 6-8 vehicle movements per day, which would represent approximately 152 vehicle movements per day. This likely will represent an increase in the level of vehicle movements.

Throop Road, has a 20mph speed limit in place and from my onsite observations, it was apparent that vehicle speeds were consistent with this. It must be remembered that although narrow along this stretch, there is an existing class use that would generate its own level of vehicle movements.

The access to the site is already in place and it must be noted that although the access onto Throop Road from the proposal is not ideal due to the restricted visibility to the North East, Throop Road is a not through road serving existing dwellings and farms and it is likely that there will not a significant level of vehicle movements from this direction. Again, it must be remembered that the site has an existing use that would generate vehicle movements already.

The applicant has provided an indicative layout of the internal layout and in its current form, the internal roads are not to an adoptable standard. Should that applicant wish for the internal roads to be adopted then before any future submission the applicant should consult with 'Estate Roads in Somerset - Design & Guidance Notes' to establish these requirements. As already mentioned, the applicant should be made aware that it is likely that APC will apply.

The parking levels will be dealt with at the Reserved Matters Stage of this planning application however, these would need to be in line with the Somerset Parking Strategy (SPS). Templecombe is in Zone B of the SPS and for a 1 bedroomed dwelling 1.5 spaces would need to be provided, for a 2 bedroomed

dwelling, 2 spaces provided, for a 3 bed roomed dwelling 2.5 spaces provided and for a 4 bed roomed dwelling 3 spaces provided. The SPS also sets out the appropriate level of bicycle parking that must be provided where there should be sufficient space for one bicycle per bedroom. Electric Vehicle Charging points must also be considered as well as any garage dimensions which for a single garage are 3x6 metres and for a double garage 6x6 metres.

The applicant should note that it is an offence for water or detritus to be discharged onto the highway under the Highways Act (1980) and water must not be allowed to be discharged under any circumstance. The applicant must not also assume that connections to any existing highway drains and gullies can be made. Should the applicant wish to use soakaways, then these must be located more than 5.0m from any existing or proposed highway.

Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application, subject to an appropriate Travel Plan being secured within the S106 legal agreement.

**SSDC Highways Consultant:** On the basis that the site is located in the town centre within easy / comfortable access to nearby public car parks, no highways objections is raised.

**SSDC Strategic Housing:** Policy requires 35% affordable housing; the new Strategic Housing Market Assessment (SHMA) published in October 2016, indicates a split of 80:20 social rent: intermediate product. Taking into account the vacant building floor space already detailed in the planning application, I concur with the calculations detailed which equates to 3.35 units. We will count this as 3 units which we would expect to be provided for social rent and the remaining 0.35 of a dwelling to be provided as a commuted sum.

I would like to propose the following property mix:

2 x 1 bed house/flat/bungalow	(2 person)
1 x 2 bedroom house or bungalow	(4 person)

I would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses.

These affordable dwellings will form an integral and inclusive part of the layout.

I have detailed below our prevailing minimum internal space standards which should also be adhered to:

1 bedroom flat	2 Person	47 sqm	
2 bedroom flat	4 Person	66 sqm	
2 bedroom house	4 Person	76 sqm	(86 sqm if 3 storey)
3 bedroom house	6 Person	86 sqm	(94 sqm if 3 storey)
4 bedroom house	8 Person	106 sqm	(114 sqm if 3 storey)
4 bedroom parlour house	8 Person	126 sqm	(134 sqm if 3 storey)

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units: Liverty Housing; Magna Housing; Stonewater Housing and Yarlinton Housing Group.

**SSDC Environmental Health:** Have no comments in respect of this application.

**SCC Archaeology:** As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

## REPRESENTATIONS

A petition style letter of has been received from six neighbouring properties in Throop Road and a letter. The letter does not raise objection in principle to residential re-development of the site raises objections / concerns about the proposal on the following grounds:

- Throop Road is single lane, unsuitable for more traffic.
- Two parking spaces per dwelling is insufficient provision. Visitor / delivery vehicle parking not considered.
- Will add to pressure on junction Throop Road with A357 from Thales and the primary school.
- Concern about the effect upon limited services in Templecombe - school shops public house
- Could be problems connecting to a sewer.
- This site would be a great loss to our community as it is and has been the only old folks/nursing home in the immediate vicinity.
- The surrounding roads, Throop Road and School Lane and the main A357 are a hive of activity being used extensively by the local school, church and Thales factory. Hundreds of cars and lorries each day. A development of houses in the planned site would add a great strain on this area especially as we have no pavements in Throop Road which is very narrow.
- I understand that another proposed development on the entrance to our village for 70 houses has been ongoing for several years therefore further development of this nature cannot be required when no houses have been built i.e. no demand.
- I have lived in Templecombe for 18 years and to my knowledge around 100 houses have been built on brownfield or additional sites during this time. I feel we are at a maximum considering the lack of amenities. We have a railway Station which is great but only one shop/post office. The doctors' surgery is full as is the school.

