



Informal Discussion by Members of Area East Committee

Wednesday 13th April 2022

9.00 am

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

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

Robin Bastable
Hayward Burt
Tony Capozzoli
Nick Colbert
Sarah Dyke

Henry Hobhouse
Charlie Hull
Mike Lewis
Kevin Messenger
Paul Rowsell

Lucy Trimnell
William Wallace
Colin Winder

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 12th April 22.

The meeting will be 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 4th April 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 East 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 East Committee

Meetings of the Area East Committee are usually held monthly, at 9.00am, on the second 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 12th April 22. 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 Tuesday 12th April 22. 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 12th April 22.

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>

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 - 2022

Informal Discussion by Members of Area East Committee

Wednesday 13 April 2022

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of Area East Informal meeting held on 9th March 2022.

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 Sarah Dyke, Paul Rowsell and William Wallace.

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

Members are asked to note that the next scheduled meeting of the committee will be held virtually using Zoom virtual software on 8th June 2022 at 9am.

(A meeting of Area East Committee is not scheduled to be held in May due to the elections - however a meeting may be convened if there is urgent business to consider)

5. **Public Question Time**
6. **Chairman's Announcements**
7. **Reports from Members**
8. **Area East Forward Plan** (Pages 7 - 8)
9. **Planning Appeals (For Noting)** (Pages 9 - 12)
10. **Schedule of Planning Applications to be determined by Committee** (Page 13)
11. **Planning Application 21/03369/REM - Land Os 5439 Part Townsend Green Henstridge Templecombe Somerset BA8 0RG** (Pages 14 - 35)
12. **Planning Application 21/03589/FUL - Land At Lemons Ground Whitechurch Lane Yenston Templecombe Somerset** (Pages 36 - 47)

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.



Area East Forward Plan

Director: Nicola Hix, Strategy and Support Services
Agenda Coordinator: Michelle Mainwaring, Case Officer (Strategy & Commissioning)
Contact Details: Michelle.mainwaring@southsomerset.gov.uk

Purpose of the Report

This report informs Members of the agreed Area East Forward Plan.

Recommendations

Members are asked to note and comment upon the proposed Area East Forward Plan as attached, and to identify priorities for any further reports

Area East Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area Committee agenda, where members of the Area Committee may endorse or request amendments. Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

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.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact one of the officer's names above.

Background Papers

None.

Area East Committee Forward Plan

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact the agenda coordinator at democracy@southsomerset.gov.uk

Meeting Date	Agenda Item	Lead Officer
June 2022	South Somerset Community Accessible Transport Revenue and Fundraising position report	Tim Cook – Locality Team Manager
July 2022	Update on Area East Reserves ring-fenced funds	<i>Tim Cook – Locality Team Manager</i>
<i>TBC</i>	<i>Update on Wincanton Sports Ground</i>	<i>Tim Cook – Locality Team Manager</i>
<i>TBC</i>	<i>Update on Local Community Networks</i>	<i>Tim Cook – Locality Team Manager</i>



Planning Appeals

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

Purpose of the Report

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

Recommendations

That the report be noted.

Background

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

Report Detail

Appeals Dismissed

21/02364/HOU - 11 High Street Ilchester Yeovil BA22 8NQ. Construction of vehicle entrance onto the land.

Background Papers

Decision Notices attached.



Appeal Decision

Site visit made on 15 February 2022

by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 4TH March 2022

Appeal Ref: APP/R3325/D/21/3289193

11 High Street, Ilchester, Yeovil BA22 8NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by James Edmondson against the decision of South Somerset District Council.
 - The application Ref 21/02364/HOU, dated 27 July 2021, was refused by notice dated 6 October 2021.
 - The development proposed is construction of vehicular entrance onto the land.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. As the description of development on the planning application form is somewhat lengthy, I have used the more concise description as given on the Council's decision letter.
3. The wall in question falls within a nationally important Scheduled Monument (National Heritage List Entry 1006155) and therefore the proposed works would require a Scheduled Monument Application. This is however a separate process, outside the remit of this decision.

Main Issues

4. The main issues are:-
 - a) Whether or not the proposed development would preserve or enhance the character or appearance of the Ilchester Conservation Area, and
 - b) The effect of the proposed development on highway safety.

Reasons

Character and appearance

5. Whilst the address of the appeal site is in the High Street, the proposed works relate to creating a new vehicular access from Priory Road at the rear of the property. The proposed development would result in the removal of a section of stone wall and the creation of a vehicular access with turning provision. The proposed driveway would be at a 1 in 10 gradient and formed with plastic pavements with gravel infill to the sloping area and gravel thereafter.

