
Informal Discussion by Members of Area West Committee

Wednesday 19th January 2022

5.30 pm

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

The following members are requested to attend this virtual consultation 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
Martin Wale

Any members of the public wishing to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 18th January 2022.

The meeting will be streamed and viewable online 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 10th January 2022.

Jane Portman, *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 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>

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed to extend the arrangements for a further 6 months to 8 January 2022. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=3033&Ver=4>

Further to the above, at the meeting of Full Council on 16 December 2021, it was agreed to extend the arrangements for a further 6 months to 8 July 2022 for all meetings apart from Full Council - Full Council will be in person. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2991&Ver=4>

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.

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

www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

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

Public participation at 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 join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

Please email democracy@southsomerset.gov.uk for the details to join the 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.

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 by 9.00am on Tuesday 18th January 2022. 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 by 9.00am on Tuesday 18th January 2022. 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

If a member of the public wishes to speak at the virtual meeting they must email democracy@southsomerset.gov.uk by 9.00am on Tuesday 18th January 2022.

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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Informal Discussion by Members of Area West Committee

Wednesday 19 January 2022

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 8th December 2021.

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 and Sue Osborne

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 of Next Meeting

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held at 5.30pm on Wednesday 16th February 2022 and will a virtual meeting using Zoom.

5. Public Question Time

6. Chairman's Announcements

Items for Discussion

- 7. Promoting Community Safety in Area West** (Page 7)
- 8. Area West Committee Forward Plan** (Pages 8 - 9)
- 9. Schedule of Planning Applications to be Considered by Committee** (Pages 10 - 11)
- 10. Planning Application 21/02654/FUL - Land OS 6300 Longforward Lane, Kingstone**
(Pages 12 - 60)
- 11. Planning Application 20/02249/OUT - Land to the North of Fore Street, Tatworth**
(Pages 61 - 90)
- 12. Planning Application 20/02247/OUT - Land to the North of Fore Street, Tatworth**
(Pages 91 - 121)

Please note that members of the Area Committee will make a recommendation on the above reports. The decision will be taken by the Chief Executive.



Promoting Community Safety in Area West

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

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

Members will then be given the opportunity to ask questions.

Area West Committee Forward Plan

Strategic Director: Nicola Hix, Strategy & Support Services
Agenda Coordinator: Jo Morris, Case Officer (Strategy & Support Services)
Contact Details: jo.morris@southsomerset.gov.uk

Purpose of the Report

This report informs Members of the agreed Area West Committee Forward Plan.

Recommendations

Members are asked to:

- a. Comment upon and note the proposed Area West Forward Plan as attached;
- b. Identify priorities for further reports to be added to the Area West Forward Plan.

Area West Committee 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
<i>16th February 2022</i>	<i>Stop Line Way Cycle Path</i>	<i>Adrian Moore, Locality Officer</i>
<i>16th February 2022</i>	<i>Ile Youth Centre Update</i>	<i>Cllr Brian Hamilton</i>
<i>16th February 2022</i>	<i>Community Grant Application – Arc Play Space</i>	<i>Nathan Turnbull, Locality Officer</i>
<i>16th March 2022</i>	<i>A Better Crewkerne and District Update</i>	<i>Cllr Mike Best</i>
<i>16th March 2022</i>	<i>Chard Eastern Development Area Eastern Relief Road Options</i>	<i>Peter Paddon, Acting Director Place & Recovery / Lead Specialist Economy</i>
<i>16th March 2022</i>	<i>Flooding report – requested following the recent Chard flooding on how SSDC engage with other authorities to deal with emergencies</i>	<i>Jessica Power, Lead Specialist Strategic Planning</i>
<i>TBC</i>	<i>Update on S106 contributions/CIL</i>	<i>TBC</i>
<i>TBC</i>	<i>Historic Buildings at Risk</i>	<i>John Hammond, Lead Specialist Built Environment</i>

Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins (Service Delivery)
Lead Specialist: John Hammond, Lead Specialist Built Environment
Contact Details: john.hammond@southsomerset.gov.uk

Purpose of the Report

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

Recommendations

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 5.30pm

The meeting will be viewable online by selecting the committee at:

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 by 9.00 am on Tuesday 18th January 2022.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
10	WINDWHISTLE	21/02654/FUL	Erection of buildings to store and facilitate the construction of carnival floats	Land OS 6300 Longforward Lane Kingstone	Ilminster Town Council
11	BLACKDOWN, TATWORTH & FORTON	20/02249/OUT	Outline application with all matters reserved, except for access, for up to 35 dwellings	Land To The North Of Fore Street, Fore Street, Tatworth	Joint Application: 1. Brewer, Lillington 2. Land Allocation Ltd

12	BLACKDOWN, TATWORTH & FORTON	20/02247/OUT	Outline application with all matters reserved, except for access, for up to 13 dwellings	Land To The North Of Fore Street, Fore Street, Tatworth	Joint Application: 1. Brewer, Lillington 2. Land Allocation Ltd
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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 10

Officer Report On Planning Application: 21/02654/FUL

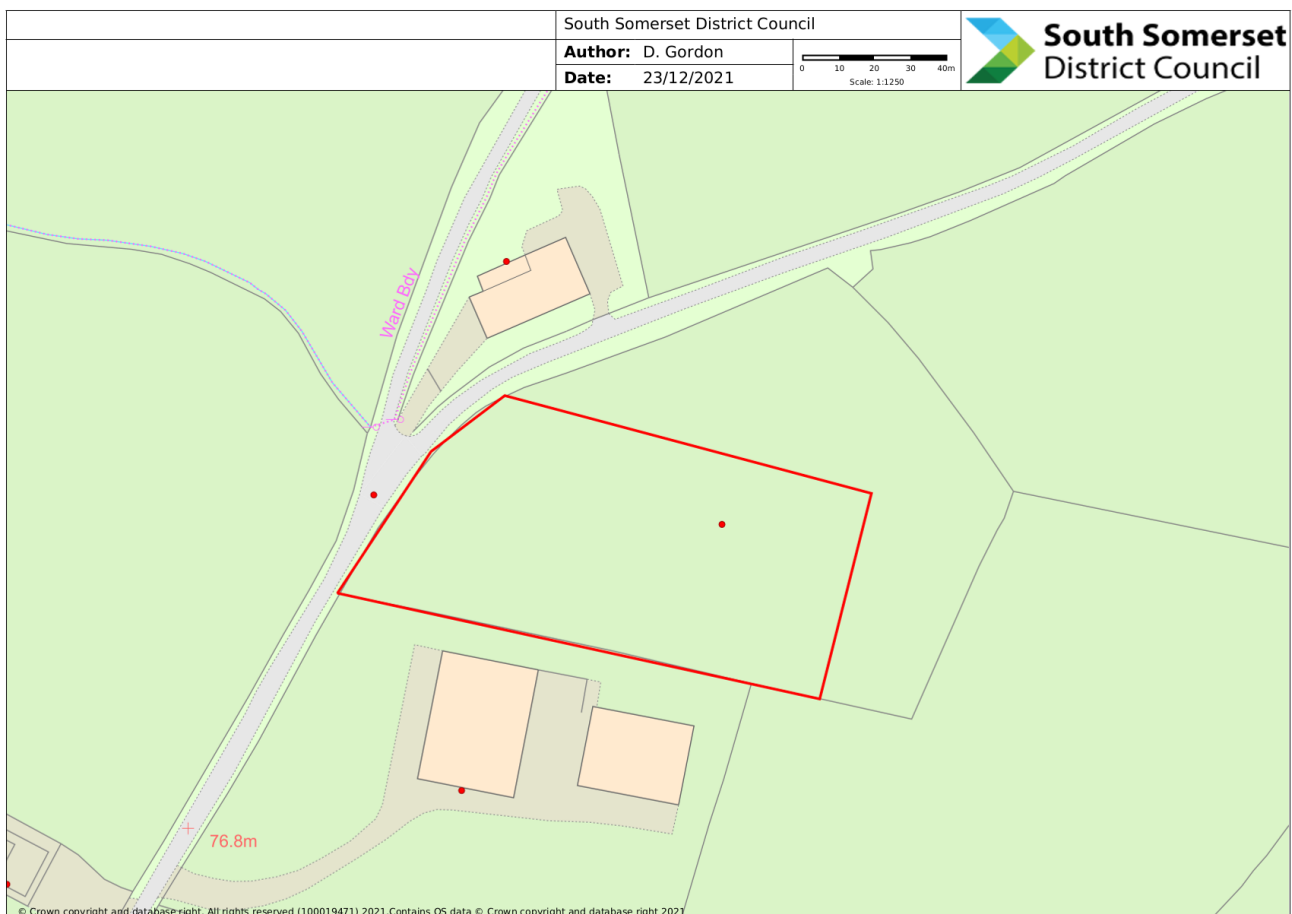
Proposal: CIL Liable = N	Erection of buildings to store and facilitate the construction of carnival floats
Site Address:	Land OS 6300 Longforward Lane Kingstone
Parish:	Kingstone
WINDWHISTLE Ward (SSDC Member)	Cllr Sue Osborne
Recommending Case Officer:	Ben Gilpin (Case Officer)
Target date/Ext of time	6th December 2021
Applicant :	Ilminster Town Council
Application Type : 05	Major Other f/space 1,000 sq.m or 1 ha+

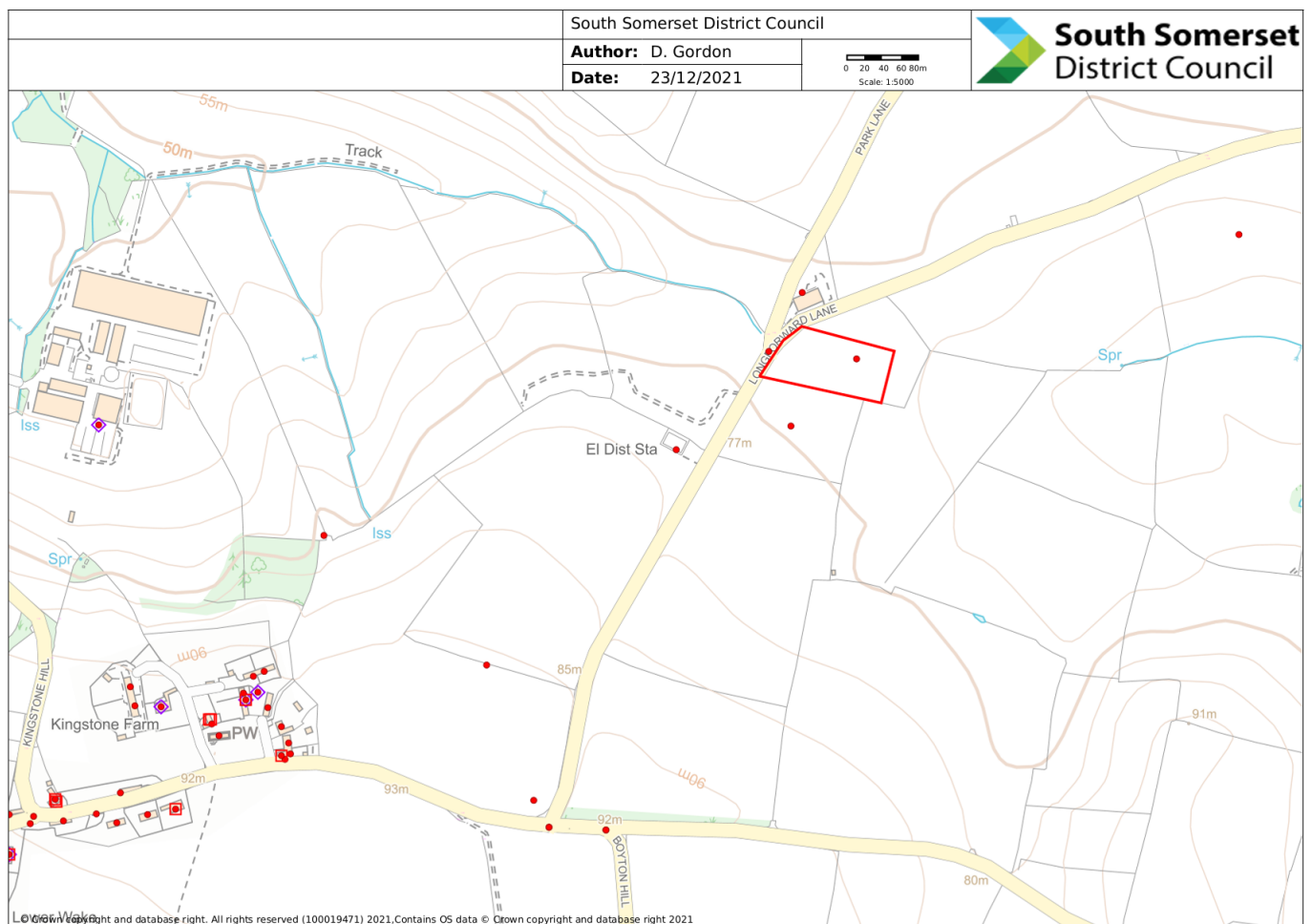
REASON FOR REFERRAL TO COMMITTEE

The application is appropriate for consideration by Ward Members / Planning Committees as comments have been received that are contrary to the officer's recommendation.

The Office of the Local MP have also requested they are notified when / if this application is to be heard at Planning Committee.

SITE DESCRIPTION AND PROPOSAL





This application is seeking planning permission for the erection of buildings to store and aid the construction of carnival floats at land OS 6300 Longforward Lane, Kingstone, Ilminster, TA17 8TB. The site is an agricultural field located within the open countryside to the northeast of Kingstone and to the southwest of Seavington St Mary. To the north of the site is a building that has consent for a carnival club. To the south to the site are two agricultural barns erected during 2018.

The proposal seeks to erect a building that is divided into 5 no. units, four of which will have 3 no. roller doors (2 large and 1 smaller), one will have 2 no. large roller-doors and one unit will have one roller door and internally be split into two rooms.

The proposed building is to be 77m long by 29m wide, and circa 6.3m high (eaves) / 7.3m high (ridge). The development is to have a built footprint of 1,738 square metres.

The building is to be a portal steel frame with profile metal sheet cladding for the walls, and profile metal sheets (with polycarbonate roof lights) for the roof.

Rainwater goods will be metal, draining to onsite soakaway.

External lighting is to be Passive Infrared (PIR) Sensors, with a manual override.

The existing access into the site will be improved and plans have been received to show highway works at the junction of Longforward Lane and Kingstone Main / The Butts (south junction).

The site has no near residential neighbours, with the nearest property being circa 680m to the south west.

To the immediate north of the site is an existing building, used for the production of a carnival float / rig. This use and building have been in situ since 2008.

To the south is a small complex of agricultural buildings, now built out.

The proposed use class for carnival float construction and carnival float storage is considered 'Sui Generis' - in its own use class.

The site has no statutory designations.

RELEVANT HISTORY

18/02609/FUL - Erection of buildings to store and facilitate the construction of carnival floats. Withdrawn 15.07.2021 **

** The application was withdrawn following identification of a technical discrepancy regarding the legitimacy of the applicant's position to be applicant.

This aspect has been resolved in relation to this application.

17/01268/FUL - Erection of agricultural building to house cattle. Formation of new vehicular access, track and hardstanding. Approved 22.05.2017

08/00478/FUL - The erection of single storey barn adjacent and linking to existing barn for mixed use of storage and carnival float construction. Recommended for refusal and approved by Area Committee 08.04.2008

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.

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 - Development in Rural Settlements
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy EQ4 - Biodiversity
Policy EQ7 - Pollution Control
Policy TA1 - Low Carbon travel
Policy TA5 - Transport impact of new development
Policy TA6 - parking Standards

National Planning Policy Framework - July 2021

Chapter 2: Achieving sustainable development
Chapter 6: Building a strong, competitive economy
Chapter 9: promoting sustainable transport
Chapter 11: making effective use of land
Chapter 12: Achieving well designed places
Chapter 15: Conserving and enhancing the natural environment
National Planning Practice Guidance Design Natural environment

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)
National Design Guide - September 2019

ENVIRONMENTAL IMPACT ASSESSMENT

The proposal does not fall within Schedule 1 or 2 and having considered the scale and nature of the development it is not considered to trigger a requirement to ask for a screening opinion.

CONSULTATIONS

Kingstone Parish Meeting: Objection

"Kingstone Parish Meeting met on Monday 18th October to discuss planning application 21/02654/FUL: Erection of buildings to store and facilitate the construction of carnival floats at Land OS 6300 Longforward Lane, Kingstone, TA17 8TB

The meeting voted unanimously to object to the proposal. There were no abstentions or votes against the proposal. The grounds for objection are set out below.

We endorse the comments in the Council to Protect Rural England's submission.

This development is against both national and South Somerset's own local plan policies. The site is not identified for development in the Local Plan.

The Kingstone Parish meeting supports the carnival tradition. The agent and supporters of this planning application argue the case that the justification for the construction of a 2275m² industrial warehouse will save the carnival.

This is not a planning issue and should not be a factor in the decision making process.

This site was not the preferred option, it was a poor second choice out of the five sites offered by Dillington Estate; no other landowners were approached.

The development is not financially viable.

LEGAL PLANNING ISSUES

This is a Major Development. We refer to the SSDC Planning Application Validation Requirements document. The ~~document~~ states that any development over 1000m² should be treated as major development. The floor area of this proposed development is 2,275m², more than twice the area that would be described as minor development (1,000m²).

The red line delineating the site was arbitrarily moved to bring the total area below 1 hectare, to 0.97 ha, in an attempt to take it out of the more onerous major development category. We challenge the accuracy of this measurement because land was added to facilitate drainage. In reducing the red line, a corner of the field, which surrounded by deep ditches, is cut off and essentially 'dead' land.

Major Developments require the following:

Noise and vibration assessment
Landscape and visual impact assessment
Landscape plan and strategy

These are required for the planning application to be determined properly. The following assessments were made in 2019 and are now out of date.

Ecological assessment / Habitat survey

These are required for the planning application to be determined properly.

Local Plan

The site is agricultural land and is not identified for development in the Local Plan. If an application is contrary to the Local Plan - as in this case - the use should be specific and not general. Sui Generis is not specific and therefore not appropriate in this instance. There needs to be a material reason for a breach of the Local Plan, justified by a specific use.

The value of a local plan is questionable if the council is going to ignore its own policies and make arbitrary and questionable planning decisions.

Landscape

This development would be a gross intrusion into a beautiful rural landscape. Much loved peaceful countryside vanishing under steel and stone.

The proposal is industrial in scale and purpose, degrading the intrinsic rural character of our best and most versatile agricultural land, treasured by local residents; contrary to the Local Plan and NPPF Para 174.

This is NOT an agricultural development, as claimed by the applicant, and the presence of a cattle barn on adjacent land does not justify developmental creep. Agricultural buildings are subject to very special planning regulations which are not available to other development.

The Local Plan states that development in rural settlements should be strictly controlled. There is no benefit accruing to local communities therefore it is contrary to NPPF Para 130 and LP Policy EQ2 - General Development, this industrial style development is incongruous in a rural landscape and does not respect the context of the local built environment.

This development does not provide employment opportunities or enhance community facilities for local communities, and is contrary to LP SS2 Development in rural settlements.

It does not meet the criteria set in the Local Plan for a large-scale industrial facility, which is contrary to the Local Plan and NPPF 2021 Chapter 6 Supporting a prosperous rural economy para 82 (b).

Use and location put it at odds with LP Policy SS3 (Delivering New Employment Land).

Dark Skies

The dark skies treasured by residents will be no more because fifty-four large roof lights will flood the night sky, and external security lights will be on until the early hours of the morning from September to the end of November, contrary to NPPF Para 185.

All UK bats species are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife & Countryside Act (1981 as amended); National Planning Policy Framework, Natural Environment and Rural Communities Act (2006), and LP Policy EQ4 - Biodiversity. Inevitably, they will be adversely affected by light pollution.

Correspondence from Simon Breeze (SCC County Ecologist) '... the biggest impact to ecology, including foraging and commuting bats, is light spill, therefore as recommended a lighting plan will be required, pre determination or via condition, to ensure the c60 windows/rooflights either contain auto blinds or smart glass to avoid light spill.'

Sustainable Transport

Contrary to NPPF Para 110, the development is not supported by sustainable transport. There are no bus local services, the lanes are narrow with poor visibility making them particularly dangerous for walkers and cyclists on autumn/winter evenings. It is not possible to mitigate the inherent dangers and it is unrealistic to expect volunteers from Ilminster, Chard and further afield to walk or cycle to such a remote location. It is inevitable that the amount of traffic on unsuitable lanes will increase exponentially, which goes against NPPF 2021 Chapter 9 Promoting sustainable transport, para 110.

The development will have an unacceptable impact on local roads and there is no realistic option to promote sustainable access on foot, by bike or public transport. In this circumstance, 'previously developed land, and sites that are physically well-related to existing settlements,

should be encouraged'. This has not happened which is contrary to NPPF Para 85.

A reasonable estimate of the number of additional vehicle movements on the narrow country lanes leading to the site, based on the applicants' own figures, is 732 journeys over a weekend, 366 per day. There isn't parking for a fraction of this number.

Safety is a major issue at road junctions, please refer to the Highways Assessment appended to this document. The negative impact on highway safety engages NPPF Para 111.

SSCPC say, 'Nothing will go through Kingstone or Seavington', 'nothing' presumably being carnival trailers. This means the northern junction of Park Lane and the old A303 at Boxstone Cross (B3168) will be the access route for carnival trailers (and volunteers) to their respective destinations throughout October and November. This junction has not been assessed by SCC Highways, which is a significant oversight given the inadequate sightlines and inherent dangers associated with this junction - four deaths in five years, and many more near misses due to poor sightlines in both directions and strategically placed signage blocking the view towards Ilminster.

Further assessment is required.

Another factor to consider is how traffic will be managed during October and November if there is a major traffic incident on the Ilminster Bypass and carnival trailers are parked on the B3168, effectively blocking it. Usually, traffic transfers from the bypass onto the B3168 (despite the weight restriction at the Butts), but if it is full of carnival trailers the bypass traffic and emergency services could be in significant difficulty.

See: <https://www.gov.uk/guidance/national-planning-policy-framework/9-promoting-sustainable-transport>

A Travel Plan is required in line with LP Policy TA4 and LP Policy TA5 - Transport Impact of New Development Community Support

This proposal is opposed by the three parishes nearest to the site (Dowlish Wake, the Seavingtons and Kingstone). It is wrong and misleading to refer to the list of respondents as "neighbourhood" when a vast majority come from other counties including Worcester and Cardiff. To foist an unwanted development on these communities would be contrary to the aims and aspirations of LP Policy SS2.

The applicant claims that Ilminster Town Council support the application but there is neither letter nor email on the planning portal to support that claim.

People who live miles away from the site support the application. They may have a different view if they saw the state of the Gemini site across the road. Local residents have been tolerant of the mess and noise at the Gemini site since 2008. Although it is relatively tidy, rubbish is still piled up around the site, a portaloo is lying on its side - probably never used; it is a tip. And that isn't going to change because the same people who disrespect our countryside now will not change their ways.

We would encourage elected councillors to visit the Gemini site, which is directly opposite the development site, and see for themselves. Scale it up at least five-fold to understand our

reluctance to have them as neighbours.

SUBSIDIARY PLANNING ISSUES

Hazardous materials

'No' is ticked on the biodiversity checklist for hazardous materials, which is not correct. Hazardous materials such as oil, diesel, paint, solvents, plastic, fibreglass and other toxic and flammable substances are used in the construction of carnival trailers. One cart can be illuminated by ten thousand light bulbs and driven by a polluting diesel engine.

Typically used in construction are wire/steel; Polyvinyl Chloride sheeting (PVC) officially known as "floral sheeting"; Fibreglass which is fibre reinforced plastic, Cement which is also considered to be a very harmful pollutant.

Storage and disposal of hazardous materials are of critical importance to the health and safety of volunteers, emergency services and the wider public.

Surface water will discharge into porous bedrock and discharge into ditches: this won't be rainwater alone it will contain minute dust particles of the toxic chemicals used in construction of floats. There is concern about polluted water entering the water table because there are a large number of drinking water boreholes in the area and of course the effect on flora and fauna.

There is no mention of carbon footprint in any of the documents submitted.

The finished material for the car parking area as stated in the planning application form is "permeable hardcore hardstanding". Managing fuel and solvents on site will exacerbate the Phosphates problem on the Somerset Levels and Moors RAMSAR site and is against the recommendations of Natural England.