## CONSIDERATIONS

### Principle of Development

#### Planning Consideration

Given the increasing need for care homes and other specialist accommodation in South Somerset during the plan period 2008-2028 (SHMA quoted para. 10.41 of the Local Plan) concerns about the loss of this care home use are evidenced and understandable. Nevertheless there is no policy to underpin and require their retention. Policy HG6: Care houses and specialist accommodation focuses entirely on proposals for new care homes and is silent on the issue of retention of existing homes. In such circumstances there isn't a policy framework to require the retention of the existing nursing home. Residential, redevelopment is an acceptable alternative.

The proposal is for 19 dwellings on a site of 0.93ha. This provides for a density of 20.4 dwellings per hectare. A density of 20 units per hectare is well within acceptable perimeters for a site located in a large village with reasonably good services and public transport connections, train station, bus route etc.

As previously developed land, also known as 'brownfield' Policy SS7 - Previously Developed Land is a relevant consideration. It states:

*The Council will encourage early development of previously developed land. A minimum target of 40% of new development should be on previously developed land and a 5-year land supply shall apply.*

South Somerset District Council (SSDC) Local Plan seeks to concentrate the bulk of new development in existing settlements in order to take advantage of employment and service opportunities available in these places, minimise the infrastructure investment required across the district and increase the level of self-containment.

Policy SS1, Settlement Strategy, establishes a settlement hierarchy with Yeovil, as the most populous settlement in the district at the top down to named small towns and larger villages. The final paragraph of policy SS1 states *“Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2).”*

Policy SS2: Development in Rural Settlements states:

*“Development in Rural Settlements (not market towns or Rural Centres) will be strictly controlled and limited to that which:*

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

*Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.”*

*Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.*

*Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed in Paragraph 5.41.*

Para 5.41 states:-

*It is important to ensure that the occupiers of new homes in Rural Settlements are able to live as sustainably as possible by having easy access to basic facilities that provide for their day needs. Therefore, new housing development should be located in those Rural Settlements that offer a range (i.e. two, or more) of the following services, or that provide these within a cluster of settlements:-*

*Local convenience shop;  
Post office  
Pub;  
Children's play area shorts pitch;  
Village hall/ community centre;  
Faith facility; and  
Primary school*

Templecombe is a large village which provides a good range of services, but is not a rural centre named in Policy SS1. It therefore satisfies the technical requirements of paragraph 5.41.

However, SSDC cannot currently demonstrate a 5 year land supply and policies SS1 and SS2 cannot be considered up to date and awarded full weight in considerations. Where this occurs paragraph 11 of the National Planning Policy Framework (NPPF) comes into consideration, the relevant part states:-

Plans and decisions should apply a presumption in favour of sustainable development.

*“For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) 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.”**

NPPF Para 117 *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-development or ‘brownfield’ land”*. This aim is reflected in LP Policy HG2 which seeks to provide a minimum of 40% of new dwellings on previously development land over the plan period.

The indicative layout submitted with the application adequately demonstrates that the amount of development applied for can be accommodated on the site. The layout has a number of weaknesses in terms of use of garage courts, relationship to the neighbouring house and efficiency of the road arrangements, but there is scope within the available space to resolve these issues at the reserved matters stage.

Policy HG3, Provision of affordable housing, sets a housing target of 35% affordable housing units for developments of over 6 dwellings or 0.2ha in rural settlements.

The Parish Council's disappointment that only 3 (16%) of the proposed 19 dwellings are proposed as affordable units is understood and shared. However, the 'Vacant Building Credit', cited by the applicant's agent as justification for this, is a material planning consideration, brought in by the government to promote the re-development of vacant brownfield sites. A Section 106 legal agreement to secure the provision of three affordable units and a financial contribution of 1.5% (16%+1.5%=17.5% affordable housing which represents 35% affordable housing divided by 2 - the Vacant Buildings Credit).

At this outline application stage the mix of house types and sizes is unknown. The Council wishes to see a mix of market house types and sizes that reflect its Policy HG5 objectives. Policy HG5, Achieving a mix of market housing states *“A range of market housing types and sizes should be provided across the district on large sites that can reasonably meet the market housing needs of the residents of South Somerset. The mix should contribute to the provision of sustainable and balanced communities”*. Paragraph 10.36 of the supporting text makes clear that the requirement is that three quarters of the units in a development should be 2 and 3 bedroom sized units. A condition to ensure that the dwelling mix reflects these requirements is considered appropriate at this outline application stage.

### **Visual Amenity**

The site is currently occupied by buildings associated with the former residential care home use: the original house, dating from the late 18th early 19th Century, and modern extensions. There is also a brick outbuilding situated on the north eastern side of the site which appears to have been used for storage.

The modern extensions and outbuilding are of little architectural merit, but the original house is visually quite pleasant and could be considered an undesignated heritage asset. Stripped of its modern additions / alterations it has some merit and could become a centrepiece linking the proposed residential development to its past. This has been suggested to the applicant's agent, and considered. The response is that many of the internal fittings have been removed and the building is in a poor state of repair. The applicant does not want to retain it. As an undesignated heritage asset it can't be retained, short of nomination for listing. The building is not considered to be of sufficient merit to justify nomination for listing, it is therefore accepted that it can be demolished.