6. The appeal site, including the stone boundary wall, is within the Ilchester Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. Historic England (HE) consider that the wall provides a positive contribution towards the character and appearance of the Conservation Area. The Conservation Area Appraisal (CAA) makes clear that where they survive, the rear and side boundary walls to houses to both sides of the High Street, but particularly the west side at the end of gardens which back onto Priory Road, are of significant local importance and that the boundary walls of Ilchester Conservation Area are exceptional in terms of their extent and their quality.
8. The CAA goes on to say that the boundary walls are of Blue Lias Stone laid to squared courses and that *wherever these walls are found they form a very important part of the positive character and appearance of the conservation area and are often a true reflection of the vernacular character of the town*. I give significant weight to the views of HE and to the findings of the CAA. Furthermore, the Council consider that the wall forms part of a non-designated heritage asset and given the foregoing I would agree with that assessment.
9. The wall to the rear of No 11 has already collapsed and there would be some benefit in that some of the wall would be reconstructed. Notwithstanding this however, up to 3.6m would be permanently removed and I am conscious that paragraph 96 of the National Planning Policy Framework (the Framework) makes clear that where there is evidence of damage to a heritage asset, the deteriorated state of that asset should not be taken into account in any decision.
10. Whilst several sections of the rear walls of the High Street properties have collapsed or been removed over time, this does not seem to me to be a satisfactory premise to allow further loss.
11. The removal of up to 3.6m of the wall cannot be construed to be conserving or enhancing the conservation area and would compound the harm to the conservation area that has already occurred in other parts of Priory Road, where the wall has been replaced by wooden fencing. This harm would be less than substantial as defined by the Framework and therefore should be weighed against any public benefits of the proposal. The appellant points to the removal of one vehicle from the highway, but to my mind this would not outweigh the removal of the length of wall.
12. Paragraph 203 of the Framework indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. The CAA makes clear that the wall is an important asset and it follows that losing a section of it would seriously undermine its significance.
13. In light of the foregoing the proposed development would conflict with policy EQ3 of the South Somerset Local Plan (2006-2028) (LP) which seeks to ensure, amongst other things, that all new development proposals relating to the historic environment will safeguard and where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

There would also be conflict with policy EQ2 of the LP which requires that development preserves or enhances the character and appearance of the district.

Highway safety

14. There is parking on Priory Road on the opposite side to the proposed access. Whilst the road is straight and is subject to a 30mph speed limit, it is relatively narrow and therefore due to the parking, vehicles moving along priory Road in either direction will generally be on the same side of the road as the proposed entrance. It follows that, even though traffic flows are likely to be limited, good visibility when emerging from the proposed access would be essential.
15. The plans accompanying the application show that a visibility splay of 40m could be achieved to the south-west of the proposed access from a distance of 2m back by reducing the height of the stone wall over a length of 22m. This would however have to be over sections of wall outside of the ownership of the appellant. Whilst it would be possible to impose a Grampian condition relating to this visibility splay the removal/reduction of a further length of wall would cause more harm to the character and appearance of the conservation area. This to my mind would be unacceptable. I also note that nothing is shown on the plans to indicate a visibility splay to the north-east.
16. Policy TA5 of the LP requires, amongst other things, that all new development is designed to ensure that the traffic generated does not compromise the safety of the local road network. The proposed development would conflict with this policy as well as with paragraph 110 of the Framework, which makes clear that safe and suitable access to a site can be achieved for all users.

Conclusion

17. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins, Service Delivery
 Lead Officer: 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 East Committee at this meeting.

Recommendations

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 9.00am.

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 9.00am the day before the committee meeting.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	BLACKMOOR VALE	21/03369/REM	Reserved matters application for approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for construction of 130 homes	Land Os 5439 Part Townsend Green Henstridge Templecombe Somerset BA8 0RG	Barratt David Wilson Homes
12	BLACKMOOR VALE	21/03589/FUL	Erection of a dwellinghouse and garage and construction of access	Land At Lemons Ground Whitechurch Lane Yenston Templecombe Somerset	Mr & Mrs W Wallace

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.