Carbon footprint

The huge number of car journeys is significant in terms of emissions, and floats are run on diesel contrary to LPPolicy TA1 - Low Carbon Travel.

The carbon footprint of this development will be enormous if portaloos are being ferried back and forth to be emptied.

Pollution

The hardstanding is proposed to be permeable hardcore making emptying and cleaning portaloos a hazardous enterprise. Sewage will leach into ditches, watercourses and runoff causing pollution that will have ramifications for the Somerset Levels and Moors RAMSAR site which already has a significant problem with phosphate pollution degrading this internationally important wildlife site.

The fuelling or washing of carnival vehicles usually requires an external impermeable hardstanding whereby residual oils and other insoluble substances from runoff water are collected and directed through 3-part separator to avoid polluting the water table. Also see Longforward Lane Preservation Group submission.

Drainage

This is covered in the report compiled by the Longforward Lane Preservation Group but related issues, including sewage disposal and the Dutch-N case (phosphate pollution), are still matters of concern.

There is no mains sewer or mains water on the site, and the applicant suggests that five portaloos, one per shed, will be sufficient for the hundreds of volunteers they say will be using the site.

Portaloos are not female friendly. Many women are not comfortable with shared facilities and this would be a barrier to female volunteers, particularly the young majorettes who will be using the facility.

There is no mention and no evidence of any provision for disabled volunteers, especially wheelchair users. Inclusivity is not mentioned in any of documents submitted in support of the application.

Fire

There is no mains water on site, therefore no pressure for hydrants required by the Devon and Somerset Fire Authority. Anything less than mains water will not have sufficient pressure to deal with fires.

Health and safety of volunteers

Welding and working at heights (these trailers are huge) are dangerous activities, who will ensure that the site is safe for such a large number of volunteers?

All ability access - not mentioned.

Noise nuisance

Cattle in adjacent barns will be disturbed by noise and music which, in the carnival season, carries on late into the night. Cows are more sensitive to noises than humans, especially high-pitched noises that can hurt their ears. Loud noises can scare cows and may cause kicking, charging or running. Surrounding villages can expect to be disturbed, particularly when sound systems are being tested.

Biodiversity

Latest figures reveal that the U.K. is one of the world's most nature depleted countries, in the bottom 10% globally and last of the G7 group of nations. The U.K. has an average of about half of its Biodiversity left, far below the global average of 75%. 90% is considered the safe limit to prevent the world from tipping into meltdown. This is strong evidence that an existing unused or available brownfield site should be used in preference to high quality agricultural land.

Somerset Wildlife Trust objects to this application because the location is not appropriate.

Financial viability

South Somerset Carnival Park Committee self-describes as a Community Interest Company but no such entity is registered on Companies House website. Ilminster and District Carnival Committee Limited and Chard and District Carnival Committee Limited are registered but neither of these is the applicant. Steve Dawe is named only in respect of Harlequin Carnival Club Ltd.

Clarification is requested regarding the existence of SSCPC as a legal entity with powers commensurate with an undertaking of this magnitude, particularly in respects of its ability to raise well over £2M to build out the site, on land it does not own.

If such an entity as the South Somerset Carnival Park Committee exists, it would need to raise over £2M capital alone to build the carnival park, plus considerable revenue funding. There is no information about how this money would be raised, which naturally raises concern about viability. Not owning the land is a significant impediment to getting external funding.

Residents have asked for information regarding financial viability assessment, one exists but it is confidential, so we are told. We question whether such an assessment exists, and if it does, whether it is fact-based and realistic.

The Ilminster and Chard Carnival Committees have about thirty thousand pounds (revenue) between them, which is a drop in the ocean for a project on this scale.

Link: <https://find-and-update.company-information.service.gov.uk/search?q=south+somerset+carnival+park+committee>

To construct the buildings alone, not including car parking, drainage, services, etc. is between £930m2 and £1,030m2 - www.costmodelling.com

The building footprint is 2,275m2 which equates to a build cost of between £2,115,750 and £2,343,250.

SSCPC is not a registered charity, and it will struggle to compete for funding on this scale. It does not have money to put forward as match funding, which is a prerequisite for any successful funding bid. It doesn't own the land on which the carnival park will be built, and generally funders will not subsidise projects that could end up benefiting the landlord rather than intended recipients.

Revenue funding comes from everyday economic activity, of which there has been very little for 18-months because of covid. Carnival does not generate huge profits. It just about washes its face, with a relatively small surplus which is given to worthy causes. Carnival is more often the recipient of small sums of grant funding. The high build cost of these dramatic trailers means that income circulates in a closed system.

Residents are concerned that if this planning application is allowed the carnival clubs will not be able to raise the funding for the construction of the building. The danger is that a material start will be made, validating use for an industrial warehouse, the carnival clubs will not be able to continue the construction and the site will revert to the landowner who will have the benefit of B1, B2 or B8 use.

PROCEDURAL ISSUES

Residents are concerned about procedural irregularities with this application. Strictly speaking they are not planning matters but they are inextricably linked to it and they raise serious legal issues for Ilminster Town Council, the proxy applicant, and South Somerset District Council.

Use class

The site is agricultural land and is not identified for development in the Local Plan. If an application is contrary to the Local Plan - as in this case - the use should be specific and not general. Sui Generis is not specific and therefore not appropriate in this instance. There needs to be a material reason for a breach of the Local Plan, justified by a specific use. Sui Generis is also a convenient way of avoiding having to produce a suite of reports including financial viability, environmental impact, etc.

Construction of carnival trailers, requires a range of engineering activities including: welding/fabricating, electrical engineering, light and sound engineering, carpentry, mechanical engineering, vehicle maintenance and engineering, paint spraying, moulding fibreglass, etc.

None of these activities suggests that Sui Generis is an appropriate descriptor.

SSDC should consider correcting the use class for the resubmitted application of an industrial scale development on agricultural land (not identified for development) in Kingstone parish. The correct use class is General Industrial.

Fee discount:

The question below was put to a Planning Development Management Policy Adviser at the Ministry of Housing, Communities and Local Government.

Q: Is a town council permitted to submit a planning application to the local planning authority on behalf of a third party so that the third party can benefit from the town/parish council's 50% fee reduction?

A: Where a parish or town council is required to apply for planning permission, paragraph 2 of Schedule 1 to the 2012 Fees Regulations sets out that the planning application fee is half the normal fee for the type of application being applied for. This discount applies if the parish or town council is the applicant or if an agent applies on behalf of the parish or town council (but the parish or town council remain the named applicant). The discount does not apply to a third party if that third party is the applicant.

See: Town and parish councils have various rights under Part 12 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 to carry out works without making a planning application. However, where a parish or town council is required to apply for planning permission, paragraph 2 of Schedule 1 to the 2012 Fees Regulations sets out that the planning application fee is half the normal fee for the type of application being applied for.

Paragraph: 038 Reference ID: 22-038-20141017

Revision date: 17 10 2014

Link: <https://www.gov.uk/guidance/fees-for-planning-applications#exemption-or-concession>

From the answer above it is clear that ITC is a proxy applicant and cannot pass on its fee discount to SSCPC.

SUMMARY

A fundamental flaw in this project is that carnival should involve local people. Reliance on support from out of county indicates that local interest has waned. Carnival has been in decline

for years and not for lack of affordable accommodation. There remains a hardcore of supporters but, as the applicants acknowledge in their Design and Access Statement, the writing has been on the wall for a long time.

Kingstone is not a large urban area like Bridgwater, the home and hub of the Carnival movement, with lots of clubs and a huge local following. Butler Park is sustainable because it is on the edge of Glastonbury town and is easily accessible on foot, by bike and bus. Sadly, smaller carnivals have had their day and this is not the right time or financial environment to wake the dead.

There is no evidence of either South Somerset District Council or Ilminster Town Council actively supporting carnival, both have left it to a third party (Dillington Estate) to fund this project. Dillington will make some money from rents if carnival succeeds, and very much more if it fails. Dillington is not a charity, and they clearly have their own agenda. The lack of support from those who profess to be champions of carnival undermines public confidence in their integrity.

SSDC and ITC could provide financial support to carnival. Both could make public land available and both have access to brownfield sites and business parks. Leaving the revival of carnival to an organisation whose motivation is always going to be questioned by the public is indicative of poor judgement."

Seavington Parish Council (adjoining Parish): Objection

"Seavington Parish Council strongly objects to the above renewed application by Ilminster Town Council for the following reasons.

- Overall the size of the development will have a major impact upon what is currently a green field rural area.
- There are multiple road safety issues.
- Access from any direction to the proposed site contravenes National Highways guidance
- Access lanes are very narrow with few passing places further hampering perceived delivery vehicles - both during construction and future use
- Visibility splays at main road access junctions are non-compliant
- The busiest Carnival Cart construction period clashes with the busiest annual agricultural activity - A technical report from Stantec supports this
- There is no pedestrian footway to the site on any of the narrow roads
- There are multiple planning issues.
- A total lack of proper facilities
- Representative Carnival Cart build and repair periods run from at least January through October into November, not just the summer months into October as suggested by Stantec's Highways Report
- The consideration, by the applicant, of the generation, storage and disposal of hazardous waste needs addressing, as does the storage and collection of general and recyclable waste both during build and subsequent use
- No consideration appears to have been made by the Applicant for the potential development's impact, from both light and noise pollution, upon the approved agricultural workers dwelling and the existing agricultural buildings used to house young cattle

- There are considerable documented issues concerning site drainage and potential contamination of local water courses that gravitate towards the Seavingtons, which have not been addressed
- There are severe concerns as to the veracity of the estimate of the proposed number of car parking spaces required within the site. Previous knowledge of site attendance at individual sites for two carnival clubs, as opposed to a proposed five clubs together would lead to the required number of spaces being closer in number to 80 rather than 45, all to be contained within the 'red line' boundary.
- Seavington Parish Council has grave concerns over the process of this planning application - the link between Ilminster Town Council as the Applicant and South Somerset Carnival Park Committee as the Agent seems tenuous, and the identity of the recipient of the 50% reduction in Planning Application Fee is unclear.
- It would seem that were this process applied to any member of the general public applying in a similar way, a 50% reduction in the fee could be the norm?"

Dowlish Wake Parish Council (adjoining Parish): Objection

"Dowlish Wake Parish Council strongly oppose this application. Without repeating all the technical arguments already made from other objecting contributors we find it beyond crazy that an application for a carnival park has been made in open countryside and with such poor road access.

If you take the emotion out of this application and remove the words carnival park with industrial park, which in essence is what it is, the application would fail and this is how it should be judged.

We are more than surprised that Ilminster Council who have made this application cannot find a brownfield site for a carnival park within Ilminster."

Environmental Protection Unit: No objection

"I have reviewed this application and have no objections to make."

SCC Highways: No objection

"The Highway Authority does not wish to make comment further to those previously submitted under application 18/02609/FUL.

As minor improvements are proposed for the junction south of the site, the applicant will be required to enter into an appropriate licence under s171, Highways Act 1980."

Previous Comments - Standing Advice and:

"All comments made are available to view on the electronic file, final comments received on amended plans state;

"I can confirm that the assessments undertaken of the proposal included not only the carts themselves but the volunteers who will attend the site in order to carry out the construction works.

The Highway Authority does not object to the proposal."

Conditions have also been recommended in relation to a traffic management plan, construction environmental management plans, access, and works to the south junction.

SCC HIGHWAYS - CLARIFICATION FOLLOWING FINAL COMMENTS FROM SSDC HIGHWAYS (23.11.2021)

"The Highway Authority has confirmed its position on this matter a number of times over the course of the last couple of years, I would however reiterate this for a final time.

The details of the original application are as follows;

- 1 shed separated into 5 sections (3 larger, 2 smaller)
- The site is adjacent to an existing carnival cart site which has been operational for 10 years without problems
- The developer is promoting car sharing for volunteers turning up to construct the carts
- The traffic associated with the site will be predominantly light vehicles and cars
- Trip level quoted as average 15 movements for each of the larger unit. (Please Note: They do not say 15 vehicles (30 movements) (See DAS page 9 Access detail below)). Taking into account the smaller units as well this could equate to only approx. 40 movements in total (approx. 20 vehicles) dispersed through the evening build sessions, and across the network. This does not account for car sharing which will mean fewer movements.
- There are no collision data for Longforward Lane, and limited data on the wider network but nothing on the junctions north or south of the site
- All build sessions will be outside peak hours (evenings and weekends)
- Finished carts will leave on lorries during October and November and don't always return to the site between carnivals; mileage/location/timing can preclude the return journey

This Authority understands that the volunteers involved with the construction of these floats will generally have day-time jobs meaning the majority of traffic associated with the site will be off-peak visits. The level of conflict between these trips and peak-time traffic is therefore limited.

Whilst the lanes in the vicinity of the site are narrow, all traffic associated with the construction will generally be arriving and leaving in a similar timescale, similarly limiting conflict in the lane. Further, the site is in an agricultural area which means the roads are subject to seasonally variable heavy agricultural vehicles connected with seeding, ploughing, and harvesting. If use of this lane by large vehicle were inherently dangerous it would be reflected in the collision data; there are no collisions reported for the lane.

The construction phase is a year-long process; the traffic is therefore not condensed into a limited period. During the carnival period, when the floats will be leaving the site, again, they will be travelling out in similar directions and will therefore not be in conflict with each other.

If the Local Planning Authority consider the boundary vegetation to be an integral part of the character of the rural lane, and are minded to protect it, appropriate conditions can be applied to any permission granted whereby the development will not detrimentally affect the trees along the route.

If expansion of the site is proposed in future, this will also need planning permission. If the impact on highwaysafety or efficiency at that time is considered severe additional trips can be mitigated against at that time.

This site has a similar setting to Butler Carnival Park, Glastonbury, which similarly has been operating without difficulties for 20 years; this site too is a large shed access from a single track rural/agricultural lane and no collisiondata.

This Authority therefore remains content that the impact of this development on the highway and its users cannotbe considered severe, and that standing advice is appropriate in this case."

SSDC Highway Consultant: commentary / No objection subject to planning conditions (incl. Construction TrafficManagement Plan; revised visibility splay prior to occupation)

The current planning application appears to be similar to the previous 2018 scheme submitted on this site. Pleaserefer to the comments I have made in response to that previous submission.

As a summary, the initial observations I made as SSDC's Highways Consultant following receipt of the 2018planning application were that:

- I was surprised that the SCC Highway Authority considered the planning application should be dealt with under its Standing Advice procedure given the scale of the development and the traffic and transport implications of the scheme.
- I was not convinced that the location of the site provided sufficient options to access the scheme by sustainable modes of transport.
- I was not convinced the location of the site is appropriate given the width and alignment of the approach roads. I commented that the standard of the local network needed to be assessed by the applicant in terms of its suitability to accommodate the type and frequency of traffic movements likely to be generated by the scheme, particularly large floats. The width of the approach roads (Longforward Lane and Park Lane) needed to be identified along with any areas where vehicles can pass one another along their length. The standard of nearby junctions needed to be assessed by the applicant for use by all traffic but particularly taking into account the turning movements of large carnival floats especially in respect of junction geometry and the extent of visibility splays available at the junctions. As a minimum, the junction of Longfurlong Lane with the Kingstone road (to the south) and the junction of Park Lane with the B3168 (to the north) needed to be assessed, but also any other nearby junctions impacted by the scheme. A swept path analysis of the largest float needed to be undertaken to demonstrate that the turning manoeuvres can be safely and efficiently executed. With regard to the means of access, the proposed visibility splays needed to be justified. Again, the geometric layout of the access needed to be tested by undertaking a swept path analysis of the largest float likely to use the entrance in both directions. The proposed level of on-site parking needed to be justified in light of the standards set out in the Somerset Parking Strategy. In light of the above, I recommended the applicant commissioned a transport/highways consultant to address the issues raised above.

With regard to the first point above, the Highway Authority maintained that the planning application should beconsidered under its Standing Advice procedure.

The Standing Advice document makes no mention of the need to assess the standard and suitability of junctions and the approach roads to a development site, nor does it mention the need to assess the traffic impact implications of a development scheme. This is why I considered this planning application to be too significant for the Local Highway Authority not to consider the details in full (i.e., that Standing Advice should not apply in this case) and why I believe the Highway Authority should be providing a comprehensive highways consultation response to the Local Planning Authority on this planning application.

With regard to the second bullet point above an indication was given by the planning officer at the time that the location of the site is likely to be deemed acceptable in planning terms, subject to visual impact. Junctions

Submissions were made by Stantec (on behalf of the applicant) in respect of predicted traffic impact of the scheme and in respect of speed surveys conducted at the junctions of Kingstone/Boyton Hill (to the south) and Park Lane/New Road (to the north).

While the visibility splays at the two junctions are below the recommended standard (using advice set out in Manual for Streets and Manual for Streets 2), the extent of the insufficiencies is not considered significant. The collision record covering the last five years - the recommended time period set out in national guidance for sites that are located within a high accident area - indicates that there have been no recorded personal injury collisions at the two junctions or along the lengths of Longforward Lane and Park Lane during the last available five-year review period, between 2016 and 2020 (inclusive).

However, given that the visibility splays are below standard, I recommended mitigation works in the form of enhanced signing and lining on the eastbound approach to the Kingstone/Boyton Hill junction (the westbound approach to the Park Lane/New Road junction already has highway markings in the form of SLOW markings, transverse bars and signing). But as I do not represent the Local Highway Authority and that such works would take place within the public highway, any such works would have to be presented to, considered, and approved by the Highway Authority.

It is understood that a scheme of signing/lining has subsequently been agreed between Stantec and the Local Highway Authority although I had recommended a little more signing and lining.

With regards to the widths of Longforward Lane and Park Lane, from the Kingstone/ Boyton Hill junction travelling northwards to the application site, the highway is generally wide enough for two light vehicles to pass one another. Park Lane is largely single vehicle width but there are passing places along its length suitable for a light vehicle to pass another vehicle.

Traffic Impact

In terms of traffic impact, there are three phases to consider:

- The construction of the building and the associated works
- The day-to-day movements associated with the construction of the carnival floats
- The transportation of the carnival floats from/to the site during the carnival season

As with all significant development schemes, the traffic impact of the construction phase of the

process in terms of erecting the building, the access, and the associated works within the site can be set out in a Construction Traffic Management Plan, details of which would have to be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority, prior to the commencement of the development scheme. The preparation of such a Plan can be secured by condition.

In terms of the day-to-day vehicular movements associated with the construction of the carnival floats, the Technical Note prepared by Stantec states that for 150 days of the year no additional cars are predicted to access the site. During peak building periods 30 or more additional cars would access the site which is predicted to occur 41 days of the year. The report states that most movements would take place Monday and Wednesday evenings and on Sundays. Such times would coincide with when traffic flows on the wider local highway network are lower. Notwithstanding the fact that the Standing Advice document does not mention the need or contain any guidance on the assessment of traffic impact, it is understood that the Local Highway Authority has raised no objection in this respect.

The movement of large carnival floats to and from the site during the carnival period has to be a significant concern given the widths and alignment of the immediate local road network, particularly bearing in mind that Park Lane (the intended route for floats) is largely single vehicle width with potential vertical alignment issues towards its northern end. As an external highway consultant working for SSDC, I have no jurisdiction or influence on how the movement of such large vehicles can or should be managed on the local highway network. I understand that the Local Highway Authority has considered this aspect of the scheme and has recommended the imposition of a condition requiring the submission of a Traffic Management Plan to be implemented to cover this aspect of the scheme.

Site Access

In terms of the site access, the proposed visibility splay of 2.4m x 71m to the centreline of the road in the southerly direction is considered acceptable having regard to the visibility splay guidance set out in Manual for Streets 2, given that vehicles are decelerating towards the site due to the bend in the road and the Park Lane junction ahead. In the north-easterly direction, a visibility splay of 2.4m x 43m is proposed commensurate with vehicle speeds of 30mph when assessed against the guidance set out in Manual for Streets. I am minded to recommend this latter splay is lengthened slightly to 2.4m x 50m (commensurate with vehicle speeds of 33-34mph) given my estimation of vehicle speeds from that direction. Such an amendment can be achieved within the red line boundary of the site and can be secured by condition. To accord with national and local guidance, there should be no obstruction to visibility greater than 600mm within the visibility splays.

From the swept path analysis submitted, it would appear that the proposed geometric layout of the entrance would be suitable to accommodate the turning movements of a 16.5m long articulated vehicle, assuming that any such vehicles would enter the site from Park Lane and depart in the same direction.

It is recommended that at least the first 6m of the access-way is properly consolidated and surfaced (not loose stone or gravel) and drained to prevent surface water from discharging onto the public highway. These matters can be conditioned.

It is evident that there appears to be sufficient space within the site to accommodate an appropriate level of car parking for the volunteers. If there is any concern with this aspect of the scheme, taking into account that some of the external area may be used for storage purposes, the submission of a detailed parking (indicatively showing the layout of the parking area bearing in mind that individual spaces would not be marked out on the ground) can be requested to be submitted for approval by the Local Planning and Highways Authorities, to be secured by condition.

In overall summary, I believe the assessment of this planning application must be largely a matter for the Local Highway Authority to consider given (a) the lack of guidance set out in Standing Advice on approach roads/junctions and traffic impact, and (b) the scale of the development proposal and its corresponding transport and traffic implications on the local highway network given the nature of the network in the immediate area of the site.

With regards to the means of access and parking/turning (i.e., the types of issues covered in the SCC Highways Development Control Standing Advice document, I believe the proposals are broadly acceptable, subject to the comments and the imposition of conditions set out above.

SSDC HIGHWAYS CONSULTATION - CLARIFICATION ON POSITION (22.11.2021):

"Just to confirm that I stand by the initial concerns I raised at the outset of the planning application submission. However, when it became apparent that the local highway authority was insisting that the application should be dealt with under its Standing Advice procedure, and bearing in mind that there is nothing in the Standing Advice guidance that states the standard and suitability of approach roads and nearby junctions should be assessed, I decided that I would advise the applicant's transport consultants (Stantec) to look at the two junctions (the Longforward Lane/Boyton Hill junction and the Park Lane/New Road junction) in more detail.

Following exchanges of emails between myself and Stantec, broadly summarised under the heading 'Junctions' in my Note that I sent you, on balance I concluded that the scheme could be made acceptable in terms of the projected traffic impact on the local highway network (by volunteers travelling to and from the site) and the standard of the network, on the basis that:

- While the visibility splays at the two junctions are below the recommended standard (using advice set out in Manual for Streets and Manual for Streets 2), the extent of the insufficiencies is not considered significant.
- The junctions do not accommodate STOP lines - the use of STOP lines at priority junctions usually signifies that visibility is particularly poor requiring motorists to take extra care when emerging onto the major arm of a priority junction.
- There have been just two recorded personal injury collisions at or near the Longforward Lane/Boyton Hill junction in the last 22 years and just three recorded personal injury collisions at or near the Park Lane/New Road junction during the same 22-year period.
- Having particular regard to the Longforward Lane/Boyton Hill junction:
- There was no evidence of any skid marks on the eastbound carriageway approach to the junction.
- Vehicles travelling in an eastbound direction towards the Longforward Lane/Boyton Hill junction are decelerating (as evidenced by the speed surveys) on the approach to the junction due to the sharp bend located to the east of the junction.
- From the information submitted, most volunteers would be using the local highway network

on Monday and Wednesday evenings and on Sundays when traffic flow on the road network is generally lighter, and during hours of darkness particularly from October through to March, on Monday and Wednesday evenings the headlights of traffic approaching the two junctions would be visible.

- Signing/lining enhancements would be carried out at the Longforward Lane/Boyton Hill junction.

The issue of how large carnival floats are manoeuvred from and to the site, however, is definitely a matter for the highway authority to consider and assess. As stated in my Note, the movement of large carnival floats to and from the site during the carnival period has to be a significant concern given the widths and alignment of the immediate local road network, particularly bearing in mind that Park Lane (the intended route for floats) is largely single vehicle width with potential vertical alignment issues towards its northern end.

If the highway authority is confident that this aspect of the scheme can be safely and satisfactorily managed under an agreed Traffic Management Plan then that must indicate that the highway authority considers the movement of such large vehicles over what is a relatively condensed period of time (mainly October and the first half of November only and not every day during this time) can be managed in a way that would not cause any significant inconvenience, delay or compromise to road safety. Only the highway authority using its experience of dealing with the carnival season can make this decision."