The site sits in a 'bowl' of lower land and is inconspicuous from the wider area. The Exeter to Salisbury rail line railway embankment cuts off all views to the south. There will be glimpses of the site through the embankment trees from passing trains. Troop Road continues beyond the site entrance on higher land to the north. Currently views into the site from this direction are screened by a line of thick fir trees. But even if these were subsequently to be removed, the wider landscape means that there is scope for a quality design to come forward without many constraints.

The illustrative plan that accompanies the application is considered to have several weaknesses. The layout could be improved resulting in larger gardens and less road space; parking could be better related to existing property and the relationship with the closest neighbour could be better. But it is only illustrative, intended to demonstrate that the quantum of development sought can be accommodated on the site. Further details, including layout, design and appearance, would need to be submitted, considered and approved at reserved matters stage should this outline proposal be permitted. In that respect, the illustrative plan is considered to be fit for purpose. It adequately demonstrated that the amount of development can be accommodated on the site and provides a framework for a more detailed design at reserved matters stage.

The usual suite of conditions attached to an outline permission requiring submission and approval is recommended. On this basis the impact on visual amenity is considered to be acceptable in accordance with the policies of the South Somerset Local Plan.

### **Residential Amenity**

There is just one residential property in the immediate vicinity of the site, No. 18 Throop Road. It has windows facing towards the site and the whole of its eastern rear garden boundary. Currently the windows look out onto the tranquil grounds of the former nursing home and the garden abuts the landscaped grounds. Whilst the planning system does not normally protect private views, the aspect of these windows and the quiet character of the rear garden could be compromised by a layout that resulted in building mass close to the boundary or introduced traffic and noise into the area immediately adjacent to the rear garden. However, the proposal is for a relatively low density residential development and there is scope to design a scheme that addresses these issues. Consequently it is not considered that the proposal would have any significant impact on the residential amenity of any adjoining occupiers in accordance with policy EQ2 of the South Somerset Local Plan.

### **Highways**

The highway authority is satisfied that Throop Lane is capable of coping with the increase in traffic associated with the proposed development and that there is scope within the site to accommodate parking to the appropriate standard for zone B (amber) accessibility area (1.5, 2, 2.5 and 3 spaces - depending on house size in relation to bedrooms). There is also scope to incorporate the low carbon travel provisions - bicycle storage and electric charge points). In terms of sustainability Templecombe is a large village with a train station and regular bus service. As such, it is considered that there will be no adverse impact on highway safety and the proposal is in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

## Ecology

As part of the initial submission the application was supported by an Extended Phase 1 Habitat Survey which identified that the site had suitable habitat for bats, breeding birds and reptiles and further identified the presence of bats and nesting birds within some of the existing buildings. On the basis of this preliminary report and the presence of bats (a protected species) the Council's Ecologist recommended that full bat surveys be undertaken prior to the determination of this application, in line with government Circular ODPM 06/2005 and to ensure the proposal is not contrary to the provisions of The Habitats Regulations (2010).

A Phase 2 Survey has subsequently been carried out which has identified a bat roost within the main nursing home building which is to be demolished as part of this proposal. As the proposal would result in the destruction of a bat roost (a European Protected Species), under the Habitats Regulations the LPA has a statutory duty to ensure that three derogation tests set out within this legislation are reported on as part of the decision making process:

The three derogation tests are:

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

A further report titled 'Bat Compensation / Enhancement Measures and Site Enhancements' has also been provided in an effort to address the last of these derogation tests. This document sets out in detail various measures to be incorporated within this scheme to mitigate / compensate for the loss of the existing bat roosts. The Council's Ecologist has confirmed that he is satisfied that these measures are both appropriate and proportionate and that subject to a condition to secure these measures he raises no further objection to this proposal, provided the other outstanding derogation tests are satisfied.

From the planning history it would appear that a nursing / care home has operated from this site since at least the late 1970's up until June 2017 when the applicant states the nursing home closed as it was no longer viable. Unfortunately no further details have been provided as to the viability of the nursing home however it is acknowledged that there is a trend for smaller, older nursing homes to be closing due to viability issues as they do not have the resources to keep up with changing demands and standards. The facilities at Knights Templar Court Nursing Home have stood on this site for many years and are visibly dated and are likely to require significant investment to bring them up to current industry standards.

Furthermore, it is understood that there is a nationwide shortfall in nursing / care home provision however there is no evidence to suggest that there is a district wide under provision of such accommodation, as such there are no local plan policies that seek to protect existing care home facilities. There is however a significant and growing demonstrable district wide shortfall in housing provision and both LP policy SS7 and the NPPF are clear in their support for the redevelopment of brownfield sites, which the application site is considered to be.

It is therefore considered that the redundant nature of this site, the fact that the proposal will make efficient use of an existing brownfield site and will make a positive contribution towards meeting the District's five-year housing supply, combine to offer such social benefits that override the impact that the proposal is likely to have in regard to the bat roost. There are no other proposals under consideration for this site and its redundant nature and questionable viability for its continued use as a nursing home or its suitability for an alternative reuse means that there are no other realistic alternative options available. On this basis, it is considered that the first two derogation tests are satisfied.