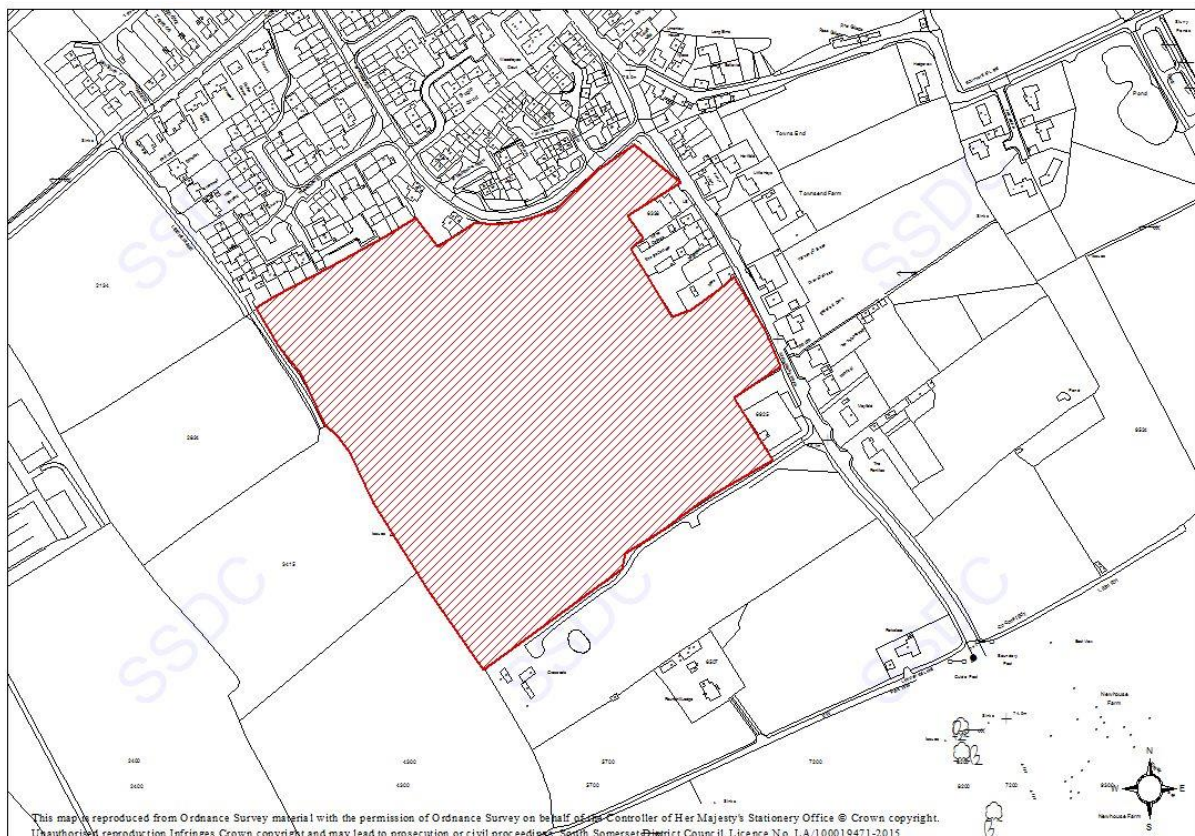
Agenda Item 11

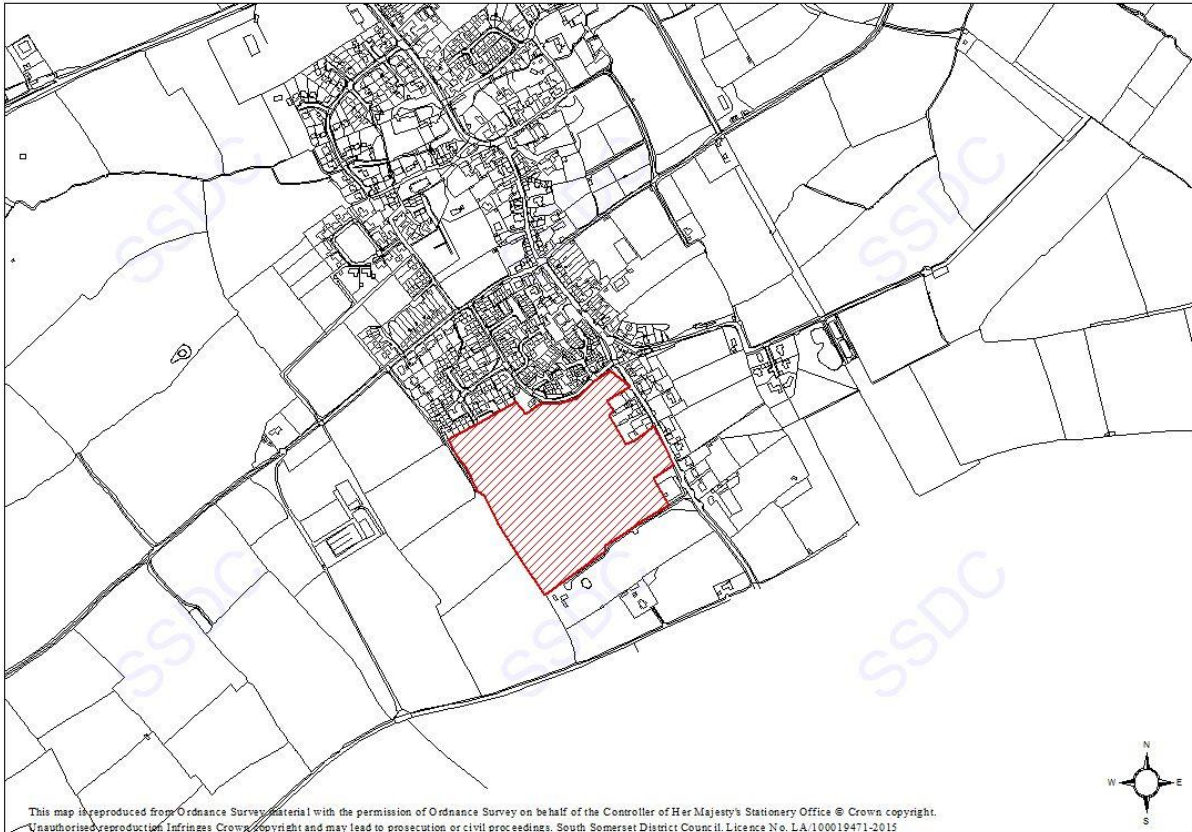
Officer Report On Planning Application: 21/03369/REM