SCC Highways - additional comments in response to the SSDC Highways comments - are listed above in the SCC Highways section.

SCC ECOLOGY (SES): No objection subject to planning conditions (01.12.2021)

TEP was commissioned by South Somerset Carnival Park Committee (SSCPC) in December 2018 to undertake an updated Ecological Impact Assessment (EclA) of a parcel of land off Longforward Lane, Kingstone, Ilminster, TA17 8TB. An EclA report was produced by TEP in April 2019.

Based on the combined results of the original and updated Ecological Impact Assessment, both undertaken by TEP, I have the following comments.

The proposal does not provide overnight accommodation. Therefore, in relation to the Somerset Levels and Moors RAMSAR site, the following can be concluded:

Further to discussions with Natural England, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors RAMSAR site. Therefore a Likely Significant Effect under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 can be ruled out.

1. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP Biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of biodiversity protection zones;
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including nesting birds habitat clearance measures, badgers buffer zones and precautionary measures including a pre-commencement survey within six weeks of vegetative clearance or groundworks commencing, measures to protect hedgerows and trees, it has been confirmed that trees will not be removed but if this changes precautionary measures for low potential trees for roosting bats should be outlined as well as other safeguarding measures for bats. A risk avoidance Measures Method Statement (RAMMS) detailing a strategy to prevent adverse dust levels, run off from chemical liquids etc.
- d. The location and timing of sensitive works to avoid harm to biodiversity features
- e. The times during construction when specialist ecologists need to be present on site to oversee works
- f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028.

2. Prior to construction above damp proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and Artificial Lighting in the UK (ILP and BCT 2018) 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 bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux Levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. 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, 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 and in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028.

3. All habitat features to be lost (including hedgerows and trees) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2 to 1. All new trees planted on site should ideally be from local native stock,

such as field maple, ash, hornbeam, dogwood, spindle and beech. The new hedgerow(s) to be planted with native species comprising a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. A landscape and planting schedule plan will be submitted to, and approved in writing by, the Local Planning Authority prior to occupation of the development.

Reason: In the interests of no net biodiversity loss as per the NPPF and Policy EQ4 of the South Somerset Local Plan 2006-2028.

4. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation (or specified phase of development). Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:

- a. The new hedgerow (s) to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, field maple, elder, elm, dog rose, bird cherry and spindle
- b. Native wildflower rich grassland creation suitable for the site around the north east of the development
- c. All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night flying moths which are a key food source for bats. The Royal Horticultural Society guide 'RHS Perfect for Pollinators' provides a list of suitable plants both native and non-native
- d. Installation of three insect hotels (NT Apex Insect House or similar) to be installed on the southern boundary of the site
- e. Three log piles a resting places for reptiles or amphibians are to be constructed on the southern boundary of the site

Reason: In accordance with Government policy for the enhancement of biodiversity within the development as set out in paragraph 174(d) of the NPPF and the draft Environmental (Principles of Governance) Bill 2018.

Devon and Somerset Fire Service: No objection subject to advisories

"With reference to your application dated 6th September 2021 concerning the above application, the details of the proposals have been examined and the following observations are made:-

1. Means of Escape

Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard.

Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

2. Access and Facilities for the Fire & Rescue Service

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part B5 of the Building Regulations 2010."

Avon and Somerset Police Constabulary: No objection

"As the Crime Prevention Design Officer for Somerset East I have no objection to the application. However I do have some comments regarding the security of the buildings.

The location at present only has a very small number of similar style agricultural buildings in close proximity. Therefore opportunities for natural surveillance are negligible. The details and values of items that are going to be stored in the buildings is not documented.

The crime rate in the immediate area is low, however a certain level of crime prevention should be employed in the site and buildings.

Some of my comments are made using guidance and adaption of the principles detailed in the Secured by Design (SBD) Commercial Developments Guide 2015. This guide and police preferred products can be found at website www.securedbydesign.com.

In addition other advice and police preferred products can be located at www.soldsecure.com

1. There are a number of proposed roller shutter doors shown on the building plans providing vehicle/float access. I recommend that they meet the following certification:

STS 202 Burglary Resistance 2 or

LPS 1175 issue 8 B3 or Sold Secure Gold

2. Pedestrian Access Doors/Emergency Doors - There are pedestrian access doors shown in the elevations. I recommend that these meet the following certification:

PAS 24:2016

LPS 1175: Issue 8, B3

STS 201 or STS 202: Issue 3, BR2

3. PIR Security Lighting - I note on the DAS that this is intended to be mounted on the building. This should be positioned to provide coverage of all building entry/exit points and the building frontage/parking areas. An alternative would be to have low energy dusk to dawn LED lighting around the building perimeter.

4. Site Entrance Gate - The boundary to the site appears to be existing hedging and there is no mention of upgrading this. I note that there will be a main site entrance gate installed to control access to the grounds. This gate should be fitted with the top hinges inverted or anti lift devices fitted to prevent the gate being lifted off its hinges. I suspect that the gate will be locked by means of a padlock or chain and padlock. I recommend that these items are certified to Sold Secure Gold Standard.

5. Tools - Any tools left inside of the units can be stored in additional locked cabinets. The use of ground anchorpoints for larger equipment is also recommended. Again the above websites can provide suitable products. All equipment and tools should be marked to ease identification. Each club using the units may wish to compile an asset list for items of value to aid in their recovery and identification if anything is taken. This list should include, makes, models, serial numbers and photographs of the items.

I appreciate that the budget available maybe limited due to the nature of the clubs using the buildings. My recommendations in points 1 and 2 are aimed at securing the building fabric, but obviously I don't know the full specification of the building walling and its resistance to attack. All elements need to provide a consistent and proportionate approach.

In due course CCTV could be considered. Also an alarm system. If these options or other crime prevention advice is needed I would be more than happy to assist."

Environment Agency: No objection

"The Environment Agency have no objection to this proposal but wishes to make the following comments:

With specific reference to the issue of foul drainage, we note that the application form confirms that the foul drainage from the site will be dealt with by 'Other'. The Agency would normally advise that all foul drainage must be kept separate from clean, uncontaminated surface water and, when available, connected to the mains foul sewerage system. Any connection to the mains sewer, must be undertaken with the prior approval of the sewerage undertaker.

If the site is located within an area served by the mains sewerage system, a connection should be made to the sewer, in preference to private drainage options.

The Agency would further advise that, in the event that a connection to the foul sewer is proven to be unfeasible, any proposed use of a private foul drainage system, with a discharge to a watercourse or soakaway, is likely to require an Environmental Permit from the Agency, prior to any discharge. This process can take up to four months to complete and it cannot be guaranteed that a Permit will be granted. The applicant is therefore advised to contact the Environment Agency (tel: 03708 506506) for further details regarding the Environmental Permitting process.

There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches."

Somerset Wildlife Trust (Ecology): Objection (on the grounds of suitability of location)

"We have noted the above mentioned Planning Application. This appears to be a re-submission of the previous Planning Application 18/02609 which was withdrawn. As far as we can see there does not appear to be any significant change from the previous Application such as by the inclusion of toilets. The Ecological Assessment is still the one previously submitted which was dated 2019 and the supporting Planning Statement does not appear to have been significantly changed. We understand the popularity of carnivals in Somerset but we do not feel that this is the most appropriate location and we are therefore repeating our objection to the previous proposal."

Natural England: No objection

Natural England has no comments to make on this application (full comments available on the electronic file).

SCC Lead Local Flood Authority (LLFA): No objection subject to conditions

"The drainage strategy has advised that the parking area will be of a permeable material, and that the area of concrete hardstanding has been included as part of the impermeable

area assessment. Infiltration testing has not been undertaken on the site, therefore an alternative method of discharging surface water from the site has been provided showing an attenuation based system with piped outfall to the watercourse. Initial modelling has been undertaken using FEH data demonstrating that 226.5m³ of attenuation storage is required to attenuate 0.23ha of impermeable area on the site for all events up to and including the 100 year+40% climate change event. This attenuation is shown to the east of the site. Site levels indicate that any exceedance will also flow in this direction. Water will be attenuated at a controlled rate of 1 l/s and discharge to the same location as under previous conditions. 1 l/s has been advised as the minimum practical rate to reduce the risk of blockages.

Overall the LLFA is content with the information provided and recommends the development be conditioned with the following two conditions.

1. No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The development shall include measures to prevent the control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

2. No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

We would welcome the following informatives / notes to be provided outlining the information the LLFA will expect to see in order to discharge the above conditions.

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
- Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.

- Where relevant, calculations should consider the use of surcharged outfall conditions.
- Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
- Results should be provided as a summary for each return period (as opposed to each individual storm event).
- Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.
- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- Further information regarding external levels and surface water exceedance routes, both on and offsite (including any flow routes originating offsite and flowing onto the development site) and how these will be directed through the development without exposing properties to flood risk.
- Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.
- Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.
- For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>
- With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition.
- The following information will be required
- Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
- A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development."

REPRESENTATIONS

One neighbour was notified, a site notice displayed and major application advert placed. All those that have made comments were further consulted on amended plans received.

There has been a degree of public interest for and against the proposal. At the time of writing this report the system has logged 199 contributors, including comments from the CPRE. The proposal has resulted in:

Objections - 56

Support - 162

Due to the level of interest the main issues raised are summarised below, contributors full comments are available to view online.

Objections:

Highways:

- The investigation into vehicle speeds in the road network around the proposed site is secondary to the known negative impact the project will have on flora and fauna and the people living in the area
 - All roads are primarily single track highways with few passing places used by walking and cyclists for recreational purposes and are used as rat runs. Limited visibility. The proposal will generate a high increase in vehicle movements.
 - Not adequate parking for the volunteers on site leading to random parking on the lanes.
 - Roads could not cope with the large number of floats and associated HGV movements
- Visual Amenity/Character/Environment:
- It is concerning to see the continuation of this planning application, the success of which will be environmentally damaging in our rural area.
 - It is SSDC's responsibility at this time of serious threats to our climate, our wildlife and our own wellbeing to protect the rural environment.
 - We know the damaging effects of pollution; to build a new bigger 'factory' to construct, store and later destroy artefacts made from polluting components is unacceptable.
 - Location is open countryside, characterized by a system of fields and hedgerows therefore harmful to the visual amenity of the area
 - The site is not zoned for industrial development and is sited in prime agricultural territory used for agriculture and recreational purposes. The proposal of industrial style buildings for the use of vehicle development, repair and construction is not appropriate for this location and should be in an urban industrial park. Poor visibility with substandard visibility splays.
 - The proposed units are high with a large number of rooflights causing light pollution in a rural area.
 - More rubbish will be generated on site.
 - Will be largely visible from afar due to the open rural nature.
 - Not in accordance with the district council climate emergency.
- Residential Amenity:
- The construction work will be mainly at weekends and evenings causing noise and light pollution particularly antisocial.
 - Increased noise pollution impacting the residential amenity of neighbouring occupiers and the welfare of nearby livestock

Infrastructure:

- No services on site i.e. no mains water, sewage or electricity.
- Associated Flooding risks with the site. Policy:
- The Local Plan states the site should not be used for anything other than agricultural use.
- The proposed location is contrary to National Planning Policy Guidance
- Non compliant with the emerging local plan
- The Use class applied for 'Sui generis' is incorrect, the application seeks permission for B2 and B8.
- There are many Brownfield sites in and around Ilminster which would be more appropriate

Support:

- Huge social, economic and cultural benefits for the people involved and the area.
- Carnival is an important part of Somerset's heritage- this scheme will protect this.
- Great asset to the community
- Carnival raises money for local causes and charities
- Carnival encourages engagement and develops life skills for youngsters
- The building is of a design that would generally be found in this location
- Carnival floats are transported in sections and are therefore no bigger than many tractors
- Large vehicle movements will be infrequent and other traffic will be generated at times not to coincide with existing vehicular movements
- The site will give carnival in Somerset security for the future
- Over 90% of the time the site will be used for storage and not occupied.

CONSIDERATIONS

The key considerations are:

Background

The principle of development in this location

Alternative sites and viability

Relationship to Policy SS2

Impact upon visual amenity / landscape character

Residential amenity

Ecology Highway Safety

Drainage Heritage assets

Phosphates

Other matters[

Background

Issues raised in regard to how the application was made and who the applicant is have been looked into and it is considered that the application was submitted and made valid in accordance with the relevant legislation. The use is considered to be 'Sui Generis', and not B2 or B8 as the proposed use does not fall within any particular use class ('Sui Generis' is Latin for 'of its own kind' which this development is). Whilst storage would be B8, the works to the carnival floats is not a B2 use, additionally the inclusion an element of training in the project adds another activity that does not easily fall within a B2 or B8 use and as such the overall use is classed as Sui Generis.

Ilminster Town Council are the applicant. Any party can make a planning application whether the development will be carried out by them or not and whether or not it is on their land or not, so long as the correct certificate is signed, which in this case it was (Certificate B). This is the

same when any Parish makes an application or indeed the District Council, and any consents or refusals given are attached to the land and not the applicant or developer.

Principle of development in this location and viability

The application was submitted by South Somerset Carnival Park Committee (Agent) on behalf of the applicant (Ilminster Town Council) for development on land owned by Dinnington Estates. The proposal seeks the creation of 5 self-contained units for use by individual clubs and committees on the South Somerset Carnival Park Committee to store and construct their carnival floats, and is described in the supporting documents as a Carnival Park.

The intention of the application is to "create a secure, sustained and permanent facility where the South Somerset Carnival Clubs can be based, build their entries and develop their clubs for the benefit of carnival and the community as a whole."

An often repeated criticism of the proposed location is that there are more suitable sites available, either within an existing employment park or as part of an employment allocation, or by converting existing farm buildings.

In 2018, pre-application advice was sought with a Location Feasibility Study which set out other sites. In that pre-application response the case officer discounted three of the six sites due to their location within Flood Zone 3. The remaining three sites were then assessed in regard to location, access, services, impact, vulnerability, support and flood risk and this site scored the highest in being the most appropriate site, hence the application before us.

There is no doubt that the site is located within the open countryside where development of new land uses are not normally supported, unless there are benefits which address the sustainability argument, in this instance the general use of the site is the main consideration as it is based on a non-profit making organisation.

The proposal is not for an industrial/commercial use and is unique in it being for the carnival clubs.

Carnivals in Somerset are part of the culture and have been around for hundreds of years. The clubs are non-profit making and help to raise money for charities and also provide work skills for youngsters who get involved with the build process etc. The purpose of this application is to secure permanent facilities so that clubs can grow and be maintained. Currently the clubs operate from different sites and the aim is to bring at least five clubs to one site which will help share the costs to run it.

Alternative sites and viability

The issue of viability has been considered and commented upon in this applications' supporting documentation, although there is no policy basis to require a full report. This submission is on the file ('feasibility note').

The Feasibility Note reads:

"Whilst carnival within South Somerset continues to attract a diverse range of people from all

walks of life carnival has always been closely linked to the farming community. A great number of club members, or their immediate families, are involved in farming who continue to lend skills, machines or general support to carnival clubs and committees.

Historically this support often extended to providing low value farm buildings for little or no rent, to individual clubs to store and construct their entries to the annual parades.

Whilst the support from the farming community remains resolute, carnival clubs have found it increasingly difficult to find new build sites over the last 15 years due in part to a change in the ways farms are managed, changes in planning policy and increased alternative values.

Historically most local farms were tenant farmed with the County Council owning the farms and the land. As long-term tenants retire or move on the County Council has often sought to sell off and split up the farm buildings and land creating less farmyards and more development land. This has often displaced carnival clubs from their build homes.

This change in ownership coupled with the relatively recent (within the last 5 years) change in planning policy, allowing agricultural buildings to be converted (via permitted development) into residential use (Class Q). This has resulted in the value of a typical agricultural barn significantly increasing.

Alternative arrangements have been explored and discussions with commercial agents and landowners have been held including with the agents of the former Horlicks site in Ilminster. Regrettably, but understandably, the outcome of these discussions is the same (as per the position of Harlequins CC scenario as detailed in the full version of the Feasibility Note - available on line). A lease arrangement must be secured to make the project viable and a market rent, service charge and associated costs must be met. Furthermore, landowners often require a certain financial covenant strength and commitment to insulate them from commercial risk through the life of the tenancy. Self-funded carnival clubs are simply unable to pay market rent or provide the financial security required to meet any developers or landowners commercial requirements.

Given the above, it is accepted that any land opportunity within a town is going to face a similar financial challenge. Landowners with brownfield sites or allocations within an urban area will seek a commercial return as the Local plan will focus upon regeneration and making effective use of such sites.

By reason of the values that Class Q (agriculture to housing) and Class R (agriculture to flexible uses) will afford to existing under used rural buildings it is recognised that these uses will return commercial land values and rents and again raise challenges for voluntary organisations seeking to compete for such sites. With farm values increasing and an increased lack of supply, the only realistic option to secure the future of carnival the carnival clubs in terms of a secure bases is to obtain planning consent on land which does not benefit from hope value by reason of being located at the immediate edge of market towns or by exploring prior approval opportunities leading the search towards previously undeveloped fields with the scope to seek grant finance to construct a purpose-built facility to store and construct the carnival entries."

The evidence submitted in support of the withdrawn 2018 application for the same development, at the same site stated that:

- "Local landowners Dillington Estate have agreed to grant South Somerset Carnival Park Committee a lease of the field (see below for more information). We have considered and assessed in-town commercial units (existing and proposed) and the level of rent commanded simply makes this type of building unviable. Furthermore the Carnival Park Committee has no covenant strength or income therefore is not an attractive tenant for a commercial business owner.
- The lease agreed between Dillington Estate (landlord) and South Somerset Carnival Park (tenant) is for an initial period of 25 years at an annual rent of REDACTED akin to agricultural values. The rent will be proportionately split between the clubs and committees occupying the buildings to include Ilminster based Harlequin, Gemini, 1+1 and Xtreme Carnival Clubs, Chard based Eclipse and the four South Somerset federation towns. At present each carnival club pays an annual rent for their existing premises and the proposed rent level of the carnival park is below these current rent levels and is therefore financially viable.
- South Somerset Carnival Park Committee (SSCPC) will be the tenant and will sub-let to the carnival clubs and committees. SSCPC will be the management company and will put in place controls within each sub-lease to control the management of the site.
- If a club fails then how is the shortfall in rent covered? As the immediate landlord SSCPC will charge a rent and service charge (to aid with running costs of the site etc) to each club and committee. Part of this money will be used to build up a sinking fund for management issues and short term rent cover should a club fail."

For context it should be noted that the Gemini Carnival Club has been running successfully for over ten years to the north of this site. It is considered that the proposal presents a more viable alternative to the current situation where clubs rent individual sites, sometimes with short term security of being able to retain their lease, or not being able to find build locations and storage facilities, which over the last 20 years has resulted in a decrease in mounted entries. There is also a significant level of support to retain and support the carnival community.

Notwithstanding comments received, it is considered that the carnival park will bring stability and help secure the growth and development of the clubs which in turn supports the local community (social) and local businesses (economic) and as such offers a cultural, social and economic benefit to the community in accordance with chapter 2 of the NPPF - Achieving sustainable development.

In this instance, of particular importance to consideration are paragraphs 8 and 9 of the NPPF (in Chapter 2). They read:

"8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains cross each of the different objectives):

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."

The above elements and guidance are important as they assist in determining this application, in that it is an application / proposal that will need to be considered on 'planning balance' with material weight being attributed to each of the three strands of sustainability identified in paragraph 8.

The principle of development in this location will be considered in the 'Planning Balance' section of this report, as the principle will be determined by varying factors as further discussed.

Policy SS2

The application's relationship to Policy SS2 has been cited by a number of objectors. Paragraph 5.23 describes the purpose of Policy SS2 as:

"Rural Settlements are considered as locations where there will be a presumption against development unless key sustainability criteria can be met. This is explained in Policy SS2. These settlements will no longer have identified development areas and will be considered to be within the open countryside for planning purposes."

Paragraph 5.29 goes on to state:

"Policy SS2 seeks to ensure the development needs of Rural Settlements can be met, whilst restricting the scale of such growth to be consistent with the spatial strategy of focusing development at Yeovil, the Market Towns, and the Rural Centres."

The wording of the policy envisages its application to proposals for meeting local housing needs, employment needs and community infrastructure needs arising from associated settlements. The reference above to the removal of settlement boundaries to afford the relevant rural settlements the protection of being within open countryside is clear, however the policy references to settlements does distinguish the function of the policy from dealing with settlement edge development to meet the needs of that settlement and proposals that are clearly not settlement edge but are located within the parish and serve wider needs.

Where the planning authority are considering development in open countryside which does not meet a purely local need, for example larger agricultural buildings serving national distribution or renewable energy proposals an assessment against Policy SS2 is of limited value as the proposals is not associated with a named community.

In these cases it is more relevant to consider the wider strategy at Policy SS1 and the guidance within the NPPF at Chapters 2 and 6.

Paragraph 8 at Chapter 2 has been set out above. Chapter 6 (Building a strong, competitive economy) Paragraph 85 notes:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

It has been noted above that this proposals is not a business use by reason of the voluntary nature of the work and training involved, however it is also acknowledged that the function being facilitates, namely carnival club uses do contribute positively to the Somerset economy.

It is considered that the assessment of this particular proposals therefore needs to reflect the assessment criteria applicable to the non-local needs development which will come forwards for assessment in the countryside.

Impact on visual amenity/landscape character

Objections are raised in regard to the location and the developments impact on the character of the area by reason of the site's location within open countryside away from an established settlement. The site is relatively flat and the building will be located along the south boundary to back onto the existing barns to the south, with the existing access to the west and parking area to the north.

The site has been chosen through a feasibility assessment and following pre-application advice, where the Planning Officer advised that any structures should be closely related to other built form. To the north of the site is a detached building in use for carnival float fabrication, and to the immediate south are two large barns, constructed prior to the submission of this application.

Whilst for planning policy purposes the site is considered to be "open countryside" the location itself is characterised by the presence of agricultural buildings to either side of the application site. As such the site as proposed represents a clustering of buildings within a wider open landscape rather than comprising a single and therefore alien structure within an otherwise undeveloped context.

The plans show the first two bays, on entering the site, being lower than the rest of the building and an indication of additional landscaping to the northeast and a landscaping bund to the east.

To further mitigate effects, a landscaping condition is proposed, and if supported we would expect mature specimen trees to be included in such a scheme.

The use of the materials has also been looked into to see if a more natural product such as timber cladding could be used, however due to fire regulations and security the materials remain as proposed, which is profile metal sheeting. The proposed materials are ones which are used in agricultural buildings and as such are seen within the countryside, however the colour would need to be agreed. This can be secured by way of planning condition.

The ridge height of the barns to the south is approx. 6.3 metres and the highest part of the carnival building will be 7.3metres. As such, with the ground level differences between the two sites, the general height of the carnival building will be similar to that of the agricultural barns, thus lessening the impact of the proposed building on your approach from the south. The existing carnival building to the north is on higher ground.

It is considered that there will be some impact on the landscape character, as this is a large building in a rural location. It is accepted that the use of the building is not for agricultural purposes. However, the form and finish of a proposed building that has an element of architectural vernacular to it would not, if the use were for agriculture, be considered unduly alien or incongruous in this particular position.

That said, the use proposed is not for agriculture, and the accepted limited level of impact on the landscape needs to be considered against the proposed use, as well as whether mitigation would alleviate some of the change.

When assessing all the information in regard to its siting next to existing built form, height, materials and potential to provide additional landscaping, together with the material weighting that can be attributed to the cultural, social and economic benefits of the Carnival Park, as assessed earlier within this report, it is considered that the harm is not significant enough to warrant a refusal.

Notwithstanding comments received it is considered that by reason of use, siting, scale, design and materials there will be no significant adverse harm to visual amenity or the landscape character in accordance with policy EQ2 of the south Somerset Local Plan and the NPPF.

Residential Amenity

Environmental Protection have no comments to make.

The application indicates there will be no storage of waste, and that waste will be stored in the buildings and taken away for recycling by club members. A condition will be added to any approval to ensure there is no waste stored outside of the buildings or burning of materials on the site.

There are no immediate residential properties close by however it is considered reasonable to condition that there is no amplified music etc. or external lighting unless details are agreed to minimise any adverse impact and as such, notwithstanding comments received, it is considered that the proposed building will have no adverse impact on the rural amenity by reason of pollution in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan and the

NPPF.