To conclude, and for the reasons set out above it is considered that subject to securing the proposed mitigation / compensation measures by condition, as recommended by the Council's Ecologist, it is accepted that the proposal meets the relevant derogation tests as stipulated within the Habitats Regulations and that the identified ecology issues should not hold back the proposed development.

### **Conclusion**

The loss of the existing authorised care home use is regrettable, but in the absence of a policy framework to require its retention it is not possible to withhold planning permission on the grounds that the proposed use would result in loss of a care home. Similarly, the existing last eighteenth / early nineteenth century house, which forms the core of the disused care home complex and can be considered as an undesignated heritage asset, is not protected by any listed status and can, in the absence of a willingness on the part of the applicant to retain it be demolished.

The site is previously developed land within the settlement boundary of Templecombe. Templecombe is considered to be a sustainable settlement, a large village with a range of facilities and transport connections. Residential development is an acceptable alternative land use to the care home.

The site is approximately 0.93ha in size with few constraints. The development of nineteen units at a density of 20.4 units per hectare is not considered excessive. Whilst there are some reservations in relation to some of the details in the illustrative plan that accompanies the outline application, it does demonstrate that 19 units can satisfactorily be accommodated on the site and provides a robust framework for the drafting and consideration of reserved matters details.

The reduction in the amount of affordable housing, on account of the previously developed land status, is a national provision over which SSDC does not have discretion.

For these reasons the proposal is considered to represent a sustainable form of development that will make for the efficient and appropriate reuse of a brownfield site. The Ecology / Habitat concerns raised by the Council's Ecologist have been fully satisfied and appropriate mitigation measures proposed which are secured by condition as detailed below. In all other regards the proposed development is considered to raise no demonstrable harm in regard to visual amenity, landscape impact, residential amenity, highway safety or other identified environmental concern. The proposal is therefore considered to accord with the relevant policies of the local plan as well as the provisions of the NPPF and is recommended for approval.

### **RECOMMENDATION**

Grant approval subject to the prior completion of

- a) A section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:
  - Secure three affordable housing units;
  - A contribution towards affordable housing; and
  - A Travel Plan
- b) The imposition of the planning conditions set out below on the grant of planning permission.

For the following reason:

01. The principle of residential development on this vacant brownfield site within Templecombe village is considered to be acceptable. The illustrative plan, that accompanies this outline permission, demonstrates that 19 dwellings at a density of 20.4 units per hectare can be accommodated. The proposal utilises the existing access off Troop Road, which is considered capable of serving the proposed development. Other matters including appearance, landscaping, layout and scale are to be considered at the reserved matters stage. As such the proposal is considered to be in accordance with the aims and objectives of Policies SD1, SS4, SS5, SS6, SS7, HG2, TA1, TA5, HW1, EQ1, EQ2 and EQ4 of the South Somerset Local Plan and the aims and provisions of the NPPF

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 4109/2 unnumbered first floor plan of existing 2883/7B 410/AS10; 4307/01; 4307/02; 4307/03; 4307/04; 4307/05; 4307/07; 4307/08; 4307/09; Unnumbered tree plan and LDS/14649-TP1 received 19 March 2018.

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

02. Details of the layout, appearance, landscaping, and scale (herein after called the 'reserved matter') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission or not later than 2 years from the approval of the last reserved matters' to be approved

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

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

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicles routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of public transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network

Reason: In the interests of highway safety and the amenities of the area and local residents in accordance with Policies TA5 and EQ2 of the South Somerset Local plan

05. The proposed residential development shall provide a mix of house types and sizes. At least 12 of the 16 market dwellings shall be either 2 or 3 bedrooomed units unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority wishes to ensure that that a range of market housing types and sizes are provided across the district as required by Policy HG5: Achieving a mix of market housing of the adopted South Somerset local Plan and paragraph 50 of the NPPF.

06. The proposed new residential development shall include 16amp electric charging points for electric vehicles, accessible to all residences, as required by Policy TA1ii low carbon travel of the adopted South Somerset Local Plan and paras 93 and 94 of the NPPF.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1, low carbon travel, of the adopted South Somerset Local Plan

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, and any successors no development in Classes A, B, C and D of part 1 Schedule 2 shall take place without the prior permission in writing of the local Planning Authority.

Reason: To maintain the aesthetic integrity and residential amenity of the development and preserve the amenities of the neighbouring residential property.

08. 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: To ensure satisfactory highways are put in place to serve the development.

09. 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: To ensure satisfactory pedestrian access is provided to every dwelling in the development

10. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 4307/07). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure the provision of a safe access to the development.

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

Reason: To prevent its discharge of surface water onto the highway.

12. Prior to any demolition, the applicant shall apply for, and be granted by Natural England, a European Protected Species Mitigation Licence in respect of bats. Proof of issue of such licence shall be provided to the local planning authority prior to discharge of this condition.