Proposal :	Reserved matters application for approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure.
Site Address:	Land Os 5439 Part, Townsend Green, Henstridge, Templecombe, Somerset, BA8 0RG
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr H Burt
Recommending Case Officer:	Trudy Gallagher (Specialist) Tel: 01935 462462 Email: trudy.gallagher@southsomerset.gov.uk
Target date :	14th February 2022
Applicant :	Barratt David Wilson Homes
Agent: (no agent if blank)	
Application Type :	Major DwlgS 10 or more or site 0.5ha+

The application is referred to the Area East Planning Committee by the Ward Members and the Chair following the receipt of objections received which are contrary to the officer recommendation below.

SITE DESCRIPTION AND PROPOSAL





This application seeks approval of the reserved matters for a development of up to 130 dwellings with sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure. Outline approval for the means of access from Woodhayes Way was granted at appeal in 2018 (17/03029/OUT). The reserved matters for consideration under this application are the layout, scale, appearance and landscaping of the site.

Accompanying the outline permission was a Section 106 Agreement dated 28th September 2018 which requires the payment of financial contributions towards the provision and maintenance of play facilities and open space, affordable housing and also towards early years places. Finally, the legal agreement requires the provision and agreement from the County Highway Authority of a Travel Plan.

The site consists of an area of agricultural land currently laid to grass, and divided into several fields, which sits to the southern end of the settlement of Henstridge. The fields are largely divided and surrounded by mature native hedges. The land slopes gently upwards to the west, away from the A357 and its bordering development, which runs along the eastern boundary of the site. To the north of the site sits a large estate of modern residential development. To the south and west of the site is predominantly open countryside, although there is a large electricity substation immediately adjacent to the south eastern corner of the site, and a plant nursery bordering the southern end of the site. The site is traversed by a public footpath. The site is not within any special designations and does not sit within an environment agency floodzone. The land is classified as grades 3b and 4 agricultural land, so is not considered to be the best and most versatile in terms of paragraph 112 of the NPPF.

An indicative plan was considered broadly acceptable at outline stage, showing 130 dwellings arranged centrally within the site around a circular access road from Woodhayes Way, with informal public open space bordering the countryside to the west, a SUDS basin to the south-east and a play area and wildlife pond fronting Stalbridge Road. In the details submitted for this reserved matters application, the maximum of 130 dwellings is proposed however the

layout has been improved, with an area of open space and play facilities adjacent to the access on Woodhayes Way, more housing close to Stalbridge Road and less built form on the rural edge of the site to the south-west.

HISTORY

22/00305/HDG - Removal of Hedgerow as per Planning Application 21/03369/REM. Approved Feb 2022

17/03029/OUT - Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way. Approved at appeal - Nov 2018

17/03005/EIASS - Residential development for up to 130 no. dwellings, public open space, engineering works and vehicular access - EIA not required 26/07/2017

POLICY

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

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

National Planning Policy Framework

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 8 - Promoting Healthy and Sustainable Communities

Chapter 9 - Promoting Sustainable Transport

Chapter 12 - Achieving Well Designed Places

Chapter 14 - Meeting the Challenge of Climate Change

Chapter 15 - Conserving and Enhancing the Natural Environment

CONSULTATIONS

Henstridge Parish Council

Henstridge Parish Council engaged in a positive informal meeting with Barratt David Wilson Homes which addressed some of the concerns raised in this response to the Reserved Matters Planning Application. However, these observations are based purely on the Reserved Matters planning application as submitted to SSDC Planning Department.

Henstridge Parish Council's observations are linked to relevant Planning Material Considerations as shown within the response.

Henstridge Parish Council objects to this planning application and recommends refusal based on the following grounds:

1. Construction Environmental Management Plan - Planning Material Considerations "Proposals in the Development Plan, Noise, Traffic and Highways Safety" The CEMP routes construction site traffic from North, West and East directly through the centre of the village. The Parish Council recommends that Camp Road and Landshire Lane is a more appropriate and accessible route and should be used instead.

2. Provision of Open Spaces - Planning Material Consideration "Government Policy" The provision and management of open spaces is not acceptable.

The Parish Council is advised by SSDC planning officer that the open space provision and its maintenance was secured through a Section 106 legal agreement at outline application stage. However, the Inspector's Appeal Decision of 20 November 2018 only refers to a Unilateral Undertaking and a Planning Obligation without any document reference or date.