Ecology

SCC Ecology (Somerset Ecology Services) have been consulted, as the statutory consultee, and have raised no objection on ecological grounds (based on the November 2021 Ecological Report Addendum), subject to the inclusion of planning conditions. Somerset Wildlife Trust have objected to the location but on sustainability rather than ecology grounds. In addition Natural England raised no objection.

Notwithstanding comments received, given the most recent review of the applicant's ecology update, it is considered that the development can be carried out, subject to conditions, without any adverse impact on protected species, ecology and can provide a net gain in biodiversity in accordance with policy EQ4 of the South Somerset Local Plan 2006-2028.

Highway Safety

The Highway Authority (SCC Highways) have referred to standing advice and as such the SSDC Highway Consultant provided comments. There is a considerable volume of highway information on the electronic file to address concerns raised by the SSDC Highway Consultant. This report is based on the submitted plans, and these have been considered by both SCC Highways and SSDC Highway Consultant.

Supporting information submitted with the withdrawn application, and applicable in this instance, seeks to set out the traffic implications. In summary these are;

- Most clubs currently have an informal car share scheme within their own membership base but given the dispersed location of each build site, inter-club sharing is currently not possible. By clustering the clubs in one location offers inter-club car sharing opportunities which currently do not exist.
- the number of carnival float movements in any given season, based upon the current carnival dates, means the carnival floats will depart the proposed build site only 5 times per year and all of these movements will be in off peak periods.
- The larger carnival floats (4no. including the club already building in this location) will not have to travel along Longford Lane as is the current arrangement but will access/egress the site in a forward gear and travel via Park Lane to Boxstone Cross before joining the B3168. It will not be possible for the larger carnival floats to turn left or right out of the proposed build site.
- Park Lane and the junction with the B3168 is already used by a carnival club and thus is established as a suitable route for the proposed use. Given the maximum width carnival float already uses this route we do not propose to undertake any further work assessing this lane or junction.
- We have made a parking assessment based upon the worst case number of cars using the development but this level of cars is only likely to be experienced close to and over the carnival season. The proposed site layout has been arranged to ensure the carnival entries can easily manoeuvre on site and access each premise. As a result the site is able to accommodate more parked cars should the need arise thus providing a contingency to

ensure cars are never parked along verges of the surrounding highways network.

- For more than 150 days of the year no additional cars are predicted to access the carnival park. During peak building periods 30 or more additional cars access the site which is predicted to occur on 41 days a year. The build sessions are run as drop-ins and trips are therefore spread across a number of hours. These sessions occur in the evenings or at weekends and therefore most of the trips are off peak.

The proposed development will use the existing access into the site, though improvements will be required. Parking and turning is to be located to the north of the proposed building and the area will be finished with hardcore. The plans indicate that the parking area will not be formally laid out, however it is clear from the plans that there is plenty of space for vehicles to park and turn easily and County Highways have suggested a condition to ensure this area is kept clear of obstruction. Furthermore, and to assist in sustainability objectives, it is recommended that provision be made for electric vehicle charging on site, and for this to be achieved an appropriate planning condition is to be attached that will require the submission of details identifying the number of vehicle parking spaces to be provided on site, as well as the number of electric vehicle charging points (to be 50% of all parking spaces).

There are numerous objections in regard to highway safety issues, which can be seen in full on the electron file. The SSDC Highway Consultant and County Highways have been made aware of the comments received.

The SSDC Highway Consultant acknowledges that the Park Lane/B3168 junction (north junction) is deficient in terms of visibility but considers that most club volunteer traffic would use the Kingstone/Longforward Lane junction (south junction) and as such should be improved. It is considered that the works proposed to the junction of Longforward Lane and Kingstone Main/The Butts will mitigate the movement of traffic generated by the volunteers, as these are likely to be mainly via car and evenings and weekends and the SSDC Highway Consultant and County Highways have raised no objection to the updated scheme. However the SSDC Highways Consultant considers it a matter for County Highways to comment on the traffic movements of the carnival floats on the local road network.

In relation to the above, clarification on the comments and reasoning for the two conclusions has been sought, and received from both SCC Highways and SSDC Highways. The clarification comments have been included in this recommendation, and both parties, in relation to their specific areas of remit have justified their positions, with both having no objection subject to planning conditions.

The works proposed at the southern junction have been confirmed as being acceptable by County Highways. County Highways raise no objection to the proposed development, both in relation to the carnival floats and club member traffic to and from the site, subject to conditions in relation to a traffic management plan, construction environmental management plans, access, and works to the south junction.

There is concern that the development may not come forward due to cost or that if built and fails then the site will become an industrial site. Any approval would need to be conditioned for the use that is proposed. If approved and costs are too high then it will not be built, if the club fails then any new use will require planning permission so that the implications on highway safety can be fully assessed for that new use.

Policy TA1 requires that all new residential development 'should' provide certain elements to ensure low carbon travel. Although this proposal is clearly not for residential use, the principle is considered appropriate and in the interests of delivering on Policy EQ1, it is considered acceptable to condition that an electric vehicle charge point is attached.

Notwithstanding comments received it is considered that the proposed parking, turning and access for the development are acceptable and, subject to conditions, is in accordance with policies TA1, TA5 and TA6 of the South Somerset Local Plan.

Drainage

The site is identified as being in Flood Zone 1. In this instance drainage from the proposal has been considered by the Lead Local Flood Authority (the statutory consultee on such matters) who have determined the proposal is acceptable, subject to the inclusion of planning conditions.

Knowing this, subject to the recommended planning conditions, it is considered the proposal is acceptable from a surface water management / drainage perspective and would accord with Policy EQ1 of the South Somerset Local Plan 2006-2028.

Heritage Assets

The site is 1.27km north east of the nearest boundary of a Conservation Area (being Dowlish Wake CA). The nearest Listed Building (Manor Cottage - Grade II LB) is circa 0.66km south east of the site.

With known distances of separation between the site and identified heritage assets, the degree of indivisibility of the site and those assets is considered minimal.

Knowing this, it is considered that at worst the development would result in 'less than substantial harm', if any harm at all.

Were the scheme to qualify as resulting in 'less than substantial harm', the guidance contained in paragraph 202 of the NPPF is relevant. It reads:

"202. 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 of the proposal including, where appropriate, securing its optimum viable use."

In this instance, with the proposed design of the development seeking to reflect that of neighbouring agricultural vernacular, and that the distance between the site and heritage assets is considerable, then these elements, coupled with the social and economic benefits (public benefits) are considered sufficient to outweigh any element of 'less than substantial harm', and the scheme is considered to accord with the guidance of the NPPF, as well as Policy EQ3 of the South Somerset Local Plan 2006-2028.

Phosphates

The site as identified falls within the Somerset Levels and Moors Ramsar Site catchment area.

The site is for the construction of a building with no habitable space, and is one that would provide portable WC facilities, with foul water to be discharged offsite (no foul water drainage onsite). Furthermore, with no overnight accommodation onsite and understanding that by the nature of the use the majority of volunteers / members of the associated clubs will be predominantly resident within the Phosphate Catchment area, and that the Development falls outside of the specified development types that would necessitate phosphate mitigation for the Somerset Levels and Moors RAMSAR Site, the development would be considered phosphate neutral and as such accord with the requirements of Policies EQ4 and EQ7 of the South Somerset Local Plan 2006-2028.

Other Matters

It has been raised that the proposal is not in accordance with the District Council emergency Climate change policy (Environment Strategy) and local plan.

The adopted Local Plan policies form part of the Development Plan for South Somerset and as such are the starting point for the determination of planning applications. The Environment Strategy is not a formal Development Plan Document (as set out by legislation) and given that there is still more evidence needed to underpin its aims, nor is it a material consideration in the determination of planning applications. The role of the Environment Strategy is to set the Council's direction and aspirations towards addressing the impacts of climate change, including how the emerging Local Plan Review Policies will be framed. It is only once the Local Plan Review gains weight (as it progresses through further stages in its preparation where no significant objections have been received) that the relevant policies will have an impact on the determination of planning applications.

With regards to objections in relation to the effect of the scheme on dark skies, it is noted that the scheme does propose external lighting and roof lights to the building. To mitigate effects from lighting (external and internal) it is considered appropriate to limit use of the building for the purposes detailed to end at 23.00 hours on any given day, except on the day, and subsequent day of any scheduled Carnival Parade that the onsite clubs are partaking in.

The application is a major development however the Council's validation checklist does allow applicant's to explain why supporting reports may or may not be required and allow officers to arrive at a case by case judgement. In this case officers consider there is sufficient information accompanying the application to allow a full appraisal to be made.

Comments have been issued regarding the use of chemicals and contamination as well a drainage. These are capable of being dealt with by way of planning conditions.

The Public Sector Equalities Duty requires authorities to consider the impacts of development proposals upon particular protected groups. Nothing in the responses to this application indicates that particular protected groups will be adversely impacted by this proposal. The issue here is the impact upon a particular geographic rather than protected group.

Planning Balance

It is evident that there is a considerable numbers of members of the public who both support, and are opposed to this proposals for the reasons set out above.

The technical elements of the proposal have been considered and these (drainage; highways; landscape; ecology etc.) have been deemed acceptable, subject to planning conditions and informatives being attached to any planning decision.

The main crux of consideration is whether the development proposed delivers on the three strands of sustainability detailed in paragraph 8 of the NPPF, and if not, what levels of weight should be apportioned to each element and does one side outweigh another, sufficient to support or refuse the proposal on material planning grounds.

In terms of the economic objective, it is not considered appropriate to view the development in pure isolation as it is evident the scheme would not in itself result in economic benefit (it seeks permission for a Sui Generis use, and not an industrial / commercial use). The sites proposed use, for Carnival Clubs to assemble Carnival Floats, would lead to the facilitation of an activity that contributes to the wider economy of Somerset. The development seeks to ensure those Carnival Clubs have long term assembly capacity, so ensuring they remain operational, and continue to help contribute to the wider economy.

However, the delivery of site a development would allow for the fabrication of the carnival floats that in themselves provide the draw for the public to the towns where each carnival appears, which in return results in the addition revenue to all the associated businesses in those towns.

Carnivals in South Somerset (and other parts of Somerset) are culturally unique and act as a draw to visitors and residents alike, with the resultant spend in and with local businesses. For the reason identified in the Feasibility Note, it is logical that without such a purpose built facility of some sort, carnival in its current form may cease to function, with the subsequent loss of revenue to the wider economy of the District and its' associated businesses.

Such a contribution of this development, to the wider macro-economic area of the District is considered to carry some material weight in deliberations.

It is also acknowledged that, by reason of the value afforded to existing rural buildings and land allocated for commercial development it is recognised that a 'not-for-profit' use, such as Carnival Clubs, will be directed towards a site without the associated 'hope value' or 'residential re-use value' that has arisen as a result of the changes to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as evidenced in Part 3, Schedule 2 of the GPDO (permitted development and change of use).

With regards the social objective, the NPPF states that 'achieving sustainable development' means that the planning system has to support strong, vibrant and healthy communities, as well as reflect current and future needs and support communities' health, social and cultural well-being.

It is accepted that quantifying 'well-being' is an inexact science. In this case, what is evident is that the opportunity for the fabrication of such floats that are core to the cultural identity of the Carnival in South Somerset are diminishing due to the effects of Government and County-level changes in planning and estate management. These, coupled with the demands of business in relation to securing sites implies a lack of genuinely deliverable options, without which the fate

of carnival will be determined.

What is also clear is that Carnival in South Somerset provides a social opportunity for many people who would otherwise be physically and emotionally isolated, to convene and engage in an activity for the wider good of the community (in that contributing to Carnival through float production and display benefits the volunteers, as well as the spectacle they contribute to that is the annual carnival parade in the local towns and large villages in South Somerset).

Such benefits, although not strictly quantifiable in tangible returns, are still evident and important for consideration in deliberations. In this case, the social (and cultural) benefits of the proposal are considered to carry a quantum of material weight slightly less than substantial.

In relation to the environmental objective, the NPPF seeks to ensure development protects and enhances the natural, built and historic environment as well as making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

As considered in the body of the report, it is considered that, in this instance, the scheme would have a benign effect on the built or historic environment.

With regards the natural environment, it is accepted an area of agricultural land would be lost to this development, and that is a material consideration that needs to be considered in balance with the benefits of the proposal. It is accepted that the development could result in a limited degree of landscape harm, but it is considered that with the known site search constraints (as detailed in this report regarding the availability of such space for not-for-profit Carnival Clubs, and the constraints imposed on buildings / land by Hope Values or those values that could be realised through changes introduced in the GPDO), such harm would probably result in a degree of visual harm wherever the building were to be sited. It is accepted the proposal qualifies as a departure from the Local Plan, and the benefits of the development fall to planning balance.

Furthermore, it needs to be understood that, with reference in adopted Policy of the Local Plan, the Local Plan was drafted before the re-use of redundant buildings became a largely GPDO matter. As a result, the Permitted Development Rights for agricultural buildings, as prescribed in the GPDO, have removed significant numbers of structurally sound buildings from the area of search.

On the point of biodiversity, and minimising waste and pollution, such aspects can be mitigated on site through the attachment of planning conditions.

It is noted that the site is geographically isolated from centres of population, which although beneficial for general residential amenity (of those occupants in those residences), increased activity of vehicles on the highway network could be deemed an irritant to people's enjoyment. However, the highway is to serve all users, and in this instance, subject to planning conditions to help off-set carbon impacts, a planning condition is proposed that would ensure 50% of vehicle parking spaces be provided with electrical charging points.

Furthermore, the fabrication of carnival floats has been undertaken in existing rural locations on farms, and the provision of a central facility, in a rural location would not in theory, be

considerably different in that it would still be a predominantly rural activity in a rural location.

In this case, although the building is large, it would be seen in the context of existing large agricultural buildings, and would through planning conditions deliver onsite mitigation to possible carbon emitting uses (vehicles) as well as provide opportunities for biodiversity enhancement.

On considering the aforementioned reasoning it is deemed that, on balance, the material economic and social benefits are sufficient to outweigh the possible environmental effects of the scheme, in part due to the fact that environmental impacts can, to a degree, be off-set with mitigation secured by way of planning condition.

As a result, and on balance, the principle of this location is deemed acceptable, subject to planning conditions.

RECOMMENDATION

Approve with conditions

01. The proposal by reason of use, location, scale, design and materials provides a Carnival Park that will bring social and economic benefits to the community along with retaining cultural benefits, thus achieving sustainable development and does not adversely affect visual amenity, landscape character, residential amenity, ecology or highway safety in accordance with the aims and objectives of Policies SS1 SD1, EQ2, EQ3, EQ4, EQ7, EP4, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the guidance contained within the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

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

Site Location Plan (dated September 2021); Red Site Plan Rev. D (dated September 2021);

Drawing no. 41898/5501/SK01 Rev. B (Stantec - dated 22.07.19); Infiltration Concept Drainage Strategy - Figure 2 (Stantec - dated 04.05.21);

Discharge to Watercourse Concept Drainage Strategy - Figure 3 (Stantec - dated 04.05.21); Proposed Site Plan Rev. F (dated April 2021);

Proposed Plan Rev. C (dated April 2020); Proposed Floor Plan Rev. C (dated April 2020); Proposed Elevations Rev. C (dated April 2020); Swept Path Analysis Rev. C (dated April 2021)

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

03. The development hereby approved shall only be used for the construction and storage of carnival floats (Suigeneris) and associated training and/or meetings in connection with the carnival clubs, and at any one time shall only be occupied by up to a maximum of five separate carnival clubs.

Reason: The application has been assessed on this basis only in regard to sustainability and highway safety and in accordance with policies SD1 and TA5 of the South Somerset Local Plan (2006-2028) and the NPPF.

04. The hereby approved use of profile metal sheeting, as the external material, shall not be installed until the colour finish for the walls and roofs have been submitted to, and approved in writing by, the Local Planning Authority. Once approved such details shall be fully implemented and shall thereafter not be altered unless agreed otherwise in writing by the Local Planning Authority.

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

05. There shall be no burning of any produce or material whatsoever on the site.

Reason: in the interest of residential amenity and pollution control and in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028)

06. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.

Reason: in the interest of residential amenity and pollution control and in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028)

07. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land.

Reason: in the interest of residential amenity and pollution control and in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028)

08. All 'on-site portable lavatories' shall be located either inside of the building hereby approved building or to the rear (south elevation), unless otherwise agreed in writing by the Local Planning Authority.

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

09. A vehicle parking plan is to be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development. Prior to first occupation of the building hereby permitted, 16amp electric charging points (ECP) for electric vehicles shall be provided within the parking area hereby approved. Provision of such ECP's shall be made for a minimum of 50% of parking spaces.

Once installed such ECP's shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

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 and the provisions of the NPPF.

10. No works shall be undertaken above foundation level until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

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

- Construction vehicle movements
- Construction operation hours
- Construction vehicular routes to and from site including a map showing the route
- Construction delivery hours
- All construction deliveries being made off highway
- On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
- Expected number of construction vehicles per day
- All contractor vehicle parking being accommodated off highway including a plan showing the on-site parking arrangements
- 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
- The regular use of a road sweeper for local highways

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition due to the need to secure a suitable CEMP prior to any development works, including clearance taking place.

12. The proposed access shall have a minimum width of 6 metres and incorporate radii not less than 6 metres.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

13. Prior to occupation of the development hereby permitted the proposed access over at least the first 10 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

14. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 10 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

15. 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, in accordance with policy TA5 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

16. The Development hereby permitted shall not be occupied until the parking spaces and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with the submitted information. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

17. 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 43 to the south western side of the access and 50 metres to the north eastern side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

18. No carnival floats / carts shall be brought to site unless a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the routing of all carnival floats / carts to and from the site and the measures to be put in place to avoid conflict with other road users. All movements of carnival floats / carts to and from the site shall thereafter be carried out in accordance with the agreed Plan. An up-to-date register shall be kept logging all movements of floats / carts to and from the site, the time and date of said movements and the name of the Carnival Club that it relates to, this information shall be made available at all reasonable times to the Local Planning Authority upon request.

Reason: In the interests of highway safety and the rural amenities of the area to accord with Policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

19. Prior to the first occupation of the building hereby approved the following shall be fully installed/implemented at the junction of Longforward Lane and Kinstone Main/The Butts, and as shown on approved drawing no. 41898/5501/SK01 Rev. B, to the standards agreed by Somerset County Council.

- the Slow marking to be refreshed and yellow bar markings added,
- the warning sign to be replaced,
- the provision of only one white junction marker bollard on either side of the junction
- the centre lines on Kingstone Main to be refreshed
- the existing give way markings on Longforward lane to be refreshed
- adjacent verges to be regraded and vegetation trimmed

Reason: In the interests of highway safety and the rural amenities of the area to accord with Policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

20. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats.

Reason: In accordance with BS 5837:2012, NPPF 2021 and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018

21. No vegetation removal works around the site shall take place between 1st March and 31st

August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the hedgerow and any areas of tall ruderal vegetation to be cleared for active birds nests immediately before works proceed 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: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period, some species can breed outside the time frame given.

22. No artificial lighting associated with the development, including security lighting and internal lighting seepage, will illuminate the boundary hedgerow and trees, or any proposed bat boxes. A lighting scheme showing how this would be achieved will be submitted for approval by South Somerset District Council for approval before work on site commences.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992 and to contribute towards conserving biodiversity and the rural character of the area in accordance with policies EQ2 and EQ4 of the South Somerset Local Plan (2006-2028)

23. All contractors on site must be appropriately briefed by the Site manager, indicating that badgers are legally protected and must not be disturbed.

Any construction excavations over 1 metre deep and left open overnight must be either cover plated or have a means of escape should a badger fall in. A suitable means of escape is a rough wood plank slowly inclined from the base of the excavation to the surrounding ground level.

Any construction opening larger than 125mm diameter or equivalent, must not be left open overnight.

New occupiers must be advised by the Developer that badgers are active in the vicinity and that badgers and badger setts are legally protected.

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

24. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to

avoid or reduce impacts during construction (may be provided as a set of method statements); including nesting birds habitat clearance measures; badgers buffer zones and precautionary measures including a pre-commencement survey within six weeks of vegetative clearance or groundworks commencing; measures to protect hedgerows and tree's; it has been confirmed that tree's will not be removed but if this changes precautionary measures for low potential tree's for roosting bats should be outlined as well as other safeguarding measures for bats; A Risk Avoidance Measures Method Statement (RAMMS) detailing a strategy to prevent adverse dust levels, run off from chemical liquids etc;

d. The location and timing of sensitive works to avoid harm to biodiversity features.

e. The times during construction when specialist ecologists need to be present on site to oversee works.

f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority

g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity. This is a pre-commencement condition due to the need to establish an acceptable solution before any potential loss of biodiversity as part of site clearance.

25. Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), 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 bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. 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 and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

26. All habitat features to be lost (including hedgerows and potentially tree's) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech. The new hedgerow/s to

be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. A landscape and planting schedule plan will be submitted to and approved in writing by the Local Planning Authority prior to occupation of the extension

Reason: In the interest of no net biodiversity loss as per the National Planning Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

27. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation (or specified phase of development). Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:
- The new hedgerow (s) to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, field maple, elder, elm, dog rose, bird cherry and spindle
 - Native wildflower rich grassland creation suitable for the site around the north east of the development
 - All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night flying moths which are a key foodsource for bats. The Royal Horticultural Society guide 'RHS Perfect for Pollinators' provides a list of suitable plants both native and non-native
 - Installation of three insect hotels (NT Apex Insect House or similar) to be installed on the southern boundary of the site
 - Three log piles a resting places for reptiles or amphibians are to be constructed on the southern boundary of the site

Reason: In accordance with Government policy for the enhancement of biodiversity within the development as set out in paragraph 174(d) of the NPPF and the draft Environmental (Principles of Governance) Bill 2018.

28. A compost box or compost pile will be established to store arisings from any landscape maintenance activities, as removal of arisings will aid in reducing nutrification of habitats (which will lead to dominance of coarse grasses a reduction of biodiversity) and will create additional habitat opportunities for invertebrates and other small animals. Log piles would be similarly beneficial, should suitable arisings be available from hedge removal works during construction and hedge/tree maintenance in the long-term.

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

29. Installation of 1 X Kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m. Installation of 1 X standard bird nest box, purchased or built, on to a mature tree on site, facing north or east, at a height above 3m.

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

biodiversity under the Natural Environment and Rural Communities Act 2006.

30. Once operational, all external and internal lighting shall be manually turned off, on or before 23.00 hours, Mondays to Sundays, except on the days of scheduled Carnival Parades, and the subsequent morning hours after the date of such scheduled Carnival Parades.

Reason: In the interests of minimising light spill and maintaining dark skies, and to accord with the wider character of the area in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

31. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement 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.
- 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 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

Informatives:

01. Please note a section 171 licence will be required for any proposed works within or adjacent to the highway, the application form for which is available from the Traffic and Transport Development Group, Somerset County Council: Tel - 01823 356011.

The applicant may be required to enter into a suitable legal agreement to secure the construction of any highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement.

02. Landscaping Scheme - during the life of this application there is an expectation for the

landscaping to include mature tree specimens and to be located to the northeast and east of the building hereby approved.

03. Means of Escape

Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard.

Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

04. Access and Facilities for the Fire & Rescue Service

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part B5 of the Building Regulations 2010.

05. There are a number of proposed roller shutter doors shown on the building plans providing vehicle/floor access. It is recommended that they meet the following certification:

STS 202 Burglary Resistance 2 or LPS 1175 issue 8 B3 or Sold Secure Gold

Pedestrian Access Doors/Emergency Doors - There are pedestrian access doors shown in the elevations. It is recommended that these meet the following certification:

PAS 24:2016; LPS 1175: Issue 8, B3; STS 201 or STS 202: Issue 3, BR2

PIR Security Lighting - it is noted on the DAS that this is intended to be mounted on the building. This should be positioned to provide coverage of all building entry/exit points and the building frontage/parking areas. An alternative would be to have low energy dusk to dawn LED lighting around the building perimeter.

Site Entrance Gate - The boundary to the site appears to be existing hedging and there is no mention of upgrading this. It is noted that there will be a main site entrance gate installed to control access to the grounds. This gate should be fitted with the top hinges inverted or anti lift devices fitted to prevent the gate being lifted off its hinges. I suspect that the gate will be locked by means of a padlock or chain and padlock. I recommend that these items are certified to Sold Secure Gold Standard.