The bat compensation measures shall be provided in accordance with the submitted details, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Each phase of the development shall not be occupied until confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the submitted details, and/or the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, has been submitted to and approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with Policy EQ4 of the South Somerset Local Plan, the NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

**Informative:**

01. Before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.

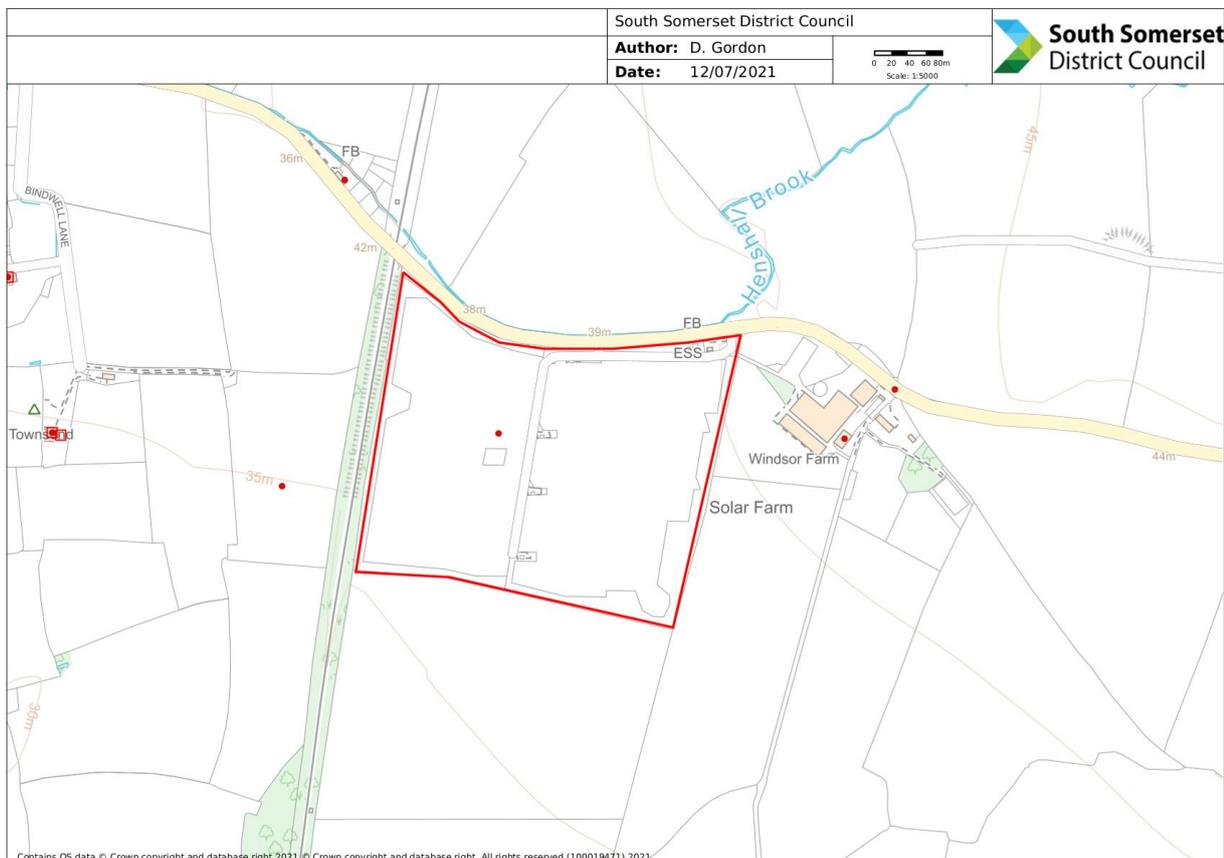
# Agenda Item 6

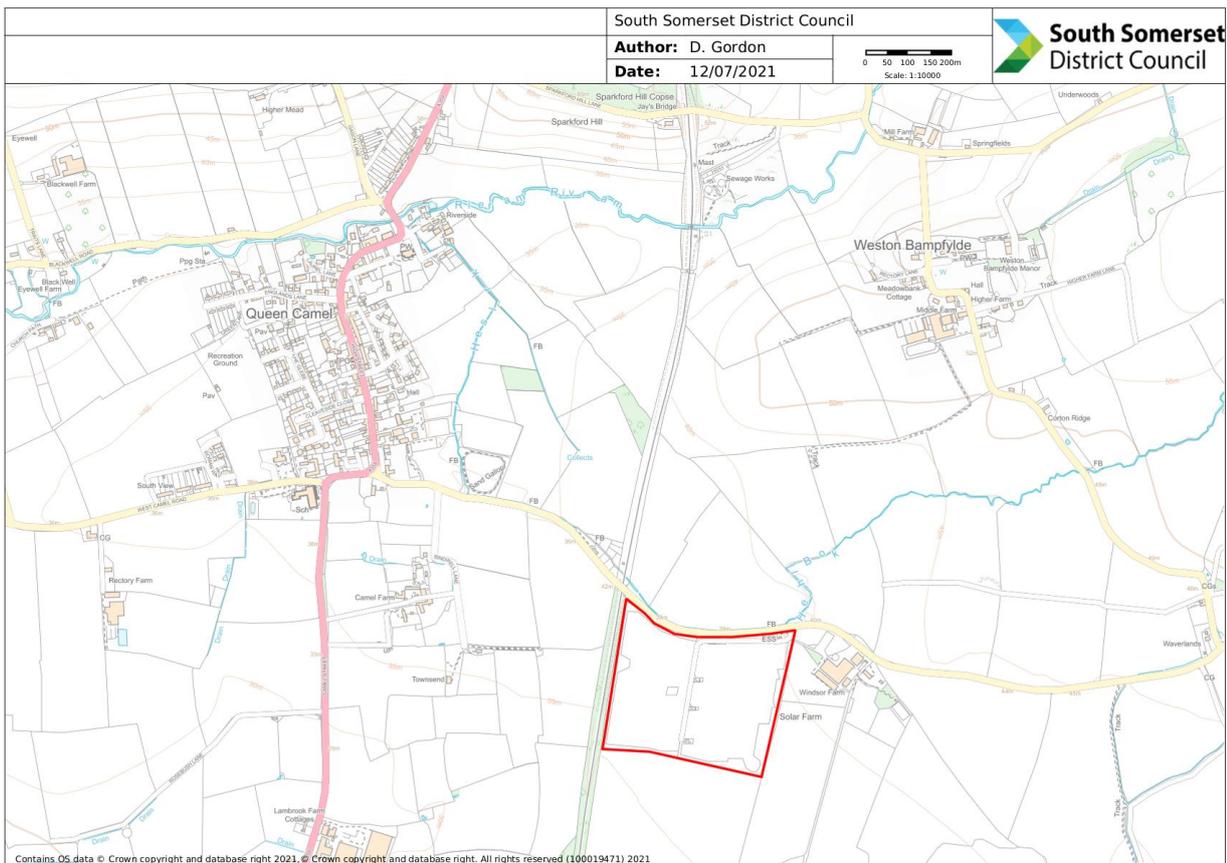
## Officer Report On Planning Application: 21/00056/S73A

<b>Proposal :</b>	Application to vary planning condition 7 of approval 13/01697/FUL to extend the life of the solar farm from 25 years to 40 years.
<b>Site Address:</b>	Land Os 4200 Sutton Montis Road Queen Camel BA22 7HW
<b>Parish:</b>	Queen Camel
<b>CAMELOT Ward (SSDC Member)</b>	Cllr M Lewis
<b>Recommending Case Officer:</b>	Trudy Gallagher (Specialist) Tel: 01935 462462 Email: trudy.gallagher@southsomerset.gov.uk
<b>Target date :</b>	12th April 2021
<b>Applicant :</b>	Abercomyn Solar Limited
<b>Agent: (no agent if blank)</b>	Manley Glenavon Sidmouth EX108PU
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Regulation Committee as it comprises a large scale major development proposal ('Major Major').





## SITE DESCRIPTION AND PROPOSAL

This application is seeking planning permission to extend the time period for the operation of an existing solar farm at Land Os 4200, Sutton Montis Road, Queen Camel. The operative planning permission (ref. 13/01697/FUL) conditioned that the Solar Farm must be removed on or before the 28th January 2039. As a result of market changes and technological advancement, which allow solar farms to be maintained for longer periods of time, the applicant is seeking to increase the time period that the solar farm is permitted to operate for up to 40 years from the date of the original permission, an extension of 15 years, which would be until the 28th January 2054.

Planning permission was first granted on 28th January 2014 for the erection of a 5.09MW ground mounted solar park, which would include 21,640 solar modules; power inverter stations; transformer stations; security fencing; access gates; and CCTV security cameras (pole mounted).