The Parish Council believes that this Unilateral Undertaking was between the owners of the site at the time and Gladmans, dated 27 September 2018, to be attached to the sale if the outline planning application was allowed at the appeal stage. A meeting has been requested with SSDC Planning Officers to discuss this.

No such document has been provided in support of the Reserved Matters application 21/03369/REM and it is not clear how or when a Section 106 agreement has become part of the Conditions of the Appeal Decision or part of the Reserved Matters application.

The transfer of open spaces and any play area to a management company without consultation or agreement with the Parish Council is not acceptable.

The designation of the open space by the north entrance to the development site as LEAP should be subject to agreement with the Parish Council to take account of the recreation facilities already available elsewhere in the parish.

3. Affordable Housing - Planning Material Considerations "Government Policy, Layout and Density of Building" The Parish Council believes that a proportion of the Affordable Rented housing should be allocated as a priority to tenants with a parish connection based on our 2018 Housing Needs Survey as submitted to the 2018 Appeal (for 12 social rented homes).

4. Highways and Parking - Planning Material Considerations "Highways Safety, Parking, Traffic, Noise"

The Parish Council wishes to seek assurances that the roads in the development are finished to highway standard and that adequate parking for homes is provided along with parking spaces within the development area to replace those already within the Woodhayes and Townsend area that will be lost.

5. Climate/Sustainability - Planning Material Considerations "Nature Conservation, Design, Appearance and Materials and Government Policy" Henstridge Parish Council notes that only EV charging points have been provided within the application and that further consideration should be given to aid the environment such as solar panels and renewable energy heating systems.

County Highway Authority

The amended plans are noted and whilst not all of the previous concerns held by the Highway Authority have been addressed the majority of those still outstanding can be considered at the technical detail stage.

One concern that is still outstanding relates to the level of parking provided for all of the dwellings as all of the proposed garages are being relied upon to achieve the required parking

levels. Whilst it is accepted that SCC guidance states that garages can be considered as part of the parking provision Manual for Streets, the national guidance, states that only 44% of garages get parked in, this would see a shortfall of 12 spaces, there are also 14 of the 3 bedroom houses that are 0.5 spaces short on the Somerset Parking Strategy optimum levels. This represents a total of 19 spaces. There is an over-provision of visitor spaces and taking this into account it would not be reasonable of the Highway Authority to recommend a refusal of the application on these grounds.

Taking the above comments into consideration the Highway Authority does not object to the proposal and should the Local Planning Authority be minded to grant permission the Highway Authority would request that the following conditions be imposed:

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

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

- No development on the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority. 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:

- a) estate roads
- b) footways
- c) tactile paving
- d) cycleways
- e) sewers
- f) retaining walls
- g) service routes
- h) vehicle overhang margins
- i) embankments
- j) visibility splays
- k) carriageway gradients
- l) drive gradients
- m) pedestrian and cycle routes and associated vehicular accesses and crossings,
- n) means of enclosure and boundary treatment,
- o) street lighting and street furniture,
- p) all new junctions,
- q) proposed levels,
- r) highway drainage

- No occupation shall thereafter commence until the development has been constructed in accordance with the approved details and retained in perpetuity thereafter.

- No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

- No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.
- The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 501-100-01 Rev D, and shall be available for use prior to commencement. Once constructed the access shall be maintained thereafter in that condition at all times.
- Before the development is occupied the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.
- At the proposed access there shall be no obstruction to visibility greater than 600/240 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 501-100-01 Rev D) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
- Before the development is occupied the electric vehicle charging points and parking bays shown on Drawing Number 9493 PL10 Rev D must have been constructed. Thereafter, they must be permanently maintained, kept free from obstruction and available for the purposes specified.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.
- 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 prior to development above damp-proof course level and thereafter maintained at all times.

NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

- No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
 - 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;

- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

- All the recommendations of the Approved Travel Plan shall be implemented, monitored, and reviewed in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan to the satisfaction of Local Planning Authority for the Duration, unless agreed in writing by the Local Planning Authority.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the 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 Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and re-address where deemed necessary. Where planning permission has already been granted, any inaccuracies which come to light may seriously affect the deliverability of the permission. If this includes highway works either on or adjacent to the existing public highway that may be the subject of a specific planning condition and/or legal agreement attached to the aforementioned consent, it may result in a situation whereby that condition and/or legal agreement cannot then be discharged/secured.

Previous Highways comments can be found on the planning application file.

Play Facilities and Leisure

From the site plan submitted, the Leap and Youth facilities area is acceptable. The 17/03029/OUT application stated they need to have the following;

Youth facilities need to have 5 items of Skate ramp - quarter pipe, flat bank, grind rails, jump box, spine and suitable surface for wheeled play, A Sports wall for football and basketball with associated hardstanding for ball play.