Tools - Any tools left inside of the units can be stored in additional locked cabinets. The use of ground anchor points for larger equipment is also recommended. The above websites can provide suitable products. All equipment and tools should be marked to ease identification. Each club using the units may wish to compile an asset list for items of value to aid in their recovery and identification if anything is taken.

This list should include, makes, models, serial numbers and photographs of the items.

Agenda Item 11

Officer Report On Planning Application: 20/02249/OUT

Proposal :	Outline application with all matters reserved, except for access, for up to 35 dwellings
Site Address:	Land To The North Of Fore Street , Fore Street, Tatworth, Chard, Somerset
Parish:	Tatworth and Forton
BLACKDOWN, TATWORTH & FORTON Ward (SSDC Member)	Cllr M Wale Cllr J Kenton
Recommending Case Officer:	Martin Lee (Principal Specialist) (Left) Tel: 01935 462531 Email: john.hammond@southsomerset.gov.uk
Target date :	10th November 2020
Applicant :	Joint Application: 1. Brewer, Lillington 2. Land Allocati...
Agent: (no agent if blank)	Mr Paul Booth AAH Planning Consultants 2 Bar Lane York YO1 6JU
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO AREA COMMITTEE

The application, in conjunction with application 20/2247/OUT for an adjoining site were reported to the Area West Committee in September 2021 at the request of ward councillors given the level of interest in the site and the applications.

The determination of the applications was deferred for the following reason:

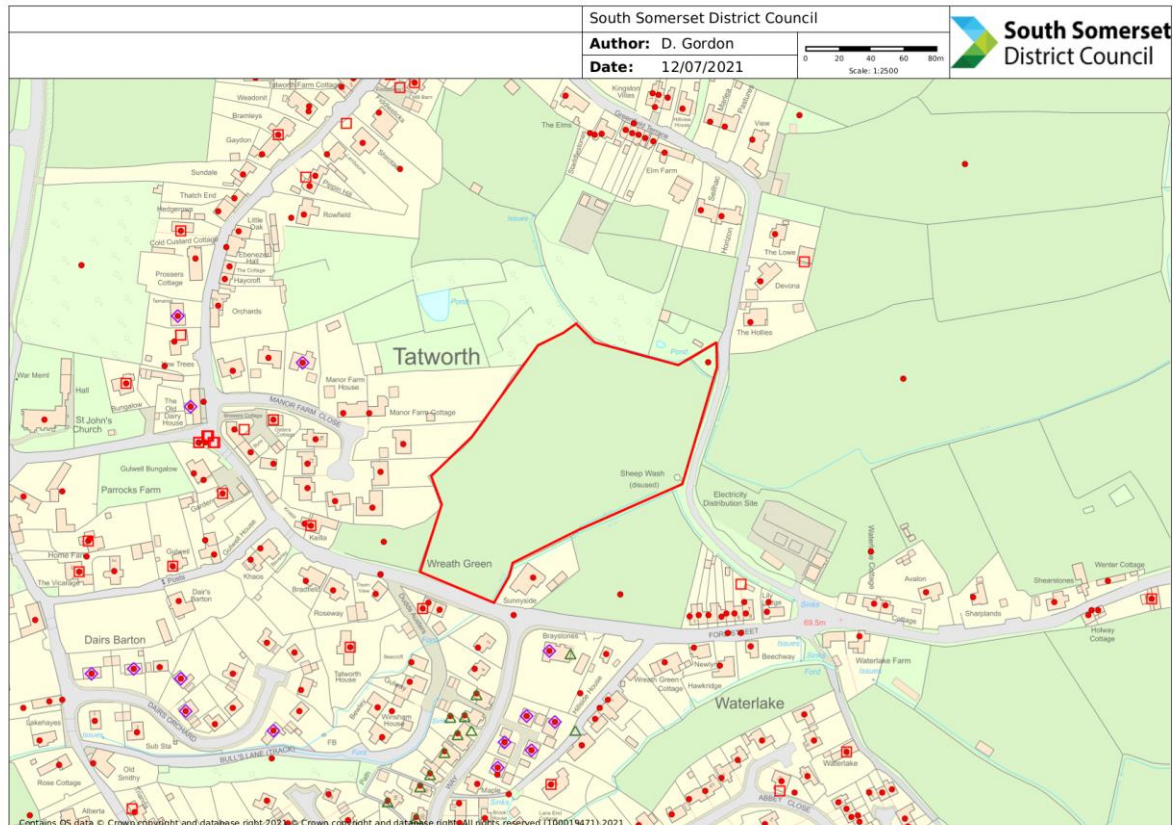
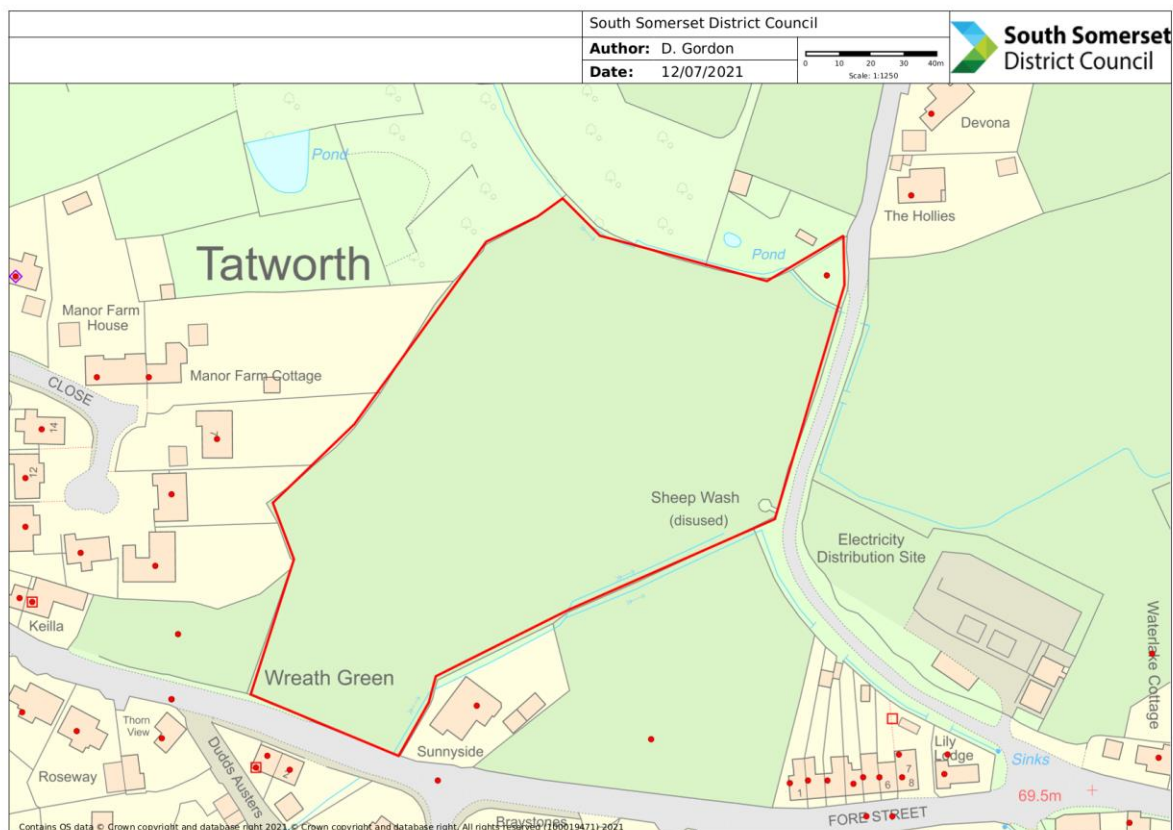
At the conclusion of the debate, it was proposed and seconded to defer the application to a future meeting of the Area West Committee as members felt that there was an opportunity to deliver a highway benefit to the local road network through a negotiated solution that could be achieved within the two applications within the applicant's control.

A vote was taken to defer the application, which was approved by 9 votes in favour, 0 against and 1 abstention.

Resolved:

That planning application 20/02249/OUT be deferred to a future meeting of the Area West Committee, as members felt there was an opportunity to deliver a highway benefit to the local road network through a negotiated solution that could be achieved within the two applications within the applicant's control.

SITE DESCRIPTION AND PROPOSAL



This application for residential development of agricultural land for up to 35 dwellings is in outline with all matters except access reserved for future consideration under a separate reserved matters application.

A tandem application (Reference 20/02247/OUT) for the neighbouring, smaller parcel of land abutting to the east is also currently under consideration. Each application is independent of the other.

Both reports follow a similar structure given their proximity and the range of issues raised relating to settlement roles, housing supply and consultee input. They differ in relation to the description and assessment of the individual site characteristics and relationships to heritage assets.

The site sits between Fore Street to the south west and Loveridge Lane to the north east and comprises open agricultural pasture on the north eastern side of Tatworth and is approximately 1.75 hectares in area. The western boundary generally comprises the rear garden boundaries with dwellings served by Manor Farm Close. The south western boundary to the site partly bounds the curtilage of Sunnyside which is also bounded by application 20/02247/OUT.

There are watercourses along the southern field boundary, which then returns alongside Loveridge Lane, as well as a further small watercourse along the northern boundary.

The site is not allocated for any particular use within the adopted South Somerset Local Plan.

Immediately to the east is the above mentioned tandem application site which is also open pasture. To the west existing residential development and to the north are smaller parcels of pasture. The highest part of the site is along the western and northern boundary with the ground falling to the east. The site slopes down from north and north west to the south and south east.

The current outline application is supported by a range of supporting appraisals on areas, which include: design and access; landscape; transport; flood risk & drainage; arboriculture; contamination risk; geology; ecology; archaeology, and; planning obligations.

Discussions with officers and liaison with statutory consultees has resulted in the augmentation of the original submission with revised illustrative site layout proposals based on a landscape strategy approach intended to form an indicative master plan for the site.

Following deferral by the Area Committee this application has been amended such that its access will now be taken through the adjoining application 20/02247/OUT site onto Fore Street. For the avoidance of doubt, there is no now direct access from this site onto Fore Street.

HISTORY

There is no planning history to the site.

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.

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) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Tatworth as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3- Provision of affordable housing

HG4 - Affordable housing contributions

TA1 - Low Carbon Travel

TA5 - Transport Impact of New development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor play space, sports, cultural and community facilities in new development.

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

Chapter 16: conserving and enhancing the historic environment

CONSULTATIONS

Tatworth and Forton Parish Council: Recommend refusal on the grounds that the access to the 35 houses will generate an increase in traffic, on a street which is a Safe Route to School and already has questionable safety, of 210 extra movements per day (using the SSDC formula) excluding trade traffic.

In relation to the revised application following consideration at the Area Committee the Parish Council has maintained its objection.

SSDC Planning Policy: (Key points)

- Monitoring from the start of the Local plan period (2006) indicated the delivery of 76 dwellings. With extant planning permissions, this rises to 119 dwellings. (Delivered and committed) these two applications would take this total to 167 dwellings.
- Tatworth and Forton Parish has a population of 2621 based upon the 2019 mid-year population estimates. The 2011 census indicated the parish has some 1,170 dwellings as at 2011. Taken with the delivered and committed sites this would indicate a growth of some 12% in the village size over the Plan period.
- Policies SS1, SS2 and SS5 provide guidance relating to the management of housing supply, including the settlement hierarchy, the role of rural settlements and provides an indication of the level of growth expected of Rural Centres. (The tier immediately above Rural Settlements) It should be noted that in light of the Templecombe appeal decision in July 2021, application reference 19/03416/OUT, appeal reference APP/R3325/W/20/3265558 which concluded that the district council did not have a 5-year supply of housing these policies are considered out of date.
- The settlement of Tatworth & South Chard is served by a number of community facilities including a primary school, convenience shop/post office, pub, village hall, children's play area, recreation ground and faith facilities. This means that it qualifies for limited growth under Local Plan Policy SS2 Rural Settlements. This means that as a basic position the settlement is considered to represent a sustainable location within which additional development can be accommodated.
- Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable, a development of 35 dwellings would be expected to deliver about 12 affordable homes. A range of market homes should be provided in accordance with Local Plan Policy HG5.
- The submitted Planning Statement sets out how the applicant considers that the proposal meets the requirement of Policy SS2. Evidence has been provided from Homefinder Somerset of a local demand for affordable housing.
- Within and adjacent to the proposal site there are locally significant archaeological sites (Probable post-medieval to 19th century catch meadow, and Sheep Wash, Loveridge's Lane) identified on the Somerset Historic Environment Record, and the curtilage of the Grade II Manor Farmhouse adjoins the north western boundary of the site (Policy EQ3). It is noted that the Planning Statement concludes there are no findings of interest as a result of the geophysical survey (para 6.34).

Emerging Local Plan Review:

- The emerging Local Plan Review is currently in preparation and two consultations have taken place under Regulation 18; with the most recent consultation on Preferred Options ending in September 2019. In the Preferred Options Plan Tatworth is identified in a new Village tier of the settlement hierarchy, and would qualify for limited development to meet local needs, support local services and economic activity, appropriate to the scale of the settlement (Policy SS1). The Local Plan Review Preferred Options document explains that Villages are settlements which are considered to be sustainable locations for small scale growth, and were identified as a result of having undertaken an assessment of a number of larger Rural Settlements. Overall the Plan anticipates 1,314 dwellings being delivered in 12 Villages over the plan period which equates to an average of 60 homes in each qualifying settlement over the Plan period.
- A number of objections have been received with regards to Policy SS1. As the emerging Local Plan Review is still at an early stage in its preparation and objections have yet to be considered, it is judged that extremely limited weight can be attached to it (paragraph

48 of the NPPF).

Planning Balance:

- As is demonstrated above the settlement of Tatworth & South Chard is a Rural Settlement that benefits from a range of community facilities. With regards to the overall scale of growth the number of homes built during the plan period so far equates to about 5 per year. If existing commitments are to be built out and a further 35 dwellings were to be approved, this would potentially equate to just over 7 dwellings per year over the plan period. Cumulatively, with the adjoining site for 13 dwellings (20/02247/OUT), it would result in 8 dwellings per year over the plan period.

SCC Highways:

In relation to the initial applications, SCC Highways raised no objection to the proposals albeit they expressed a preference for a single point of access for both developments. Their original comments are set out below with their updated comments included at the end.

Background

This application seeks outline consent for the erection of up to 35 dwellings all matters except the access are reserved. Fore Street is a classified un-numbered highway, which is subject to a 30mph speed limit. Approximately 100m to the west of the site the speed limit is reduced to 20mph. There is an existing field access in the south west corner of the site.

Originally, the proposal would see the introduction of a priority 'T' junction, 5.5m wide with 6m radii, to serve the dwellings. This access would provide a staggered distance of approximately 54m to the existing junction of Fore Street & Langdon's Lane & of 30m to the Public Right of Way CH5/14 that serves a limited number of dwellings.

Parking

Parking - As the application is outline only and the submitted site layout drawing is an indicative layout only the dwelling mix has yet to be determined. With regards to vehicle parking provision the Highway Authority would require that the parking provision reflects that of the Somerset County Council - Parking Strategy (amended September 2013) (SPS). Below I have outlined the parking requirements for the area, which is located within a 'Zone C' region for residential development:

ZONE C	1 Bed	2 Bed	3 Bed	4 Bed	Visitor
Policy	2	2.5	3	3.5	0.2

Additionally, as part of the Somerset County Council Parking Strategy, new residential development is required to provide cycle storage facilities and electric charging points for each property. To comply with the SPS standards there is a requirement for appropriate, accessible and secure storage for 1 bicycle per bedroom, the cycle parking should be secure, appropriate and accessible. Paragraph 4.5.5 of the submitted Transport Statement sets out that parking will be in accordance with the SPS, and paragraphs 4.5.4 and 4.6.1 sets out that electric charging points and sufficient cycle parking/storage will be provided.

Other

Informative notes are required relating to the need to enter into an Advanced Payments Code payment, as well as securing a licence from the Highways Authority relating to works in the highway. Further advice is provided (and should comprise informatives) relation to road gradients, straight sections of road, internal junction design shared surface linkages lighting of footways root barriers the surfacing of public spaces and forward visibility.

Feasibility Safety Audit.

Albeit the application is in outline and only access is being established SCC Highways has undertaken a safety audit with recommendations. The key issues relate to:

1. Proposed uncontrolled pedestrian crossing at development access.
2. Risk of signs and post obstructing safe movement of pedestrians utilising the proposed footway and uncontrolled crossing point
3. Risk of collisions occurring between vehicles, pedestrians, and cyclists during the periods of darkness conditions due to insufficient highway lighting provision.
4. Risk of side-impact vehicle collisions occurring due to absence of sufficient hazard centreline road markings provided on the proposed development access road.
5. Risk of vehicles colliding with an existing wooden utility pole
6. Risk of collisions occurring between pedestrians and vehicles, due to landscaping areas restricting available inter-visibility splays at the interface of the proposed development footpath with Loveridge Lane

The highway assessment concludes however that these issues could be addressed at the reserved matters stand and did not comprise a reason for refusal instead recommending conditions be applied to any decision.

I refer to the amended plans for the above-mentioned planning application received on 19 November 2021 and 29 November 2021 and have the following observations on the highway and transportation aspects of this proposal:-

The internal layout within the amended plans remain indicative and as such the Highway Authority have no further comment on this aspect at this time.

The amended plans have removed the access to the site subject to this planning application with access now being derived through the site subject to planning application 20/02247/OUT. Whilst the Highway Authority have no objection to the principle of the access it cannot recommend that this application be approved as the site itself has no direct access to the highway. Should sufficient means of securing the access be achieved the Highway Authority would refer you to the appropriate conditions within previous responses.

The Highways Authority recognises that it is for the planning authority to determine whether and how suitable access can be secured in relation to the linked application 20/02247/OUT. Their comment above is made in relation to treating this application for 35 dwellings in isolation.

The reasonableness of linking both applications through the S106 is discussed in more detail in the appraisal below.

Somerset Waste Partnership:

Around half of the properties do not appear to have direct access to an adopted highway from which we make collections. Having direct access to the public highway makes transporting and presenting the waste/recycling clear and efficient for both the householder and the crew, and gives accountability for the waste to the householder, which is less likely if a communal collection point is used. Collection points can encourage anti-social behaviour with fly-tipping and containers being left out between collections which can cause tensions locally and spoil the streetscene.

At this stage I have no further concerns. I would assume a tracking diagram will be provided once the layout is confirmed. A waste collection strategy plan can be required as a part of the conditions applied to any approval.

Police Designing Out Crime consultee:

At this stage where only outline planning is sought, it is difficult from a crime reduction/prevention point of view to give detailed comments as the areas to be addressed would normally be decided upon at Reserved Matters stage. Should this application gain outline approval, the design and layout of any future reserved matters application should incorporate crime prevention measures and reflect the principles of designing out crime.

Environmental Protection Team:

Thank you for the consultation. There is a need to protect local amenity during the construction phase. This should be secured by planning condition.

SSDC Affordable Housing:

Policy requires 35% affordable housing, which would be split 80:20 social rent: intermediate product. This would equate to 12 units (rounded down from 12.25) based on a development of 35 dwellings. These would be split as 10 for social rent and 2 for shared ownership or other intermediate affordable solution.

I would propose the following mix detailed below:

- 4 x 1 bedroom flat/house/bungalow (2 person)
- 5 x 2 bedroom house/bungalow (4 person)
- 2 x 3 bedroom house (6 person)
- 1 x 4 bedroom house (8 person) to be provided for social rent

We 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. I would recommend that the affordable units are in at least 2 clusters with social rented properties in each cluster.

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.

Space standards should follow the National Technical Standards.

SCC Education:

Only secondary school places are required in this location. The pupil yield calculation for 35 dwellings for secondary is $35 \times 0.14 = 4.9$ - 5 secondary pupils

The current cost to build for secondary pupils is £24,861.00, Therefore $5 \times £24,861 = £124,305.00$ which will be used to increase capacity at Holyrood Secondary School.

NHS Somerset Clinical Commissioning Group:

As a result of the proposed development above, Somerset CCG would like to request that Section 106 contributions are provided to offset the proposed increase in patient numbers. Any monies contributed will be utilised to ensure that the Somerset health system can continue to provide a high quality and continuity of care in Chard.

We anticipate a patient increase of approximately 78 patients. Based on our calculations, we will be seeking a contribution of £10618.92.

SSDC - Strategy & Commissioning:

Details of the contributions sought in respect of open space, sport and recreational provision for inclusion in any S.106 based on the scale and anticipated impact of the development proposed:

Overall contribution Total = £104,320.00, (1% Locality Service Administration Fee = £1,043.00)

Overall Level of Planning Obligation to be Sought = £105,363.00. (Equates to £3,010.00 per Dwelling)

Natural England:

No objection, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or protected landscapes and has no objection. Stowell Meadow of Special Scientific Interest - based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected Landscapes -Based on the plans submitted, Natural England We do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONBs.

Biodiversity Net Gain - We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development.

Dorset AONB Team:

I have reviewed the outline proposal, alongside the neighbouring application. The site is located approx. 1.5 km from the boundary of Dorset AONB, although inter-visibility between the site and the designated area would only be possible over notably greater distances, due to landform. In my opinion, views of the site area from Dorset AONB would be distant and substantially filtered by intervening vegetation.

Blackdown Hills AONB Team:

Although the sites are just approximately 1km distance from the Blackdown Hills AONB boundary, seen in the context of the village, beyond the metaphorical barrier of the A358, and taking account of topography and vegetation, I would not consider these proposals individually or cumulatively to adversely affect the Blackdown Hills AONB or its setting.

Long and panoramic views out are one of the AONB's special qualities. Some properties in the village are visible in the foreground of long distance views towards the Dorset AONB and Windwhistle Hill area between Chard and Crewkerne, and so we would be keen to ensure that development here does not become an unduly prominent feature that would draw the eye. In due course roof colour should therefore be a consideration (avoiding bright red or orange tiles for example), alongside retention of existing mature trees as part of a broader landscaping scheme.

Somerset Ecology Services:

A Preliminary Ecological Appraisal/Extended Phase 1 survey (JNCC 2010) for bats, reptiles, amphibians, birds, dormice, badgers, hedgehogs, water voles and otters; protected species surveys for bats, reptiles and dormice; and an Ecological Impact Assessment of the application site was carried out between April 2020 and February 2021 by Arbtech.

Designated sites include Stowell Meadow SSSI is approx. 280m south west and River Axe SSSI and SAC lies approx. 3.3km south.

Amphibians:

There is only one pond within 250m of the development that could potentially provide suitable breeding habitat for GCN which lies approx. 50m northwest. A second pond is shown on OS maps adjacent to the north but this area could be viewed from the site and the adjacent road and no ponds were visible. There are no GCN records within 2km. There are no GCN EPSLs in the area and a local pond just over 500m south east was subject to survey and was negative for GCN (based on surveys for district level licencing). Given that GCN are scarce in the area and the nearby pond tested negative it is unlikely that this species is present on site.

Bats:

1 tree roost of #5 soprano pipistrelle present on site. Limited foraging by common pipistrelle on site. Also a locally important serotine bat roost in woodland to the north of the site.

Badgers:

There was no evidence of badger use on site and no sett.

Birds:

The hedges and trees on site provide suitable nesting habitat. The grassland and hedgerow habitats are ideal for barn owl foraging.

Reptiles:

Adult and Juvenile slow worms were recorded on the site. A maximum count of three slow worms was recorded during a survey. [A further 30 refugia were also monitored in the southern allocation at the same time and adult and juvenile slow worms were found as well as a single grass snake - this is reported separately].

Dormice:

Nests and adult dormouse were found along Fore Street and in the hedge with field trees along the stream.

Hedgehogs:

The grassland and hedgerows provide suitable hedgehog habitat.

Water voles and otters:

There are records of these species in the local area. The small ford and ditches on and around the site could support a water vole population but are unsuitable for otters. There was no evidence of water vole activity within the survey area.

Recommendations, to comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, conditions are required to protect relevant habitat.

No additional comments received in respect of the revised layout proposals.

SCC Lead Local Flood Authority:

In regards to the discharge rate from the site, the consultant has advised that rates cannot be restricted further as a single system would not be feasible, and that due to adoption reasons, the rates cannot be restricted further. It has also been shown by the consultant that the receiving culvert is of suitable capacity to take flow from the site.