The site is located approximately 700m to the south east of Queen Camel off of Sutton Montis Road. The village of Sutton Montis is 1.5 km to the west. It is bordered to the east by the railway line and on the remaining boundaries by open fields. The site is a level field, bounded by mature hedges. There is a watercourse to the north of the site, on the opposite side of the public highway. Access to the site is taken off the public highway at a central point in the site. An application for another solar farm was approved in January 2021 at Bindwell Lane to the east (20/00952/FUL).

## RELEVANT HISTORY

14/01793/FUL - Underground cable and associated works between solar farm boundary and existing overhead electricity lines. Approved with conditions 10/06/2014

13/01697/FUL - Solar PV development and associated works. To include the installation of ground based racking systems, mounted solar panels, power inverter stations, transformer stations, sub station and comms building, fencing, associated access gates and tracks, and CCTV security cameras mounted on free standing support poles. Approved with conditions 28/01/2014

12/04622/EIASS - Screening opinion for a proposed solar pv installation. Approved with conditions 05/12/2012

Site to the east of railway line:

20/00952/FUL - Proposed solar farm and associated development, comprising the installation of solar panels, the erection of substation, switchgear, storage/communications buildings, the provision of inverter cabins and battery containers, construction of access and stone track, fencing and gates, installation of CCTV cameras, and associated landscaping and biodiversity enhancements. Approved 21st January 2021

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

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

SD1 - Sustainable Development  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure  
EQ7 - Pollution Control  
EP5 - Farm Diversification  
TA5 - Transport Impact of new development  
TA6 - Parking Standards

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

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 8 - Promoting healthy and safe communities  
Chapter 11 - Making effective use of land  
Chapter 12 - Achieving well-designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and enhancing the natural environment

### **National Planning Practice Guidance**

#### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2017)

#### **The Climate Change Act 2008 (as amended)**

The Climate Change Act 2008 created a new legal framework for the UK to reduce, through domestic and international action, greenhouse gas emissions to at least 80% below 1990 levels by 2050.