The Leap needs to have 5 items of play equipment - balancing, rocking, climbing overhead activity, sliding, swinging, jumping, crawling, rotational, imaginative play, social play and play with natural materials.

Police Crime Prevention Design Adviser

No objection to the application.

A number of points raised previously have been addressed (I believed these are points 1 to 5). I am grateful that these changes to have been adopted.

As far as the other recommendations and observations, detailed in the response dated 26/11/2021, these still stand.

Previous comments:

As the Crime Prevention Design Adviser for Somerset East I have no objection to the application as is. I note the comments that have been made in various documents over the efforts made to address safety and security, in particular section 4.7 in the design statement. I obviously welcome any efforts that have been made so far.

However I do have some comments which I have listed below:

Boundaries -

1. The plan seems to show a gap in the hedgerow behind plots 127 and 128. This should be filled in, if in fact it is physically present, to reduce easy access to the rear boundaries of those plots.

2. Plots 2 to 5 have a gate at the side of plot 2 to restrict access to the rear hedging area. I would like to see something incorporated around plot 5 garage area to restrict access at this point too.

3. I would ask that the close board timber fence and instant hedge boundary treatment is also applied to plots 43 and 44.

4. I recommend that gated access is also installed to the side hedgerow areas of plots 72 and 88, 25 and 26.

5. A side access gate to the side hedging area is installed next to plot 89.

6. In general when close boarded fencing is installed please ensure that the cross rails are installed inside boundaries to eliminate climbing aids on the outer fence surface.

Public Footpaths -

There are footpaths planned around the development in the open spaces. These should be as straight as possible, well lit, devoid of potential hiding places and well maintained so as to enable natural surveillance along the path and its borders.

Cycle Storage -

The proposed combined bin and cycle store units for the apartments should have locked doors. Inside the cycle store area I recommend that the hoops that the cycles can be secured against are galvanised steel bar to a minimum of 3mm thickness filled with concrete. The foundation depth should be a minimum of 300mm. The hoop should be such that both cross bar and wheels can be locked to it.

Play Areas -

1. Regarding the main play area, if equipment will be installed, consideration should be given to fencing around this area with a single dedicated entry and exit point to enable parental/guardian control and supervision. Fencing at a minimum height of 1200mm can often discourage casual entry, provide a safe clean play area and reduce damage to the equipment.

2. The Youth space has limited surveillance onto it. It may be on a PROW but I am not convinced there will be sufficient usage of this to provide surveillance onto this area at all times of the day as the design statement suggests. If a youth shelter is to be constructed then careful consideration needs to be given as to its style and construction method.

Parking -

Secured By Design states that 'Where parking is designed to be adjacent to or between units, a gable end window should be considered to allow residents an unrestricted view over their vehicles.' I am concerned about the level of surveillance provided on parking areas in this proposed development. A typical example is plots 10 and 9. The parking is pushed back in line with the rear gardens. There are no properties opposite to provide surveillance. Another example is plots 68 to 70. Parking is provided between the properties. But no windows in active rooms on side elevations or any properties opposite to provide surveillance opportunities.

Orientation -

I am concerned about the orientation of some of the plots and the vulnerabilities this may create. For example plot 13, the property frontage is facing the rear of an existing property. The plot is at an end of a row with no properties opposite to overlook. Similar plots 44 and 62 are similar styles of house with their frontages facing towards hedgerows. The surveillance opportunities on the frontages are extremely limited

Lighting-

Apologises if I have missed this area in the documents. But I would like some information on what is proposed for the lighting of the development. I am aware that ecology need to be considered. Also care should be taken not to over light, which can cause light pollution, neighbourhood nuisance and excess energy consumption. But from a purely crime prevention perspective guidance can be drawn from the New Homes Guide 2019 - Secured By Design. It is known that Lighting can contribute to:

1. Reducing risks of night-time accidents;
2. Assisting in the protection of property;

3. Discouraging crime and vandalism;
4. Making residents and street users feel secure; and
5. Enhancing the appearance of the area after dark.

SSDC Highway Consultant

SCC Highways has stated that it will be considering this planning application further and will provide comments and a recommendation to the planning case officer.

Lead Local Flood Authority

Outline planning permission for this development has been granted, with certain matters reserved by condition, some of them relating to flood risk and drainage aspects which are described below.

Following previous correspondence, dated 08/03/2022, the following information was requested:

- Evidence of acceptance of the proposed discharge rate and location from the relevant third party landowners.
- Microdrainage results demonstrating the attenuation requirements for rural and post-development flows consistent with the size and volume of attenuation features and runoff catchments within the drainage strategy plan.