We have reviewed the discharge rate calculations and determined that the rate has been based on a soil type number of 1 (permeable soils) however soils mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)." Therefore, the solid index would likely be higher, and therefore, the discharge rate from the site would likely be higher than the greenfield QBAR shown within the FRA.

Furthermore, as the soil mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)", infiltration testing can be sought at detailed design.

Due to the above, we would accept the discharge rate of 2 l/s from 20/02247/OUT and 2 l/s from 20/02249/OUT. Please be aware that at detailed design any flooding within the 100 year +40% climate change event must be clearly shown to be retained onsite. We have suggested conditions for the permission.

Following submissions made the a site neighbour relating to surface run off entering their property, a follow up meeting was held with the LLFA regarding likely impacts arising from the development. Their additional comments are set out below:

Following on from our discussion earlier, consideration of the correspondences and the applicant's response we would like to advise the below. Please be aware that we are currently investigating the flooding events which occurred within June and October in the Chard area under several Section 19 Investigation. Whilst Somerset County Council (SCC) lead local flood authority (LLFA) are not an emergency response team, we have a statutory duty to undertake flood investigations where it is deemed necessary and appropriate.

These are known as Section 19 Flood Investigations under the Flood and Water Management Act (2010). This investigation is led by the LLFA but undertaken in partnership with other Risk Management Authorities (eg. Wessex Water and the Environment Agency). The S19 may make some recommendations and these could involve changes to working practices or further study and the Investigation is an important first step in identifying how the flooding issues have occurred, as the relevant authorities may then use these documents to secure further projects/funding in the area. We would value the opportunity to work with the developer to further to shape the design and layout of the development to ensure that surface water is controlled and managed, taking these events into account.

- The applicant has advised that there appears to be a blockage within the watercourse within the southern site to the west, (access between the two fields) which could be causing surface water to pool across the land, and that this watercourse is poorly maintained. The applicant has confirmed that during the development they will ensure that this is rectified, however, we have requested that this is looked into now to mitigate any existing risk.
- We have reviewed the discharge rate calculations and determined that the rate has been based on a soil type number of 1 (permeable soils) however soils mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)". therefore the solid index would likely be higher, and therefore, the discharge rate from the site would likely be higher than the greenfield QBAR shown within the FRA. The updated FRA indicates that the combined greenfield rate for the 1 year event would be 4.92 l/s, however the applicant is proposing to discharge at 2 l/s from each site (totalling 4 l/s) for all events up to and including the 100 year+40% event, which suggests a betterment over the existing situation.
- Furthermore, as the soil mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)", infiltration testing can be sought at detailed design.
- The applicant has advised that at the northern boundary of the site an ecological buffer would remain which includes a small depression in the ground and exceedance drawing indicates that in the event that this is exceeded surface water would be directed into the existing watercourse or into the attenuation basin and away from existing properties. However, we have advised the applicant that due to issues raised that the amount of surface water flowing onto the site will need to be calculated and attenuated to greenfield rates, which we will update to specify within the condition. Additionally a swale feature is proposed within the southern area of the northern site, which may aid capturing exceedance routes.

- The applicant has advised that they would be willing to include bunds/raised ground in the location of existing properties within landscaping areas to redirect surface water and exceedance, this may also require additional drainage features in these locations to aid the drainage of the areas.
- The site is proposed to manage surface water for the 100 year+40% event, and in excess of initial exceedance routes have been provided demonstrating that surface water will be directed away from existing properties, however at detailed design we expect to see detailed exceedance routes based on the final design.
- Any surface water originating from the development site would be captured through the proposed surface water drainage strategy for the site.

In conclusion, from the information that we have been provided, the development is proposing to control and manage any surface water entering the sites, surface water originating from the development site, and direct exceedance away from existing properties with the use of drainage features. Due to recent events we have requested exceedance is considered above the design event, which is specified within the amended conditions.

South West Water:

I refer to the 2 applications referenced above and would advise that South West Water has no objection subject to foul flows only being connected to the public sewer.

REPRESENTATIONS

- The development is contrary to SSDC Adopted Local Plan Strategy and the emerging Local Plan
- SSDC will have met their District-wide housing need when they produce their revised figures in October- there is definitely no need for either of these developments
- There is no identified need for this housing, or this level of housing, in Tatworth. Housing in this part of the village will have increased by over 80% in less than 10 years. The combined two current applications represent a 43% increase in housing to the north of Waterlake Road
- Incremental new development has always been assimilated into this part of Tatworth but this amount of housing will overwhelm the character of the area and create a nondescript, characterless housing estate.
- In sustainability terms, the disbenefits considerably outweigh any benefits
- Approx 100 cars (at least 200 traffic movements) per day will access directly onto the 'Safe Route to School' which is already unlit and unpaved along much of its length.
- Surface water flooding has been dismissed as an issue by the applicants (despite full consideration and mitigation being a requirement of the National Planning Policy Framework) and will increase as grassland is developed. The Environment Agency maps show that some parts of the site are already subject to some flooding and the risk of runoff to the lower Wreath Green housing just below the site is very high. The FRA does not acknowledge or address this at all
- The Bat assessment has not been carried out in accordance with the best practice cited. It does not acknowledge the most significant nearby roost at The Orchards and does not take any account of the feeding grounds/flight paths from this roost which will be significantly impacted by removal of their habitat and introduction of lighting, noise and activity (as well as predatory pets). It should be corroborated by an independent ecologist employed by

SSDC. Furthermore, the bat assessment appears to rely on remote detectors and bat identification by computer software (rather than human interaction) which is notoriously open to error. It is totally inadequate to meet the Habitats legislation.

- Similarly, the proximity to Stowell meadow means that an assessment of the flora and invertebrate species on the site should have been carried out, according to the EIA/HRA legislation. This has not been done.
- The assessment of impact on nearby heritage assets is totally inadequate. It does not consider the conservation area and dismisses the potential impact on the listed buildings (two of which immediately adjoin the site). It does not assess their significance (as required by the NPPF), the impact on their setting, or the historic relationship between their agricultural roots and the development site fields. The statement doesn't even recognise the nearest, Manor Farm Cottage, as a separate dwelling
- The development will urbanise a quiet, rural recreational route between footpaths and erode the rural character of this part of Tatworth. Lighting, noise, traffic and increased activity will impact on local amenity to an unacceptable degree.

CONSIDERATIONS

The main issues to assess in considering this application are considered to be:

- The scale of development in relation to the size and function of Tatworth
- The Council's housing supply position
- Highways and site access
- Surface water flooding
- Landscape impact
- Impacts upon ecology
- Impacts upon heritage assets
- Affordable housing and community infrastructure

THE SCALE OF DEVELOPMENT IN RELATION TO THE SIZE AND FUNCTION OF TATWORTH

Tatworth & Forton Parish comprises a Rural Settlement within the hierarchy of settlements within the South Somerset Local Plan. This tier of settlements does not have a specific housing target allocated to it and equally does not have specific sites allocated for residential development. The Local Plan has relied instead upon Policy SS2 to define the criteria for site identification on a case by case basis through the development management process.

Whilst the adopted Local Plan does not define housing targets for the rural settlements it does set out an approach to considering scale and settlement at paragraph 5.30:

"The Rural Settlements tier of the settlement hierarchy covers a range of settlements that vary widely in size, role, function, local priorities, and constraints. Therefore, the interpretation of Policy SS2 will depend on applying these factors in considering proposals at each individual settlement; for example a proposal that is acceptable in one of the larger Rural Settlements such as Templecombe, which has a relatively strong employment function and good sustainable transport links with the presence of a railway station, will be different to a smaller Rural Settlement such as Compton Dundon which does not have these features."

With a population at 2011 of 2,259 and 996 dwellings Tatworth and its associated communities comprises the largest of the Rural Settlements that fall below the rural Centre classification in

the settlement hierarchy. It is also relatively well provided for in terms of community infrastructure with access to a primary school, convenience retail, public house, hall / faith facility and play areas having 5 of 6 local services identified in the Councils topic paper "The Potential For Rural Settlements To Be Designated Villages. (11/2018)

This Topic Paper, forming part of the evidence base for the Local Plan Review itself carries no statutory weight, however it does provide evidence of the Council's reliance upon delivery of housing in rural areas as well as the capacity of larger villages within the Rural Settlement tier to accommodate a greater proportion of housing growth.

Over the Plan period Tatworth has had some 76 housing completions and has further commitments for 43 dwellings. The combined impact of the existing dwellings and approvals, taken with the development within applications 20/02247/OUT for 13v dwellings and 20/02249/OUT for 35 dwellings will take this level of provision to 167 dwellings resulting in a level of growth over the plan period of 12%.

This level of growth (including the application sites) is relatively consistent with the level of growth experienced by a number of the larger villages within the district, including Ilton, Henstridge Merriott, Misterton and West Coker which have all delivered between 10-15% growth over the same period.

Given the above, the level of growth that would be enabled by the approval of these 2 applications is not inconsistent with growth at similar scaled communities. It is accepted that by reason of their size the 2 applications will significantly increase the level of development within this part of Tatworth, however that position is true of any development of this scale within a village comprising a series of inter-connected roads and separate neighbourhood areas within the wider settlement.

THE COUNCIL'S HOUSING SUPPLY POSITION

On 6 July 2021 South Somerset District Council (SSDC) received the appeal decision on planning application 19/03416/OUT for a proposed residential development at Manor Farm, Combe Hill, Templecombe: Ref: APP/R3325/W/20/3265558.

In presenting her findings on the five-year housing land supply, the Inspector concluded that using the standard method with a 5% buffer SSDC is able to demonstrate a five-year housing land supply of between 3.97 and 3.66 years (paragraph 44). This conclusion primarily stemmed from her concerns over the impact of the uncertainty around phosphate mitigation solutions across the district on housing delivery. The Inspector did however accept that SSDC's calculations were consistent with the NPPF/PPG methodology.

As a consequence of this decision SSDC currently accepts that it cannot currently evidence a five-year housing land supply.

Whilst the authority is making progress to resolve the current phosphate related delays in releasing developments across the Ramsar catchment impacted parts of the district the uncertainty over the timing for putting in place an adopted Strategy and accredited mitigation schemes means that the tilted balance is applied to decision making for the current time. This is set out at paragraph 11 of the NPPF (July 2021) and 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-date⁸, 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 proposed⁷; 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 refers to policies in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Footnote 8 refers to 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 74); 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.

In summary therefore those policies which seek to protect recognised heritage, landscape and environmental designations retain full weight, however policies which seek to restrict the supply of housing are considered to be out of date.

The landscape environmental and heritage issues are covered in more detail below.

HIGHWAYS AND SITE ACCESS

A key objection to the two applications as originally submitted was that they maintained separate points of access onto the highway which is identified as a safe route to school. (This in addition to a linked objection to the creation of either new access onto the road.)

The original application report reviewed whether the separation of the two sites into two applications would benefit the applicant by avoiding triggers for making contributions towards community and other infrastructure and concluded that they would not.

The report also noted that SCC Highways did not object to two separate access points onto Fore Street

In response to concerns raised by the Area Committee, the applicant has proposed to delete the separate access from application 20/02249/OUT onto Fore Street, instead taking the access through application 20/02247/OUT.

In effect, this creates a phased development where application site 20/02249/OUT becomes a

phase two of the development, only capable of commencement once application site 20/02247/OUT is serviced and provided with a suitable internal road layout to the common site boundary.

As both sites are within the same ownership this phasing arrangement can be secured by way of the S.106 Agreement to ensure that no works to commence phase 2 (application 20/02249/OUT) take place until the access, internal estate road and services are constructed to the common boundary and made available to service application site 20/02249/OUT without restriction.

As a part of the highway comments upon the scheme Somerset Highways have commissioned a safety audit in addition to commenting upon the merits of the scheme and have concluded that there is no highways objection to proposals that result in two accesses serving two cul de sacs. The safety audit has made a number of comments about the illustrative site layout but the report has also concluded that of these issues all but one can be resolved through consideration of the detailed proposals brought forward at the reserved matters stage.

By reason of the changes now proposed this concern (which did not lead to an objection) is now resolved demonstrating a highway betterment over the Highways Authority base position.

The one issue which the highways comment has raised is the indicative access from application 20/02249/OUT onto Loveridge Lane. The scheme suggests a pedestrian linkage over the ditch and into Loveridge Lane. The Highways Authority is concerned about boundary hedgerows blocking pedestrian and vehicle inter-visibility.

The applicant has separately confirmed the extent of land within the site that will be managed by a resident management company and the principles for establishing the land that goes to the management company will be established within the Section 106 Agreement to include all boundaries with mature or valuable planting. As such the management of the roadside hedge to ensure adequate visibility can be secured.

In summary, therefore there is no highway objection to either of the applications by reason of their dwelling numbers and therefore trip generation or by reason of the number and location of access points.

SURFACE WATER FLOODING

Comments have been made that the application submission ignores surface water flooding.

By reason of the various local water courses comprising ordinary water courses and not main rivers the land associated with the water course edge does not as a point of fact comprise Flood Zones 2 or 3 which of itself would introduce the need to apply a sequential test.

The site is impacted by surface water flooding with a combination of the ordinary watercourse to the north of the site and the topography of the site, sloping down from Tatworth Street resulting in medium velocity surface flows running through the fields to the north of, but outside the site and low velocity and depth flows across parts of the site itself.

Somerset County Council as the Lead Local Flood Authority has reviewed the initial

submissions and sought additional information from the applicant in light of its own advice regarding the soil's infiltration characteristics before agreeing to the proposals subject to conditions that ensure detailed designs within the 100 year & 40% climate change event will retain surface water on site before release to water courses.

Subsequent to the original determination of the application by the Area Committee, a site neighbour has provided evidence of surface water from the application sites (particularly application site 20/02249/OUT) impacting upon their property.

These submissions have been further discussed with the LLFA, which has again confirmed that there is no objection to the application as submitted subject to conditions securing a suitable surface water drainage scheme.

By reason of the introduction of engineered surface drainage solutions as opposed to the free draining slope, the SUDs design is capable of introducing additional surface water storage capacity, direct flows away from existing residential properties and introduce attenuation measures whereby surface water is "held" in an attenuation storage facility before being released into the water courses to reduce the impact of an unmanaged "peak" in storm flows.

LANDSCAPE IMPACT

The field comprises a green and open contrast to the housing that typifies its western edge along Manor Farm Close as well as the housing along Waterlake road / Fore Street and extending north of the site along Loveridge Lane. It is not crossed by any public footpaths so is not publically accessible. Equally, the views into and across the field are limited by the extent of built form that backs onto the site, as well as the mature boundary planting to both the north western and south eastern boundaries such that a number of potentially longer views are largely screened.

The relative visibility of the western, upper part of the site is recognised in the applicant's masterplan, which defines areas where single storey chalet and two storey dwellings would be appropriate. The north western and south eastern mature boundary planting ensure that the impact of the dwellings is perceived against a skyline characterised by tree canopies rather than dwellings.

The development will significantly change the character of the application site, however that is the consequence of development, the site itself is largely contained by established built form and by reason of its location within the village the impact upon the wider landscape and countryside is mitigated.

The application proposals do not adversely impact upon protected landscapes including the Dorset and Blackdown Hills AONB.

The protection of the boundary features and areas of open space will be secured by placing them within a common management company ownership.

The application proposals, albeit illustrative show some 0.12 Ha open space on the southern site (20/02247/OUT) and 0.66 Ha open space on the northern site (20/02249/OUT) reflecting the avoidance of development on higher ground as well as the retention of green, open space

to the site's boundaries with established hedging and tree planting.

This quantum of open space can be secured by the S.106 and can ensure the development retains a spacious feel and landscape context.

IMPACTS UPON ECOLOGY

The application is accompanied by a Preliminary Ecological Appraisal / Extended Phase 1 Survey together with an Ecological Impact Assessment carried out between April 2020 and February 2021.

These studies identified both the Stowell Meadow SSSI is approx. 280m south west and River Axe SSSI and SAC lies approx. 3.3km south.

Somerset Ecology Services in response to consultation identified a number of habitats in the area, of relevance, including:

- A stream is present on site and around site boundaries. The mature species rich hedgerow present around the site is also a priority habitat.
- The site is predominantly improved grassland used to graze livestock. The sward is dominated by lush grasses with very few herbs. Dominant grasses were meadow foxtail, timothy, Yorkshire fog and perennial ryegrass. The presence of broad-leaved dock, dandelions and buttercups indicate an improved sward. The photograph opposite shows the site facing north east.
- The site is lined with a dense hedgerow which covers a significant portion of the boundary. The hedgerow to the east is well managed, thick and stock proof with a few scattered trees including ash and horse chestnut. The hedgerow species present include hawthorn, elm, hazel, dogwood, privet and elder. The ground flora along the hedgerow includes red campion, bluebells, lords and ladies, dandelion, cow parsley, hogweed, herb Robert, stitchwort, garlic mustard, dog's mercury, common vetch and common nettle. The photograph opposite shows the eastern boundary hedge where a ditch runs alongside.
- The small stream runs across the diving hedge on site and also partially along the eastern boundary. The stream is fast flowing and shallow with excellent water clarity. The stream and banks are overgrown with brooklime, common nettle and grasses, also with red campion, broad leaved dock, cleavers and comfrey.

Having reviewed the appraisal and constraints Somerset Ecology Services has concluded that there is no objection to the development subject to conditions being applied to any permission to secure a combination of protection for habitats as well as mitigation to ensure a biodiversity net gain.

Somerset Ecology Services has raised no further issues as a result of the amended internal designs linking the two sites by internal roadway.

IMPACTS UPON HERITAGE ASSETS

The application site is located outside of the Tatworth Conservation Area which is relatively tightly defined around Tatworth Street Axminster Road School Lane and Waterlake Road The Conservation Area includes the Grade II listed Gulwell house and Cottage the gardens to which are present in views west along Fore Street to include the application site as a foreground view

on the opposite side of the road. Given the degree of set back of buildings within the application site, other than the new access the streetscene view towards the conservation area will experience little in the way of change.

The Grade II listed Manor Farmhouse is now defined by the close of detached dwellings that envelops it such that its historic yard and function is now largely lost. The application site by locating single storey dwellings to its upper slopes does no more than replicate the established context for the listed property albeit the new dwellings will be further away. The combination of topography, boundary screening and the presence of modern dwellings between the listed property and the application site means the impact is more one of change in terms of less than substantial harm at the lower end.

AFFORDABLE HOUSING AND COMMUNITY INFRASTRUCTURE

The application is required to deliver on site affordable housing. This will equate to 12 units with the Council's housing officer seeking 10 social rent and 2 shared ownership units to include:

- 4 x 1 bedroom flat/house/bungalow (2 person)
- 5 x 2 bedroom house/bungalow (4 person)
- 2 x 3 bedroom house (6 person)
- 1 x 4 bedroom house (8 person) to be provided for social rent

The Education Authority has identified a need to make provision for additional capacity at Holyrood School to accommodate the 5 pupils it anticipates arising from this development. Based upon its build cost calculator, this would equate to £124,305.

The NHS Clinical Commissioning Group has identified a need to improve service provision based upon Chard and has identified a need for a contribution of £10,618.92 based upon some 78 patients.

SSDC Open spaces sport and recreational policies indicate a need to secure £104,320 & an administration fee of £1,043 which equates to £3,010 per dwelling.

These sums would need to include a pro- rata provision in the event that the reserved matters submission does not extend to the full "up to" 35 dwellings.

CONCLUSION

The application site is located within one of the district's larger rural settlements. The level of development taken with existing dwellings and commitments over the Local Plan period is in line with the level of development at other rural settlements within the Local Plan hierarchy. There will be a localised change to the character of the village, however the site, by reason of its landscaped boundaries and topography is well contained and located within a context that is generally defined by established residential development. Any adverse impacts upon the conservation area and Manor Farm are at the lower end of the scale and offset by the public benefits of delivering affordable housing as well as other contributions that only derive from development of above 10 dwellings.

The applicant has provided additional supplementary information and illustrative master plan proposals for the development of the site based on a deeper understanding of the character of the area and potential impacts.

The application was deferred for determination at the Area committee to clarify whether a single point of access could be secured for both sites. This has been achieved and can be delivered as a phased proposal with the S.106 linking both sites.

A pedestrian link and cycleway will be provided through the site between Fore Street and Loveridge Lane. Having given due regard to the application submitted and the potential to incorporate environmental, visual and highway safeguards in conditions attached to any outline permission the proposals are generally considered acceptable, subject to a S.106 securing the relevant planning obligations highlighted in the above report

RECOMMENDATION

To grant outline planning permission subject to the applicant entering into a S.106 Agreement with the Local Planning Authority within 4 months of the date of resolution to secure:

- 35% affordable housing
- Financial contribution towards education needs
- Financial contribution towards open space and recreation
- Financial contribution towards Health infrastructure
- A resident management company to manage open spaces and landscaped areas
- footpath connection
- Phasing of the delivery of both 20/02247/OUT and 20/02249/OUT in relation to access
- The securing of a quantum of open space at 0.78Ha across the two sites to protect landscape character.

And subject to the following conditions:

01. The proposal by reason of the ability to consider and control scale, layout, design and landscaping within any reserved matters would not result in harm to the landscape, local character, the historic environment, residential amenity, flood risk, ecology or highway safety. As such the proposal is considered to comply with Policies SD1, SS1, SS4, TA4, TA5, TA6, EQ1, EQ2, EQ4 of the adopted South Somerset Local Plan (2006-2025), the provisions of the NPPF (as amended) and the National Design Guide.

SUBJECT TO THE FOLLOWING:

01. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

FIVE YEARS from the date of this permission; or

The expiration of TWO YEARS from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than THREE YEARS from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

02. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") 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: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

03. The development hereby permitted shall be carried out in accordance with the following approved plans:

CAL030620 MP-01 Site location plan
Drawing No S1114-NE-66-XX-DR-C-2006

And follow the layout, landscaping and massing principles proposed by indicative plans

CAL020620 MP05 F
CAL020620 MP08 F
CAL020620 MP09 F
CAL020620 MP11C
CAL020620 MP12C

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

04. No more than 35 dwellings shall be constructed within the application site. The reserved matters application will be accompanied by a housing mix assessment that sets out how the reserved matters application has responded to the Council's most up to date Housing Needs Assessments.

Reason: To define the permission and ensure that the resultant scheme in meeting housing needs within the district.

05. Notwithstanding the illustrative nature of the Indicative Site Layout Scale and Massing Plan (Reference CAL030620 MP12C) the storey heights of dwellings submitted as part of any reserved matters application shall accord with the storey heights for the general locations shown on this plan.

Reason: To respect the site's topography and landscape impact of any development in accordance with Policy EQ2 of the South Somerset Local Plan.

06. No work to excavate foundations or roads shall take place within the application site until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been secured by the applicant, or their agents or successors in title and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of identifying and preserving the archaeological significance of the site in accordance with the provisions of the National Planning Policy Framework and Policy EQ3 of the adopted South Somerset Local Plan 2006 - 2028.

07. No development shall take place until details of protective fencing to be erected around existing trees and hedges within the site have been submitted to and agreed in writing by the Local Planning Authority. The approved fencing shall be implemented before work commences on site and shall be retained for the duration of the works. No works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: In the interests of preserving the archaeological significance of the site in accordance with the provisions of the National Planning Policy Framework and Policy EQ3 of the adopted South Somerset Local Plan 2006 - 2028.

08. No construction works shall take place before 0800 on weekdays and 0900 on Saturdays, nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or recognised public holidays.

Reason: To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ7 of the adopted South Somerset Local Plan 2006 - 2028.

09. No development shall commence, including any works of demolition, until a Construction Method Statement (Amenity) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Council's Environmental Protection Team
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours shall be in place.
 - South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.
 - Control measures shall be in place for control of dust and other air-borne pollutants.
 - Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

10. CEMP: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, bat roost buffer protection zones, reptile mitigation strategy, amphibian mitigation measures, dormice mitigation strategy, water voles mitigation strategy, pollution prevention measures to the stream on site and around the site boundaries etc.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent;
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

11. No development shall commence unless a Construction Traffic 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 vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

12. No works for the excavation of foundations or road alignments and routes shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than 2 l/s. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Details to ensure that any flow from offsite will be adequately managed to prevent and manage flood risk to the proposed development site, or elsewhere.
- Any works required 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).
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.
- Flood water exceedance routes both on and off site, noting, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during

storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled onsite and within the designed exceedance routes demonstrated to prevent flooding or damage to properties. Flood events in excess of the 100 year+40% climate change event must be managed within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- Investigation into the causes of surface water flooding on the site. Any surface water flowing onto the site should be captured, quantified and attenuated to greenfield rates to ensure that there is no increase to flood risk elsewhere
- Features such as bunds and filter drains located strategically on site boundaries to manage and control exceedance routes.
- Consideration of exceedance above the 100 year+40% climate change event, taking Chard catchment Section 19 investigations into consideration. This should ensure that exceedance is directed away from existing properties and infrastructure, and should this be planned to be directed into existing watercourses it should be ensured that the receiving system have suitable capacity and condition to take flows from the site. This should include any measures to ensure that this will be undertaken.
- 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. This should include any watercourses under riparian ownership of the site.