3.3. On the 28th June 2019, section 1(1) of the Climate Change Act 2008 was amended changing the requirement that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline to at least 100% lower than the 1990 baseline.

**The Energy white paper, entitled Powering our net zero future** - published on 14 December 2020. This sets out how the UK will *'clean up its energy system and reach net zero emissions by 2050'*. The document acknowledges that a *'low cost, net zero consistent system is likely to be composed predominantly of wind and solar'* and states that *'Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.'*

## **CONSULTATIONS**

**South Cadbury and Sutton Montis Parish Council:** Support.

**SSDC Environmental Protection Unit:** No comment received.

**Highways Authority:** Standing advice applies.

**SSDC Highway Consultant:** No significant highways issues with this proposal, provided the timing of any decommissioning traffic management plan is adjusted accordingly.

**SCC Ecology:** No comment received.

**Natural England :** No objection.

**Network Rail:** No objection.

## **REPRESENTATIONS**

Seven neighbours have been notified, a site notice displayed and an advertisement has been placed in the local newspaper. One neutral comment to the application has been received, advising that the original landscaping scheme approved under 13/01697/FUL has not been fully implemented and gaps in the hedges remain. The letter of representation is set out in full on the website.

## **CONSIDERATIONS**

The National Planning Policy Framework advises that, when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emission. Also, to approve the application if its impacts are (or can be made) acceptable (paragraph 154).

Local Plan Policy EQ1 is applicable in considering renewable energy proposals. Bullet point 3 states that 'Development of renewable and low carbon energy generation will be encouraged and permitted, providing there are no significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets, and biodiversity.' Policy EQ2 also refers to the need to safeguard landscape character of the area and visual appearance is clearly a weighty matter in considering environmental harm.

Permission exists for the establishment of a solar array on the site, which has been implemented. The

original permission was granted for a temporary period of 25 years (condition 07 of 13/01697/FUL) commencing from the date the permission was granted on 28th January 2014. This current application seeks variation of the temporary time limits imposed by the above condition to extend the operational lifespan of the approved solar farm from 25 years to 40 years, i.e. an extension of time of 15 years, allowing it to operate until 28th January 2054.

In support of this application, the applicant's agent has offered the following information:

*"The application is supported by national and local climate change planning policies within the National Planning Policy Framework 2012 (as revised), the South Somerset Local Plan 2006 - 2018 (adopted March 2015) and the Council's own ambition for South Somerset District Council to become a net zero carbon emitter, ahead of the government's target, by 2025. It will also contribute to policies aimed at increasing biodiversity and the diversification of agriculture through the planning and development system. Increasing the operational life of the solar farm will contribute to national and international targets for the reduction and offsetting of CO2 emissions. The application will facilitate investment for potential implementation of new technologies to increase the output of, and even more effectively utilise, renewable energy produced by the site - further contributing to levels of energy supplied by renewables and strengthening energy resilience locally and nationally.*

In planning terms, and with reference to NPPF para 55, the primary reason for a time limit condition was the 'necessity' of setting a clear date by which solar farm decommissioning was to be completed, and also to ensure that decommissioning was controlled through the submission of appropriate method statements at the appropriate time. Providing appropriate decommissioning clauses are retained in any agreed revised planning condition allowing an extended period of operation, those objectives can still be secured.

The solar farm comprises predominantly lightweight structures and fixings that can be easily disassembled and removed. The panels themselves are also capable of an electricity generating life for longer than the 25 year period. Therefore, whilst the efficiency of the installed solar panels and infrastructure will reduce over time it has been determined that the solar farm can continue to operate viably beyond the 25 year period in a subsidy-free market. In essence, the project is able to make very effective use of the existing infrastructure and grid connection during years 24-40, and continue to make a significant contribution to Government renewable energy generation targets. This is a significant material consideration in support of the proposals.

In giving this consideration, this is a relatively sizeable increase in time, however there are no obvious concerns raised. While it is acknowledged that approval would result in the effects of the development being longer in duration, there would be no change in the nature of the impacts, while it is noted that these remain temporary and would be fully reversible in time. The benefits of the proposal include the opportunity to continue generating renewable energy, supporting national and local objectives relating to the installation and continuation of renewable energy sources. The above changes would allow the solar farm to operate for up to the full 40 year period before entering the decommission phase where the land would be restored to agriculture. This would allow maximisation of renewable energy generation and is consistent with Government guidance in respect of renewable energy projects.

In addition to the amendment of the above mentioned condition relating to the operational period of the solar farm, there are a variety of other conditions attached to the previous permissions that need to be reiterated or varied in order to issue a new decision. The comment received from a member of the public with regards to gaps in the landscaping scheme that was agreed by condition is noted. This application does not seek to vary the landscaping condition, and so it is still binding on the development and requires the applicant to maintain any planting that does not survive for the lifetime of the solar farm. This issue has been raised by the applicant and they have agreed to continue to maintain the planting scheme as agreed by the condition, filling in any gaps. Should this not happen within a reasonable timeframe then the member of the public should report the breach of condition to SSDC's planning enforcement

department.