The following additional documentation, available on the public planning portal, has been reviewed as part of this response:

- Amended Plan - 501-MD-003-P06 - Surface Water Network 1 - 30/09/2021
- Amended Plan - 501-MD-003-P06 - Surface Water Network 2 - 30/09/2021
- Amended Plan - 501-010-01-Drainage Strategy Sheet 1-Rev D - 24/03/2022

Previously it was requested, that the applicant should provide evidence to demonstrate acceptance of the proposed discharge rates and the locations of outfall by the relevant third-party landowner. It remains a requirement to include this and consultation confirming that there is adequate capacity within the drain.

Clarification was also previously requested that should confirm whether the proposed connection in the north-east of the site is part of the same network that the rest of the site is draining to, and if this network does eventually outfall into the existing drain where connection is proposed in the south of the development. Evidence of acceptance of the proposed discharge rate and location of outfall by the third party landowner is required and should include consultation confirming that there is adequate capacity within the sewer. This information has not been included within the amended plans and therefore is still required for review.

MicroDrainage calculations have been provided for the two proposed surface water networks within the site, Surface Water 1 for the southern network and Surface Water 2 being the north-east corner of the site.

Surface Water Network 1 shows pipes have been included within the calculations that are shown to be grey on the Drainage Strategy plan, there is no indication within the key as to what these pipes are, they are not styled consistently with the Proposed Adoptable Surface Water Sewer shown within the key, it should be clarified what these grey pipes are. It may also be noted that some of these grey pipes are identified as existing pipes associated with the "Existing Furge Lane/Lime Kiln Lane Gullies" in which annotations identify some of these pipes as "not draining water" and "speaking with residents, pipe has collapsed, no access for surveyors to trace pipe location due to blockages" suggesting that these pipes do not successfully drain surface water at the full capacity, however this does not appear to be reflected within the calculations as they are modelled as 300mm diameter pipes. The modelling should reflect the observed condition of the existing surface water drainage infrastructure.

Further review of the calculations show multiple instances of flooding within the 100 year return period. Calculations should be provided that demonstrate that the proposed surface water drainage system has been designed to prevent surcharging in all events up to an including the

1 in 2 annual probability storm event, prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event, and demonstrate that surface water runoff up to the 1 in 100 year event plus climate change will be controlled without causing harm to people or properties. Within the Drainage Strategy Plan one location of potential overland flow ponding is identified, the plan should be updated to show all potential instances of overland flow ponding and demonstrate how all instances of flooded volume will be managed and directed away from built development.

Basin volumes have not been included within the calculations or Drainage Strategy plan. Previously it was stated that the MicroDrainage model shows that 15,000m³ of storage is required to accommodate rural flows and 1,500m³ of storage is required to attenuate flows generated by the development site itself. Capacity should be shown on the drawing and attenuation provision to be reviewed as flooding at control chamber S166 would indicate lack of required attenuation. It is also unclear what the contributing catchment areas for the basin network are, this should be included within the calculations alongside a corresponding catchment plan.

Surface Water Network 2 uses attenuation in the form of a box culvert. It may be noted that if the final design uses geocellular storage instead of the modelled box culvert, as noted within the plan, void ratio will have to be accounted for and the section S203-S204 may have to increase in length/width. In line with the request above, the contributing catchment areas for Surface Water Network 2 should be included within the calculations and Drainage Strategy plan.

Somerset County Council as the LLFA advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- Evidence of acceptance of the proposed discharge rate and location from the relevant third party landowners.
- Drainage Strategy plan key updated to include the grey pipe network.
- Modelling revised to reflect the observed condition of the existing surface water drainage infrastructure.
- Drainage Strategy Plan should be updated to show all potential instances of overland flow ponding and demonstrate how all instances of flooded volume will be managed and directed away from built development.
- Microdrainage results demonstrating the attenuation requirements for rural and post-development flows consistent with the size and volume of attenuation features and runoff catchments within the drainage strategy plan. These results should show that surface water runoff up to the 1 in 100 year event plus climate change will be controlled without causing harm to people or properties.

Environmental Health

Revised CEMP is satisfactory.

Tree Officer

Revised tree protection measures are satisfactory.

County Rights of Way:

There is a public right of way (PROW) recorded on the Definitive Map that runs through the site (public footpath WN 12/25) and a PROW that abuts the site (restricted byway WN 12/41) at the present time.

The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit. Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to inclusion of the following condition and informative:

1. Specific Comments DIVERSION REQUIRED

The current proposal will obstruct the footpath WN 12/25 (please see attached photos). The proposal either needs to be revised to prevent any obstruction or a diversion order applied for. The applicant must apply to the Local Planning Authority for a diversion order. The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way. A Grampian-style condition will be required in this respect with regard to timing. Recent case law supports the use of conditions in

this way. Suggested condition to be: No development hereby approved which shall interfere with or compromise the use of footpath WN 12/25 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority). The section in brackets is not always practical and can be removed following prior discussion with the Highway Authority.