Reason: To ensure a satisfactory method of drainage in accordance with guidance set out in the National Planning Policy Framework and Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

13. No development shall commence until plans showing finished floor levels and threshold levels for new openings to the building have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

14. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006 - 2028.

15. No development above damp proof course shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment

shall be completed before the development hereby approved is first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

16. 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, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

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

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

18. 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 (trigger point) and thereafter maintained at all times.

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

19. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

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

20. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

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

21. No part of the development shall be occupied until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including the provision for the appointment of a Travel Plan Co-ordinator, targets, a timetable and enforcement mechanism) and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To encourage the use of alternative forms of transport to the site, in accordance with the provisions of Policies TA1 and TA4 of the adopted South Somerset Local Plan 2006 - 2028.

22. Biodiversity Net Gain: A 10% Biodiversity Net Gain (BNG) in habitat value using Natural England's Biodiversity Metric 2.0 will be required to be demonstrated in site's layout, masterplan and/or landscaping plan at the reserved matters stage. Some of the BNG habitat value should be focused on dormice, bats and reptiles. Alternatively, a financial and administrative agreement to achieve BNG offsite, if this cannot be accommodated on site, will be made between the applicant and the Local Planning Authority.

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 the provisions of the Environment Act and the Somerset Biodiversity Supplementary Planning Document.

23. LEMP: A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to any works to strip the site. 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.
 - 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 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the

Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

24. Dormouse Habitat: As dormouse habitat including along Fore Street and in the hedge with field trees along the stream will be affected and dormice could potentially be harmed the following is required to be conditioned in order that South Somerset District Council fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

The development 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 dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

25. Reptile Mitigation: No works, including vegetative clearance and ground works, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:

- a) proposed construction working practices to avoid harming reptiles
- b) details of proposed location of refugia, to accommodate any reptiles discovered during works
- c) timing of works to minimise the impact on reptiles
- d) if required, details of the location and status of translocation site

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the identified presence of and need to protect European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

Informative:

Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.

Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether

permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

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

Agenda Item 12

Officer Report On Planning Application: 20/02247/OUT

Proposal :	Outline application with all matters reserved, except for access, for up to 13 dwellings
Site Address:	Land To The North Of Fore Street , Fore Street, Tatworth, Chard, Somerset
Parish:	Tatworth and Forton
BLACKDOWN, TATWORTH & FORTON Ward (SSDC Member)	Cllr M Wale Cllr J Kenton
Recommending Case Officer:	Martin Lee (Principal Specialist) (Left) Tel: 01935 462531 Email: john.hammond@southsomerset.gov.uk
Target date :	10th November 2020
Applicant :	Joint Application: 1. Brewer, Lillington 2. Land Allocation
Agent: (no agent if blank)	Mr Paul Booth AAH Planning Consultants 2 Bar Lane York YO1 6JU
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO AREA COMMITTEE

The application, in conjunction with application 20/2249/OUT for an adjoining site were reported to the Area West Committee in September 2021 at the request of ward councillors given the level of interest in the site and the applications.

The determination of the applications was deferred for the following reason:

At the conclusion of the debate, it was proposed and seconded to defer the application to a future meeting of the Area West Committee as members felt that there was an opportunity to deliver a highway benefit to the local road network through a negotiated solution that could be achieved within the two applications within the applicant's control.

A vote was taken to defer the application, which was approved by 9 votes in favour, 0 against and 1 abstention.

Resolved:

That planning application 20/02247/OUT be deferred to a future meeting of the Area West Committee, as members felt there was an opportunity to deliver a highway benefit to the local road network through a negotiated solution that could be achieved within the two applications within the applicant's control.

South Somerset District Council

Author: D. Gordon

Date: 12/07/2021

Scale: 1:1250

The map shows a proposed road layout highlighted in red, starting from the bottom left, running east through the center, and then turning south towards the bottom right. Key locations and features include:

- Manor Farm Cottage** (top left)
- Wreath Green** (center left)
- Sheep Wash (disused)** (center)
- Electricity Distribution Site** (center right)
- Waterlake Farm** (bottom right)
- Waterlake** (bottom center)
- Waterlake Cottage** (right)
- Wreath Green Cottage** (bottom center)
- Hillside House** (bottom center)
- Newlyn** (bottom center)
- Hawkridge** (bottom center)
- Beechway** (bottom center)
- Beecroft** (bottom left)
- Winsham House** (bottom left)
- Sunnyside** (center left)
- Thorn View** (left)
- Dudds Austers Ford** (left)
- Braystones** (center)
- Lily Lodge** (center right)
- Issues** (multiple locations marked with blue dots)
- Sinks** (multiple locations marked with blue dots)
- Ford** (multiple locations marked with blue dots)
- 69.5m** (distance marker)
- FORD STREET** (road name)



This application for residential development of agricultural land for up to 13 dwellings is in outline with all matters except access reserved for future consideration under a separate reserved matters application.

A tandem application (Reference 20/02249/OUT) for the neighbouring, larger parcel of land abutting to the west is also currently under consideration. Whilst initially each application was independent of the other, at the request of the Area Committee the applicant has revised the associated application, deleting the separate access onto Fore Street and instead taking access for the associated site through the site the subject of this application.

Both reports follow a similar structure given their proximity and the range of issues raised relating to settlement roles, housing supply and consultee input. They differ in relation to the description and assessment of the individual site characteristics and relationships to heritage assets.

The site sits between Fore Street to the south and Loveridge Lane to the north and comprises open agricultural pasture on the north eastern side of Tatworth and is approximately 0.47 hectares in area. The site has no extant planning permissions and does not form part of any allocated site within the current South Somerset Local Plan.

There are watercourses along the north western and north eastern field boundaries returning alongside Loveridge Lane. The sites north western boundary adjoins the existing property Sunnyside as well as the common boundary with application 20/02249/OUT, which it is proposed to connect to by way of a footpath.

The site is not allocated for any particular use within the adopted South Somerset Local Plan.

Immediately to the east of the application site is the residential curtilage to No 1 Fore Street, the westernmost of six terraced dwellings. Vehicular access is taken onto Fore Street. Other than the internal footpath link to the parallel application site there are no other connections proposed.

The mature hedgerow between the two application sites will provide visual separation and enclosure to each site reducing their impact upon the wider landscape.

The current outline application is supported by a range of supporting appraisals on areas that include: design and access; landscape; transport; flood risk & drainage; arboriculture; contamination risk; geology; ecology; archaeology, and; planning obligations.

Discussions with officers and liaison with statutory consultees has resulted in the augmentation of the original submission with revised illustrative site layout proposals based on a landscape strategy approach intended to form an indicative master plan for the site.

HISTORY

There is no planning history to the site.

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.

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) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Tatworth as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3- Provision of affordable housing

HG4 - Affordable housing contributions

TA1 - Low Carbon Travel

TA5 - Transport Impact of New development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor play space, sports, cultural and community facilities in new development.

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

Chapter 16: conserving and enhancing the historic environment

CONSULTATIONS

Tatworth and Forton Parish Council: Recommend Refusal on the grounds that the access to the 13 houses will generate an increase in traffic, on a street which is a Safe Route to school and already has questionable safety, of 78 extra movements per day (using SSDC formula) excluding trade traffic.

In relation to the revised application following consideration at the Area Committee the Parish Council has maintained its objection.

SSDC Planning Policy: (Key points)

- Monitoring from the start of the Local plan period (2006) indicated the delivery of 76 dwellings. With extent planning permissions this rises to 119 dwellings. (Delivered and committed) these two applications would take this total to 167 dwellings.
- Tatworth and Forton Parish has a population of 2621 based upon the 2019 mid-year population estimates. The 2011 census indicated the parish has some 1,170 dwellings as at 2011. Taken with the delivered and committed sites this would indicate a growth of some 12% in the village size over the Plan period.
- Policies SS1, SS2 and SS5 provide guidance relating to the management of housing supply, including the settlement hierarchy, the role of rural settlements and provides an indication of the level of growth expected of Rural Centres. (The tier immediately above Rural Settlements) It should be noted that in light of the Templecombe appeal decision in July 2021, application reference 19/03416/OUT, appeal reference APP/R3325/W/20/3265558 which concluded that the district council did not have a 5-year supply of housing these policies are considered out of date.
- The settlement of Tatworth & South Chard is served by a number of community facilities including a primary school, convenience shop/post office, pub, village hall, children's play area, recreation ground and faith facilities. This means that it qualifies for limited growth under Local Plan Policy SS2 Rural Settlements. This means that as a basic position the settlement is considered to represent a sustainable location within which additional development can be accommodated.
- Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable, a development of 35 dwellings would be expected to deliver about 12 affordable homes. A range of market homes should be provided in accordance with Local Plan Policy HG5.
- The submitted Planning Statement sets out how the applicant considers that the proposal meets the requirement of Policy SS2. Evidence has been provided from Homefinder Somerset of a local demand for affordable housing.
- Within and adjacent to the proposal site there are locally significant archaeological sites (Probable post-medieval to 19th century catch meadow, and Sheep Wash, Loveridge's Lane) identified on the Somerset Historic Environment Record, and the curtilage of the Grade II Manor Farmhouse adjoins the north western boundary of the site (Policy EQ3). It is noted that the Planning Statement concludes there are no findings of interest as a result of the geophysical survey (para 6.34).

Emerging Local Plan Review:

- The emerging Local Plan Review is currently in preparation and two consultations have taken place under Regulation 18; with the most recent consultation on Preferred Options ending in September 2019. In the Preferred Options Plan Tatworth is identified in a new Village tier of the settlement hierarchy, and would qualify for limited development to meet local needs, support local services and economic activity, appropriate to the scale of the settlement (Policy SS1). The Local Plan Review Preferred Options document explains that Villages are settlements which are considered to be sustainable locations for small scale growth, and were identified as a result of having undertaken an assessment of a number of larger Rural Settlements. Overall the Plan anticipates 1,314 dwellings being delivered in 12 Villages over the plan period which equates to an average of 60 homes in each qualifying

settlement over the Plan period.

- A number of objections have been received with regards to Policy SS1. As the emerging Local Plan Review is still at an early stage in its preparation and objections have yet to be considered, it is judged that extremely limited weight can be attached to it (paragraph 48 of the NPPF).

Planning Balance:

- As is demonstrated above the settlement of Tatworth & South Chard is a Rural Settlement that benefits from a range of community facilities. With regards to the overall scale of growth the number of homes built during the plan period so far equates to about 5 per year. If existing commitments are to be built out and a further 35 dwellings were to be approved, this would potentially equate to just over 7 dwellings per year over the plan period. Cumulatively, with the adjoining site for 13 dwellings (20/02247/OUT), it would result in 8 dwellings per year over the plan period.

SCC Highways:

In relation to the initial applications, SCC Highways raised no objection to the proposals albeit they expressed a preference for a single point of access for both developments. Their original comments are set out below with their updated comments included at the end.

Background

This application seeks outline consent for the erection of up to 13 dwellings all matters except the access are reserved. Fore Street is a classified un-numbered highway, which is subject to a 30mph speed limit. Approximately 100m to the west of the site the speed limit is reduced to 20mph. There is an existing field access in the south west corner of the site. The proposal would see the introduction of a priority 'T' junction, 5.5m wide with 6m radii, to serve the dwellings. This access would provide a staggered distance of approximately 54m to the existing junction of Fore Street & Langdon's Lane & of 30m to the Public Right of Way CH5/14 that serves a limited number of dwellings.

Parking

Parking - As the application is outline only and the submitted site layout drawing is an indicative layout only the dwelling mix has yet to be determined. With regards to vehicle parking provision the Highway Authority would require that the parking provision reflects that of the Somerset County Council - Parking Strategy (amended September 2013) (SPS). Below I have outlined the parking requirements for the area, which is located within a 'Zone C' region for residential development:

ZONE C	1 Bed	2 Bed	3 Bed	4 Bed	Visitor
Policy	2	2.5	3	3.5	0.2

Additionally, as part of the Somerset County Council Parking Strategy, new residential development is required to provide cycle storage facilities and electric charging points for each property. To comply with the SPS standards there is a requirement for appropriate, accessible and secure storage for 1 bicycle per bedroom, the cycle parking should be secure, appropriate and accessible. Paragraph 4.5.5 of the submitted Transport Statement sets out that parking will be in accordance with the SPS, and paragraphs 4.5.4 and 4.6.1 sets out that electric

charging points and sufficient cycle parking/storage will be provided.

Vehicle movements and splays

The average dwelling generates 6-8 vehicle movements per day, therefore the proposed development is likely to generate 78-104 additional vehicle movements per day. The development is likely to see approximately 8 two-way movements in the am/pm peak times. These figures are confirmed by the submitted Trip Rate Information Computer System (TRICS) data provided within the application submission. The Highway Authority does not consider that the proposed level of development is such that there would be a significant or severe impact on the highway network.

Drawing number S11144-NE-66-XX-DR-C-2001 P01 submitted as part of the transport statement shows visibility splays of 2.4m x 43m, however, this visibility splay is obscured to the east of the access by a mature tree that is not shown as 'to be removed' and partially obscured to the west of the access by other mature trees. Subject to the removal of the tree to the east of the access and the maintenance and further investigation of the trees to the west this visibility would be in accordance with Manual for Streets (MfS) and acceptable.

Other

Informative notes are required relating to the need to enter into an Advanced Payments Code payment, as well as securing a licence from the Highways Authority relating to works in the highway. Further advice is provided (and should comprise informatives) relation to road gradients, straight sections of road, internal junction design shared surface linkages lighting of footways root barriers the surfacing of public spaces and forward visibility.

Feasibility Safety Audit.

Albeit the application is in outline and only access is being established SCC Highways has undertaken a safety audit with recommendations. The key issues relate to:

1. Recommend removal of mature ash tree to the north side of the access.
2. Lack of no street lighting in the vicinity of the site access.
3. Risk of collisions occurring between vehicles, pedestrians, and cyclists during the periods of darkness conditions due to insufficient highway lighting provision.
4. Risk of side-impact vehicle collisions occurring due to absence of sufficient hazard centreline road markings provided on the proposed development access road.
5. Inter-visibility to be provided on Fore Street as well as footpath proposed.
6. Recommendation that the two developments be linked to avoid the need for an additional access.

The highway assessment concludes however that issues 1-5 could be dealt with within the safety audit for the reserved matters. In relation to point 6 the applicant's highways consultant has advised that they consider the separate accesses to be individually acceptable and for other reasons relating to the value of the boundary hedgerow this is not a substantive ground for refusal. The highways authority has confirmed that they do not object to the use of two separate access points onto the road.

The applicant will be required to enter into a suitable legal agreement with the Highway

Authority to secure the construction of any highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The amended plans have not changed the access design since the previous Highway comments and the internal layout remains as an indicative layout, therefore no further comments need to be made regarding the layout. The access as proposed will serve this site and the site subject to planning application 20/02249/OUT. The Highway Authority have no objections to this and would refer you to previous responses for suggested conditions.

Somerset Waste Partnership:

Around half of the properties do not appear to have direct access to an adopted highway from which we make collections. Having direct access to the public highway makes transporting and presenting the waste/recycling clear and efficient for both the householder and the crew, and gives accountability for the waste to the householder, which is less likely if a communal collection point is used. Collection points can encourage anti-social behaviour with fly-tipping and containers being left out between collections which can cause tensions locally and spoil the street scene.

At this stage I have no further concerns. I would assume a tracking diagram will be provided once the layout is confirmed. A waste collection strategy plan can be required as a part of the conditions applied to any approval.

Police Designing Out Crime consultee:

At this stage where only outline planning is sought, it is difficult from a crime reduction/prevention point of view to give detailed comments as the areas to be addressed would normally be decided upon at Reserved Matters stage. Should this application gain outline approval, the design and layout of any future reserved matters application should incorporate crime prevention measures and reflect the principles of designing out crime.

Environmental Protection Team:

Thank you for the consultation. There is a need to protect local amenity during the construction phase. This should be secured by planning condition.

SSDC Affordable Housing:

Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 5 units based on a development of 13 dwellings. These would be split as 4 for social rent and 1 for shared ownership or other intermediate affordable solution. I would propose the following mix detailed below:

- 2 x 1 bedroom flat/house/bungalow (2 person)
- 2 x 2 bedroom house/bungalow (4 person)
- 1 x 3 bedroom house (6 person)

We 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. I would recommend that the affordable units are in at least 2 clusters with social rented properties in each cluster.

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.

Space standards should follow the National Technical Standards

SCC Education:

Only secondary school places are required in this location. The pupil yield calculation for 13 dwellings for secondary is $13 \times 0.14 = 4.9$ - 2 secondary pupils
The current cost to build for secondary pupils is £24,861.00, Therefore $2 \times £24,861 = £49,722.00$ which will be used to increase capacity at Holyrood Secondary School.

NHS Somerset Clinical Commissioning Group:

As a result of the proposed development above, Somerset CCG would like to request that Section 106 contributions are provided to offset the proposed increase in patient numbers. Any monies contributed will be utilised to ensure that the Somerset health system can continue to provide a high quality and continuity of care in Chard.

We anticipate a patient increase of approximately 29 patients. Based on our calculations, we will be seeking a contribution of £3948.06.

SSDC - Strategy & Commissioning:

Details of the contributions sought in respect of open space, sport and recreational provision for inclusion in any S.106 based on the scale and anticipated impact of the development proposed:

Overall contribution Total = £38,747, (1% Locality Service Administration Fee = £387.00)

Overall Level of Planning Obligation to be Sought = £39,135.00. (Equates to £3,010.00 per Dwelling)

Natural England:

No objection, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or protected landscapes and has no objection. Stowell Meadow of Special Scientific Interest - based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected Landscapes -Based on the plans submitted, Natural England We do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONBs.

Biodiversity Net Gain - We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new

features could be incorporated into the development proposal.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development.

Dorset AONB Team:

I have reviewed the outline proposal, alongside the neighbouring application. The site is located approx. 1.5 km from the boundary of Dorset AONB, although intervisibility between the site and the designated area would only be possible over notably greater distances, due to landform. In my opinion, views of the site area from Dorset AONB would be distant and substantially filtered by intervening vegetation.

Blackdown Hills AONB Team:

Although the sites are just approximately 1km distance from the Blackdown Hills AONB boundary, seen in the context of the village, beyond the metaphorical barrier of the A358, and taking account of topography and vegetation, I would not consider these proposals individually or cumulatively to adversely affect the Blackdown Hills AONB or its setting.

Long and panoramic views out are one of the AONB's special qualities. Some properties in the village are visible in the foreground of long distance views towards the Dorset AONB and Windwhistle Hill area between Chard and Crewkerne, and so we would be keen to ensure that development here does not become an unduly prominent feature that would draw the eye. In due course roof colour should therefore be a consideration (avoiding bright red or orange tiles for example), alongside retention of existing mature trees as part of a broader landscaping scheme.

Somerset Ecology Services:

A Preliminary Ecological Appraisal/Extended Phase 1 survey (JNCC 2010) for bats, reptiles, amphibians, birds, dormice, badgers, hedgehogs, water voles and otters; protected species surveys for bats, reptiles and dormice; and an Ecological Impact Assessment of the application site was carried out between April 2020 and February 2021 by Arbtech.

Designated sites include Stowell Meadow SSSI is approx. 280m south west and River Axe SSSI and SAC lies approx. 3.3km south.

Amphibians:

There is only one pond within 250m of the development that could potentially provide suitable breeding habitat for GCN which lies approx. 50m northwest. A second pond is shown on OS maps adjacent to the north but this area could be viewed from the site and the adjacent road and no ponds were visible. There are no GCN records within 2km. There are no GCN EPSLs in the area and a local pond just over 500m south east was subject to survey and was negative for GCN (based on surveys for district level licencing). Given that GCN are scarce in the area and the nearby pond tested negative it is unlikely that this species is present on site.

Bats:

1 tree roost of #5 soprano pipistrelle present on site. Limited foraging by common pipistrelle on site. Also a locally important serotine bat roost in woodland to the north of the site.

Badgers:

There was no evidence of badger use on site and no sett.

Birds:

The hedges and trees on site provide suitable nesting habitat. The grassland and hedgerow habitats are ideal for barn owl foraging.

Reptiles:

Adult and Juvenile slow worms were recorded on the site. A maximum count of three slow worms was recorded during a survey. [A further 30 refugia were also monitored in the southern allocation at the same time and adult and juvenile slow worms were found as well as a single grass snake - this is reported separately].

Dormice:

Nests and adult dormouse were found along Fore Street and in the hedge with field trees along the stream.

Hedgehogs:

The grassland and hedgerows provide suitable hedgehog habitat.

Water voles and otters:

There are records of these species in the local area. The small ford and ditches on and around the site could support a water vole population but are unsuitable for otters. There was no evidence of water vole activity within the survey area.

Recommendations, to comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, conditions are required to protect relevant habitat.

No further comments were made in relation to the amended layout proposals.

SCC Lead Local Flood Authority:

In regards to the discharge rate from the site, the consultant has advised that rates cannot be restricted further as a single system would not be feasible, and that due to adoption reasons, the rates cannot be restricted further. It has also been shown by the consultant that the receiving culvert is of suitable capacity to take flow from the site.

We have reviewed the discharge rate calculations and determined that the rate has been based

on a soil type number of 1 (permeable soils) however soils mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)." Therefore, the solid index would likely be higher, and therefore, the discharge rate from the site would likely be higher than the greenfield QBAR shown within the FRA.

Furthermore, as the soil mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)", infiltration testing can be sought at detailed design.

Due to the above, we would accept the discharge rate of 2 l/s from 20/02247/OUT and 2 l/s from 20/02249/OUT. Please be aware that at detailed design any flooding within the 100 year +40% climate change event must be clearly shown to be retained onsite. We have suggested conditions for the permission.

Following submissions made the a site neighbour relating to surface run off entering their property, a follow up meeting was held with the LLFA regarding likely impacts arising from the development. Their additional comments are set out below:

Following on from our discussion earlier, consideration of the correspondences and the applicant's response we would like to advise the below. Please be aware that we are currently investigating the flooding events which occurred within June and October in the Chard area under several Section 19 Investigation. Whilst Somerset County Council (SCC) lead local flood authority (LLFA) are not an emergency response team, we have a statutory duty to undertake flood investigations where it is deemed necessary and appropriate.

These are known as Section 19 Flood Investigations under the Flood and Water Management Act (2010). This investigation is led by the LLFA but undertaken in partnership with other Risk Management Authorities (eg. Wessex Water and the Environment Agency). The S19 may make some recommendations and these could involve changes to working practices or further study and the Investigation is an important first step in identifying how the flooding issues have occurred, as the relevant authorities may then use these documents to secure further projects/funding in the area. We would value the opportunity to work with the developer to further to shape the design and layout of the development to ensure that surface water is controlled and managed, taking these events into account.

- The applicant has advised that there appears to be a blockage within the watercourse within the southern site to the west, (access between the two fields) which could be causing surface water to pool across the land, and that this watercourse is poorly maintained. The applicant has confirmed that during the development they will ensure that this is rectified, however, we have requested that this is looked into now to mitigate any existing risk.
- We have reviewed the discharge rate calculations and determined that the rate has been based on a soil type number of 1 (permeable soils) however soils mapping advises that "This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)". therefore the solid index would likely be higher, and therefore, the discharge rate from the site would likely be higher than the greenfield QBAR shown within the FRA. The updated FRA indicates that the combined greenfield rate for the 1 year event would be 4.92 l/s, however the applicant is proposing to discharge at 2 l/s

from each site (totalling 4 l/s) for all events up to and including the 100 year+40% event, which suggests a betterment over the existing situation.