Overall, there are considered to be no long-term adverse impacts resulting from the proposal to extend the operational lifespan of the solar park from 25 years to up to 40 years from the date the solar farm was approved.

### **Conclusion**

The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was approved is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the application is recommended for approval.

### **RECOMMENDATION**

That application reference 21/00056/S73A be approved for the following reason:

01. The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was approved is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the application is recommended for approval.

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

01. The development hereby permitted shall be carried out in accordance with the following approved plans received under the original planning application, drawings ref. TGC/PV001 Rev A1, TGC/PV002 Rev A1, TGC/PV003 Rev A1, TGC/PV004 Rev A1, TGC/PV007/01 Rev A1, TGC/PV009/01 Rev A1, TGC/PV010/01 Rev A1, PV 1.00 Rev A4, 2V Racking System Rev B.

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

02. The landscaping scheme shall be in accordance with the submitted Landscape Masterplan plan ref. P0046 Rev 2 and the details agreed under 14/04535/DOC. 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 commencement of the development. For the duration of this permission the trees and shrubs included in the scheme shall be protected and maintained, and any trees or plants which 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 and landscape character in accordance with the NPPF and policies EQ2 and EQ5 of the South Somerset Local Plan.

03. Development must proceed in strict accordance with the site management plan for tree, hedge and grass maintenance of the site agreed under 14/04535/DOC shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with policy EQ2 of the South Somerset Local Plan.

04. No hedge, nor any part thereof, shall be removed, except for permitting reasonable access to the site, until the details of the proposed removals have been submitted to the local planning authority and approved in writing. Any significant amount of removal will require the details to include the results of dormouse presence and bat activity surveys undertaken to current best practice, an impact assessment, and mitigation proposals in respect of any impacts identified.

Reason: For the protection of bats and dormice in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) and Local Plan Policy EQ4.

05. The supporting posts to the solar array shall be anchored into the ground as shown in drawing 'Solar Farm 2V, 40 Module Racking' ref. 2v Racking System, received on 3 May 2013, and shall not be concreted into the ground.

Reason: To avoid an unsustainable method of attachment in the interests of landscape character and visual amenity in accordance with saved Policies EQ2 of the South Somerset Local Plan and the provisions of the NPPF.

06. The development hereby permitted shall be removed and the land restored to its former condition within on or before the 28th January 2054 or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with the NPPF and saved Policies EQ1, EQ2 and EQ5 of the South Somerset Local Plan and the provisions of the NPPF.

07. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with the NPPF and saved Policies EQ2 and EQ7 of the South Somerset Local Plan.

08. No CCTV equipment shall be installed on the site other than that shown on the submitted layout plan ref. PV 1.00 RevA4, in accordance with the CCTV design details submitted with the original application.

Reason: In the interests of landscape character and visual amenity in accordance with the NPPF and saved Policies EQ2 of the South Somerset Local Plan.

09. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

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

10. Development to proceed in strict accordance with the surface water drainage scheme for the site, agreed as part of 14/04535/DOC. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

11. The means of connection to the electricity grid from the site must accord with the details agreed under 14/04535/DOC.

Reason: To safeguard the character and appearance of the area in accordance with the aims of Policies EQ2 of the South Somerset Local Plan.

12. The construction, surfacing and materials of the access track must accord with the details agreed under application 14/04535/DOC.

Reason: To safeguard the character and appearance of the area in accordance with the aims of policy TA5 and EQ2 of the South Somerset Local Plan.

13. Development must proceed in strict accordance with the Site Construction Management Plan agreed under 14/04535/DOC.

Reason: In the interests of traffic management and minimising the impacts of the construction of the development in accordance with the aims of policy TA5 and EQ7 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for protection of the main sett, minimising disturbance and harm to badgers, and enabling badgers continued access within their territory as appropriate for their welfare. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

15. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard any archaeological remains on the site, and to accord with the NPPF and Policy EQ3 of the South Somerset Local Plan.

16. The solar panel arrays indicated on the revised drawing ref. 2V Racking System Rev B, received by email on 21 June 2013, shall not exceed a maximum height of 2.453m above ground level at any point on the site.

Reason: To safeguard the character and appearance of the area, and to accord with the aims of the NPPF and policy EQ2 of the South Somerset Local Plan.

17. Development to proceed in accordance with the fencing agreed along the boundary of the site with land owned by Network Rail under application ref 14/04535/DOC, to be implemented and retained for the lifetime of the development.

Reason: In the interests of safe operation of the railway line to the west of the site.

18. Development to proceed in accordance with the screening details agreed under 14/04535/DOC to prevent the impact of glare from solar panels on the adjacent railway line. The agreed details shall be implemented and retained and maintained for the life of the permission.

Reason: In the interests of safe operation of the railway line to the west of the site.

#### **Informatives:**

01. The applicant is reminded that condition 2 on this decision notice is binding for the lifetime of the solar farm and any gaps in the landscaping scheme must be maintained or risk enforcement action being taken.