- Furthermore, as the soil mapping advises that “This soil type is recorded as having impeded drainage characteristics (i.e. very low rate of infiltration)”, infiltration testing can be sought at detailed design.
- The applicant has advised that at the northern boundary of the site an ecological buffer would remain which includes a small depression in the ground and exceedance drawing indicates that in the event that this is exceeded surface water would be directed into the existing watercourse or into the attenuation basin and away from existing properties. However, we have advised the applicant that due to issues raised that the amount of surface water flowing onto the site will need to be calculated and attenuated to greenfield rates, which we will update to specify within the condition. Additionally a swale feature is proposed within the southern area of the northern site, which may aid capturing exceedance routes.
- The applicant has advised that they would be willing to include bunds/raised ground in the location of existing properties within landscaping areas to redirect surface water and exceedance, this may also require additional drainage features in these locations to aid the drainage of the areas.
- The site is proposed to manage surface water for the 100 year+40% event, and in excess of initial exceedance routes have been provided demonstrating that surface water will be directed away from existing properties, however at detailed design we expect to see detailed exceedance routes based on the final design.
- Any surface water originating from the development site would be captured through the proposed surface water drainage strategy for the site.

In conclusion, from the information that we have been provided, the development is proposing to control and manage any surface water entering the sites, surface water originating from the development site, and direct exceedance away from existing properties with the use of drainage features. Due to recent events we have requested exceedance is considered above the design event, which is specified within the amended conditions.

South West Water:

I refer to the 2 applications referenced above and would advise that South West Water has no objection subject to foul flows only being connected to the public sewer.

REPRESENTATIONS

- The development is contrary to SSDC Adopted Local Plan Strategy and the emerging Local Plan
- SSDC will have met their District-wide housing need when they produce their revised figures in October- there is definitely no need for either of these developments
- There is no identified need for this housing, or this level of housing, in Tatworth. Housing in this part of the village will have increased by over 80% in less than 10 years. The combined two current applications represent a 43% increase in housing to the north of Waterlake Road
- Incremental new development has always been assimilated into this part of Tatworth but this amount of housing will overwhelm the character of the area and create a nondescript,

characterless housing estate.

- In sustainability terms, the disbenefits considerably outweigh any benefits
- Approx 100 cars (at least 200 traffic movements) per day will access directly onto the 'Safe Route to School' which is already unlit and unpaved along much of its length.
- Surface water flooding has been dismissed as an issue by the applicants (despite full consideration and mitigation being a requirement of the National Planning Policy Framework) and will increase as grassland is developed. The Environment Agency maps show that some parts of the site are already subject to some flooding and the risk of runoff to the lower Wreath Green housing just below the site is very high. The FRA does not acknowledge or address this at all
- The Bat assessment has not been carried out in accordance with the best practice cited. It does not acknowledge the most significant nearby roost at The Orchards and does not take any account of the feeding grounds/flight paths from this roost which will be significantly impacted by removal of their habitat and introduction of lighting, noise and activity (as well as predatory pets). It should be corroborated by an independent ecologist employed by SSDC. Furthermore, the bat assessment appears to rely on remote detectors and bat identification by computer software (rather than human interaction) which is notoriously open to error. It is totally inadequate to meet the Habitats legislation.
- Similarly, the proximity to Stowell meadow means that an assessment of the flora and invertebrate species on the site should have been carried out, according to the EIA/HRA legislation. This has not been done.
- The assessment of impact on nearby heritage assets is totally inadequate. It does not consider the conservation area and dismisses the potential impact on the listed buildings (two of which immediately adjoin the site). It does not assess their significance (as required by the NPPF), the impact on their setting, or the historic relationship between their agricultural roots and the development site fields. The statement doesn't even recognise the nearest, Manor Farm Cottage, as a separate dwelling
- The development will urbanise a quiet, rural recreational route between footpaths and erode the rural character of this part of Tatworth. Lighting, noise, traffic and increased activity will impact on local amenity to an unacceptable degree.

PLANNING ISSUES

The main issues to assess in considering this application are considered to be:

- The scale of development in relation to the size and function of Tatworth
- The Council's housing supply position
- Highways and site access
- Surface water flooding
- Landscape impact
- Impacts upon ecology
- Impacts upon heritage assets
- Affordable housing and community infrastructure

THE SCALE OF DEVELOPMENT IN RELATION TO THE SIZE AND FUNCTION OF TATWORTH

Tatworth & Forton Parish comprises a Rural Settlement within the hierarchy of settlements within the South Somerset Local Plan. This tier of settlements does not have a specific housing

target allocated to it and equally does not have specific sites allocated for residential development. The Local Plan has relied instead upon Policy SS2 to define the criteria for site identification on a case by case basis through the development management process.

Whilst the adopted Local Plan does not define housing targets for the rural settlements it does set out an approach to considering scale and settlement at paragraph 5.30:

"The Rural Settlements tier of the settlement hierarchy covers a range of settlements that vary widely in size, role, function, local priorities, and constraints. Therefore, the interpretation of Policy SS2 will depend on applying these factors in considering proposals at each individual settlement; for example a proposal that is acceptable in one of the larger Rural Settlements such as Templecombe, which has a relatively strong employment function and good sustainable transport links with the presence of a railway station, will be different to a smaller Rural Settlement such as Compton Dundon which does not have these features."

With a population at 2011 of 2,259 and 996 dwellings Tatworth and its associated communities comprises the largest of the Rural Settlements that fall below the rural Centre classification in the settlement hierarchy. It is also relatively well provided for in terms of community infrastructure with access to a primary school, convenience retail, public house, hall / faith facility and play areas having 5 of 6 local services identified in the Council's topic paper "The Potential For Rural Settlements To Be Designated Villages. (11/2018)

This Topic Paper, forming part of the evidence base for the Local Plan Review itself carries no statutory weight, however it does provide evidence of the Council's reliance upon delivery of housing in rural areas as well as the capacity of larger villages within the Rural Settlement tier to accommodate a greater proportion of housing growth.

Over the Plan period, Tatworth has had some 76 housing completions and has further commitments for 43 dwellings. The combined impact of the existing dwellings and approvals, taken with the development within applications 20/02247/OUT for 13 dwellings and 20/02249/OUT for 35 dwellings will take this level of provision to 167 dwellings resulting in a level of growth over the plan period of 12%.

This level of growth (including the application sites) is relatively consistent with the level of growth experienced by a number of the larger villages within the district, including Ilton, Henstridge Merriott, Misterton and West Coker which have all delivered between 10-15% growth over the same period.

Given the above, the level of growth that would be enabled by the approval of these 2 applications is not inconsistent with growth at similar scaled communities. It is accepted that by reason of their size the 2 applications will significantly increase the level of development within this part of Tatworth, however that position is true of any development of this scale within a village comprising a series of inter-connected roads and separate neighbourhood areas within the wider settlement.

THE COUNCIL'S HOUSING SUPPLY POSITION

On 6 July 2021 South Somerset District Council (SSDC) received the appeal decision on planning application 19/03416/OUT for a proposed residential development at Manor Farm,

Combe Hill, Templecombe: Ref: APP/R3325/W/20/3265558.

In presenting her findings on the five-year housing land supply, the Inspector concluded that using the standard method with a 5% buffer SSDC is able to demonstrate a five-year housing land supply of between 3.97 and 3.66 years (paragraph 44). This conclusion primarily stemmed from her concerns over the impact of the uncertainty around phosphate mitigation solutions across the district on housing delivery. The Inspector did however accept that SSDC's calculations were consistent with the NPPF/PPG methodology.

As a consequence of this decision SSDC currently accepts that it cannot currently evidence a five-year housing land supply.

Whilst the authority is making progress to resolve the current phosphate related delays in releasing developments across the Ramsar catchment impacted parts of the district the uncertainty over the timing for putting in place an adopted Strategy and accredited mitigation schemes means that the tilted balance is applied to decision making for the current time. This is set out at paragraph 11 of the NPPF (July 2021) and 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-date⁸, 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 proposed⁷; 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 refers to policies in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Footnote 8 refers to 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 74); 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.

In summary therefore those policies which seek to protect recognised heritage, landscape and environmental designations retain full weight, however policies which seek to restrict the supply of housing are considered to be out of date.

The landscape environmental and heritage issues are covered in more detail below.

HIGHWAYS AND SITE ACCESS

A key objection to the two applications as originally submitted was that they maintained separate points of access onto the highway which is identified as a safe route to school. (This in addition to a linked objection to the creation of either new access onto the road.)

The original application report reviewed whether the separation of the two sites into two applications would benefit the applicant by avoiding triggers for making contributions towards community and other infrastructure and concluded that they would not.

The report also noted that SCC Highways did not object to two separate access points onto Fore Street

In response to concerns raised by the Area Committee, the applicant has proposed to delete the separate access from application 20/02249/OUT onto Fore Street, instead taking the access through application 20/02247/OUT.

In effect, this creates a phased development where application site 20/02249/OUT becomes a phase two of the development, only capable of commencement once application site 20/02247/OUT is serviced and provided with a suitable internal road layout to the common site boundary.

As both sites are within the same ownership this phasing arrangement can be secured by way of the S.106 Agreement to ensure that no works to commence phase 2 (application 20/02249/OUT) take place until the access, internal estate road and services are constructed to the common boundary and made available to service application site 20/02249/OUT without restriction.

As noted before As a part of the highway comments upon the scheme Somerset Highways have commissioned a safety audit in addition to commenting upon the merits of the scheme and have concluded that there were no highways objection to the original proposals for two accesses serving two cul de sacs. The safety audit has made a number of comments about the illustrative site layout but the report has also concluded that of these issues all but one can be resolved through consideration of the detailed proposals brought forward at the reserved matters stage.

The one issue which the highways comment had originally raised is the proposal for 2 separate accesses to served individual cul de sacs.

By reason of the changes now proposed this concern (which did not lead to an objection) is now resolved demonstrating a highway betterment over the Highways Authority base position.

In summary, therefore there is no highway objection to either of the applications by reason of their dwelling numbers and therefore trip generation or by reason of the number and location of access points.

SURFACE WATER FLOODING

Comments have been made that the application submission ignores surface water flooding.

By reason of the various local water courses comprising ordinary water courses and not main rivers the land associated with the water course edge does not as a point of fact comprise Flood Zones 2 or 3 which of itself would introduce the need to apply a sequential test.

The site is impacted by surface water flooding with a combination of the ordinary watercourse to the north of the site and the topography of the site, sloping down from Tatworth Street resulting in medium velocity surface flows running through the fields to the north of, but outside the site and low velocity and depth flows across parts of the site itself.

Somerset County Council as the Lead Local Flood Authority has reviewed the initial submissions and sought additional information from the applicant in light of its own advice regarding the soil's infiltration characteristics before agreeing to the proposals subject to conditions that ensure detailed designs within the 100 year & 40% climate change event will retain surface water on site before release to water courses.

Subsequent to the original determination of the application by the Area Committee, a site neighbour has provided evidence of surface water from the application sites (particularly application site 20/02249/OUT) impacting upon their property.

These submissions have been further discussed with the LLFA, which has again confirmed that there is no objection to the application as submitted subject to conditions securing a suitable surface water drainage scheme.

By reason of the introduction of engineered surface drainage solutions as opposed to the free draining slope, the SUDs design is capable of introducing additional surface water storage capacity, direct flows away from existing residential properties and introduce attenuation measures whereby surface water is "held" in an attenuation storage facility before being released into the water courses to reduce the impact of an unmanaged "peak" in storm flows.

LANDSCAPE IMPACT

The field is lower lying than that proposed for development under application 20/02249/OUT. It effectively rounds off the residential character established by Nos. 1-6 Fore Street with housing and gardens linking Fore Street and Loveridge Lane.

The presence of the retained field hedge to the north western boundary will maintain a mature green skyline and contain the site in a manner largely separate from the larger site the subject of the separate application.

As with application 20/02249/OUT, the application site will reflect the wider enclosure of the site by loose knit housing development along Loveridge Lane and the more formal arrangements along Fore Street.

The development will significantly change the character of the application site, however that is the consequence of development, the site itself is largely contained by established built form and by reason of its location within the village the impact upon the wider landscape and countryside is mitigated.

The application proposals do not adversely impact upon protected landscapes including the Dorset and Blackdown Hills AONB.

The protection of the boundary features and areas of open space will be secured by placing them within a common management company ownership.

The application proposals, albeit illustrative show some 0.12 Ha open space on the southern site (20/02247/OUT) and 0.66 Ha open space on the northern site (20/02249/OUT) reflecting the avoidance of development on higher ground as well as the retention of green, open space to the site's boundaries with established hedging and tree planting.

This quantum of open space can be secured by the S.106 and can ensure the development retains a spacious feel and landscape context.

IMPACTS UPON ECOLOGY

The application is accompanied by a Preliminary Ecological Appraisal / Extended Phase 1 Survey together with an Ecological Impact Assessment carried out between April 2020 and February 2021.

These studies identified both the Stowell Meadow SSSI is approx. 280m south west and River Axe SSSI and SAC lies approx. 3.3km south.

This was updated to reflect the changes to access proposed.

Somerset Ecology Services in response to consultation identified a number of habitats in the area, of relevance, including:

- A stream is present on site and around site boundaries. The mature species rich hedgerow present around the site is also a priority habitat.
- The site is predominantly improved grassland used to graze livestock. The sward is dominated by lush grasses with very few herbs. Dominant grasses were meadow foxtail, timothy, Yorkshire fog and perennial ryegrass. The presence of broad-leaved dock, dandelions and buttercups indicate an improved sward. The photograph opposite shows the site facing north east.
- The site is lined with a dense hedgerow which covers a significant portion of the boundary. The hedgerow to the east is well managed, thick and stock proof with a few scattered trees including ash and horse chestnut. The hedgerow species present include hawthorn, elm, hazel, dogwood, privet and elder. The ground flora along the hedgerow includes red campion, bluebells, lords and ladies, dandelion, cow parsley, hogweed, herb Robert, stitchwort, garlic mustard, dog's mercury, common vetch and common nettle. The photograph opposite shows the eastern boundary hedge where a ditch runs alongside.
- The small stream runs across the diving hedge on site and also partially along the eastern boundary. The stream is fast flowing and shallow with excellent water clarity. The stream and banks are overgrown with brooklime, common nettle and grasses, also with red campion, broad leaved dock, cleavers and comfrey.

Having reviewed the appraisal and constraints Somerset Ecology Services has concluded that there is no objection to the development subject to conditions being applied to any permission to secure a combination of protection for habitats as well as mitigation to ensure a biodiversity net gain.

IMPACTS UPON HERITAGE ASSETS

The application site is located outside of the Tatworth Conservation Area which is relatively tightly defined around Tatworth Street Axminster Road School Lane and Waterlake Road The Conservation Area includes the Grade II listed Gulwell house and Cottage the gardens to which are present in views west along Fore Street to include the application site as a foreground view on the opposite side of the road. Given the degree of set back of buildings within the application site, other than the new access the streetscene view towards the conservation area will experience little in the way of change.

The Grade II listed Manor Farmhouse the wider historical context of which is located to the north west of application 20/02249/OUT is now significantly separated from this application site by reason of the bungalow development which envelops it together with the separation and two mature field boundaries. This application is not considered to impact upon the setting of significance of that asset by reason of topography, distance and intervening development.

RESIDENTIAL AMENITY]

Drawing CAL020620 MP-09 shows a mix of chalet and two storey designs. Along Fore Street and parallel to the two storey cottages adjoining the site a continuation of two storey form is appropriate. Where a proposed dwelling is suggested fronting the garden to No. 1 Fore Street the dwelling is indicated to be one and a half floors. By reason of the differing levels between the application site and the curtilage to No. 1 Fore Street it is considered necessary that any dwelling in this vicinity should be single storey only.

In relation to Sunnyside, given the sloping nature of the site it is considered that one and a half storey form would be acceptable subject to any dormers being on the east elevation only.

AFFORDABLE HOUSING AND COMMUNITY INFRASTRUCTURE

The application is required to deliver on site affordable housing. This will equate to 5 units with the Council's housing officer seeking 4 social rent and 1 shared ownership units to include:

- 2 x 1 bedroom flat/house/bungalow (2 person)
- 2 x 2 bedroom house/bungalow (4 person)
- 1 x 3 bedroom house (6 person)

The Education Authority has identified a need to make provision for additional capacity at Holyrood School to accommodate the 5 pupils it anticipates arising from this development. Based upon its build cost calculator, this would equate to £49,722.

The NHS Clinical Commissioning Group has identified a need to improve service provision based upon Chard and has identified a need for a contribution of £3,948.06 based upon some 29 patients.

SSDC Open spaces sport and recreational policies indicate a need to secure £38,747 & an administration fee of £387 which equates to £3,010 per dwelling.

These sums would need to include a pro- rata provision in the event that the reserved matters submission does not extend to the full "up to" 13 dwellings.

CONCLUSION

The application site is located within one of the district's larger rural settlements. The level of development taken with existing dwellings and commitments over the Local Plan period is in line with the level of development at other rural settlements within the Local Plan hierarchy. There will be a localised change to the character of the village, however the site, by reason of its landscaped boundaries and topography is well contained and located within a context that is generally defined by established residential development. There are no adverse impacts upon the conservation area and Manor Farm

The applicant application has provided additional supplementary information and illustrative master plan proposals for the development of the site based on a deeper understanding of the character of the area and potential impacts.

The application was deferred for determination at the Area committee to clarify whether a single point of access could be secured for both sites. This has been achieved and can be delivered as a phased proposal with the S.106 linking both sites.

Having given due regard to the application submitted and the potential to incorporate environmental, visual and highway safeguards in conditions attached to any outline permission the proposals are generally considered acceptable, subject to a S.106 securing the relevant planning obligations highlighted in the above report.

RECOMMENDATION

To grant outline planning permission subject to the applicant entering into a S.106 Agreement with the Local Planning Authority within 4 months of the date of resolution to secure:

- 35% affordable housing
- Financial contribution towards education needs
- Financial contribution towards open space and recreation
- Financial contribution towards Health infrastructure
- A resident management company to manage open spaces and landscaped areas
- Footpath connection
- Phasing of the delivery of both 20/02247/OUT and 20/02249/OUT in relation to access
- The securing of a quantum of open space at 0.78Ha across the two sites to protect landscape character.

For the following reason:

01. The proposal by reason of the ability to consider and control scale, layout, design and landscaping within any reserved matters would not result in harm to the landscape, local character, the historic environment, residential amenity, flood risk, ecology or highway safety. As such the proposal is considered to comply with Policies SD1, SS1, SS4, TA4, TA5, TA6, EQ1, EQ2, EQ4 of the adopted South Somerset Local Plan (2006-2025), the provisions of the NPPF (as amended) and the National Design Guide.

SUBJECT TO THE FOLLOWING:

01. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

FIVE YEARS from the date of this permission; or

The expiration of TWO YEARS from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than THREE YEARS from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

02. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") 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: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

03. The development hereby permitted shall be carried out in accordance with the following approved plans:

S11144-NE-66-XX-DR-C-2006

And follow the layout, landscaping and massing principles proposed by indicative plans

CAL020620 MP05 E

CAL020620 MP06 E

CAL020620 MP07 E

CAL020620 MP08 C

CAL020620 MP09 C

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

04. No more than 13 dwellings shall be constructed within the application site. The reserved matters application will be accompanied by a housing mix assessment that sets out how the reserved matters application has responded to the Council's most up to date Housing Needs Assessments.

Reason: To define the permission and ensure that the resultant scheme in meeting housing needs within the district.

05. Notwithstanding the illustrative nature of the Indicative Site Layout Scale and Massing Plan (Reference CAL030620 MP09C) the storey heights of dwellings submitted as part of any reserved matters application shall accord with the storey heights for the general locations shown on this plan.

Reason: To respect the site's topography and landscape impact of any development in accordance with Policy EQ2 of the South Somerset Local Plan.

06. No work to excavate foundations or roads shall take place within the application site until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been secured by the applicant, or their agents or successors in title and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of identifying and preserving the archaeological significance of the site in accordance with the provisions of the National Planning Policy Framework and Policy EQ3 of the adopted South Somerset Local Plan 2006 - 2028.

07. No development shall take place until details of protective fencing to be erected around existing trees and hedges within the site have been submitted to and agreed in writing by the Local Planning Authority. The approved fencing shall be implemented before work commences on site and shall be retained for the duration of the works. No works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: In the interests of preserving the archaeological significance of the site in accordance with the provisions of the National Planning Policy Framework and Policy EQ3 of the adopted South Somerset Local Plan 2006 - 2028.

08. No construction works shall take place before 0800 on weekdays and 0900 on Saturdays, nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or recognised public holidays.

Reason: To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ7 of the adopted South Somerset Local Plan 2006 - 2028.

09. No development shall commence, including any works of demolition, until a Construction Method Statement (Amenity) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Council's Environmental Protection Team
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours shall be in place.
- South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.
- Control measures shall be in place for control of dust and other air-borne pollutants.
- Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

10. CEMP: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, bat roost buffer protection zones, reptile mitigation strategy, amphibian mitigation measures, dormice mitigation strategy, water voles mitigation strategy, pollution prevention measures to the stream on site and around the site boundaries etc.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent;
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

11. No development shall commence unless a Construction Traffic 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 vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
 - The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.
 - A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

12. No works for the excavation of foundations or road alignments and routes shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than 2 l/s. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Details to ensure that any flow from offsite will be adequately managed to prevent and manage flood risk to the proposed development site, or elsewhere.
- Any works required 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).
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.
- Flood water exceedance routes both on and off site, noting, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled onsite and within the designed exceedance routes demonstrated to prevent flooding or damage to properties. Flood events in excess of the 100 year+40% climate change event must be managed within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- Investigation into the causes of surface water flooding on the site. Any surface water flowing onto the site should be captured, quantified and attenuated to greenfield rates to ensure that there is no increase to flood risk elsewhere
- Features such as bunds and filter drains located strategically on site boundaries to manage and control exceedance routes.
- Consideration of exceedance above the 100 year+40% climate change event, taking Chard catchment Section 19 investigations into consideration. This should ensure that exceedance is directed away from existing properties and infrastructure, and should this be planned to be directed into existing watercourses it should be ensured that the receiving system have suitable capacity and condition to take flows from the site. This should include any measures to ensure that this will be undertaken.
- 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. This should include any watercourses under riparian ownership of the site.

Reason: To ensure a satisfactory method of drainage in accordance with guidance set out in the National Planning Policy Framework and Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

13. No development shall commence until plans showing finished floor levels and threshold levels for new openings to the building have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

14. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006 - 2028.

15. No development above damp proof course shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development hereby approved is first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

16. 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 S1114-NE-66-XX-DR-C-2006) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times. Prior to the development hereby permitted being first brought into use the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

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

17. 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, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

18. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number S11144-NE-66-XX-DR-C-2006, and shall be available for use before commencement of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

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

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

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

20. 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 (trigger point) and thereafter maintained at all times.

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

21. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

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

22. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

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

23. No part of the development shall be occupied until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including the provision for the appointment of a Travel Plan Co-ordinator,

targets, a timetable and enforcement mechanism) and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To encourage the use of alternative forms of transport to the site, in accordance with the provisions of Policies TA1 and TA4 of the adopted South Somerset Local Plan 2006 - 2028.

24. Biodiversity Net Gain: A 10% Biodiversity Net Gain (BNG) in habitat value using Natural England's Biodiversity Metric 2.0 will be required to be demonstrated in site's layout, masterplan and/or landscaping plan at the reserved matters stage. Some of the BNG habitat value should be focused on dormice, bats and reptiles. Alternatively, a financial and administrative agreement to achieve BNG offsite, if this cannot be accommodated on site, will be made between the applicant and the Local Planning Authority.

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 the provisions of the Environment Act and the Somerset Biodiversity Supplementary Planning Document.

25. LEMP: A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to any works to strip the site. 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.
 - 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 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

26. Dormouse Habitat: As dormouse habitat including along Fore Street and in the hedge with field trees along the stream will be affected and dormice could potentially be harmed the following is required to be conditioned in order that South Somerset District Council

fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

The development 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 dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

27. Reptile Mitigation: No works, including vegetative clearance and ground works, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:

- a) proposed construction working practices to avoid harming reptiles
- b) details of proposed location of refugia, to accommodate any reptiles discovered during works
- c) timing of works to minimise the impact on reptiles
- d) if required, details of the location and status of translocation site

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the identified presence of and need to protect European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

Informative:

Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.

Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

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