Please include the following paragraph as an informative note on the permission, if granted: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Also:

The routing of WN 12/25 entirely along the estate roads would be unacceptable and contrary to DEFRA circular 1/09. Surface improvements to path WN 12/25 will need to be secured through a s106/278 legal agreement or potentially agreed through a s38 agreement. The crossing points of the footpath over the estate roads will need to be safe for the public to use and constructed appropriately through the technical approval process as part of the legal agreement.

2. General Comments

Any proposed works must not encroach onto the width of the PROW.

The following bold text must be included as an informative note on any permission granted: Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

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

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.

- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided.

For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <https://www.somerset.gov.uk/roads-andtransport/apply-for-the-temporary-closure-of-a-right-of-way/>

Strategic Housing

The proposed mix is broadly in line with what was suggested in our outline planning response as is the clustering.

The only observation from looking at the plans is that some of the 3 bedroom accommodation are only due to accommodate 5 people. We would always expect bedrooms in affordable dwellings to be able to accommodate 2 people so would ask that the internal layout is amended to combat this and enable 6 people to be housed.

Public Open Space

The plans shown on the 'Detailed Landscape Proposals' identifies approx. 0.44ha of useable Public Open Space (POS), an amount slight short of the required 0.48ha for a development of this size. We are happy, however, after discussions with the developer that with the provision of attenuation features surrounding the site, there will be adequate recreational area for the majority of the year when the weather is dry.

We are also encouraged by the central area, which is the main area of POS; this not only provides a central focus for the development, but also great links across the site, and whilst it is not in a typical village green style, we are happy it will provide a good area for the residents of the site and that it is separate from the LEAP, although the area surrounding the LEAP also provides additional POS and if designed well with the LEAP provision, will provide a further area for informal use on the site. We are happy for this application to continue with the designs as they currently are and have no objections going forward.

SCC Ecologist

No comments received.

Somerset Waste Partnership

No comments received.

Open Spaces Society

No comments received.

REPRESENTATIONS

Seventeen individuals have submitted letters of objection as well as an organisation calling itself the A357 Planning Action Group. The Action Group's comments also included a petition of 270 signatures. Objections were raised in the following key areas in summary (full comments are available on the planning file):

Highways:

- A357 is already congested, traffic has increased since Nov 2018 approval and fresh traffic survey is required
- Parking is not sufficient for number of cars and will push parking onto Woodhayes Way. Properties without parking on the A357 rely on parking on Woodhayes Way and there is concern this will reduce on-street parking opportunities. This would be exacerbated by lost parking from the traffic calming measures

- Concerns raised about CEMP, including that it will last longer than 3 years and route of traffic
- They should be required to take the Camp Road/Landshire Lane alternative instead and this should apply for all HGVs not just those going to the new development

Residential amenity:

- Will overshadow Greys Cottage

Design:

- Climate crisis has not been considered - no solar panels or other measures

Other issues:

- Can it be guaranteed the development will not cause flooding in the area? Site flooded on 31st Oct 2021
- Can the sewer systems cope?
- Will they provide 10% biodiversity gain?
- Location of youth facilities will cause anti-social behaviour
- LEAP facilities will duplicate some that opened on the rec in 2021

Comments relating to principle of development or access arrangements already approved under 17/03029/OUT:

- The main condition of the outline approval of 130 homes was the implementation of a road scheme through the village prior to commencement of development, this has not been done and so planning should be refused until there is a workable solution to the traffic in the village
- Proposed traffic calming and traffic lights will cause disruption, traffic including HGVs will be constantly queuing, blocking emergency access and increasing pollution. Vibrations affect buildings in conservation area
- Development must not commence until condition 10 of the outline has been agreed
- Difficult to comprehend why an application of this size has been approved, not suitable for a Rural Settlement. A reduced scheme that reflects the scale of the infrastructure should be considered
- Proposed footpath along A357 is too narrow for a wheelchair - this is discrimination
- Insufficient places at primary school and more children will mean more noise
- Needs to be considered cumulatively with development in Stalbridge

CONSIDERATIONS

Principle of Development

The principle of development has already been agreed at outline stage in November 2018, when application 17/03029/OUT was approved by the Planning Inspectorate. The development is therefore acceptable in principle.

Highways

Significant local concern has been raised in regard to the proposed access arrangements and highway implications of the development, most notably relating to condition 10 of the outline application (17/03029/OUT), which is considered to be unworkable. Condition 10 stated the following:

"10) No development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall be retained thereafter. The submitted scheme shall have regard to the following:

- dropped kerbs and tactile paving at the following junctions:
 - Woodhayes Way/A357 Stalbridge Road

- Woodhayes/Townsend Green
- Woodhayes/Bugle Court
- Woodhayes (Marlstone Court)
- Woodhayes/Furge Lane
- Furge Lane opposite Furge Grove;

ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 Pedestrians in Road Ahead plus distance plate (380 yds) signs at the following locations:

- Junction Furge Lane/Furge Grove
- Junction Church Street/A357; and

iii) a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane/Marsh Lane generally in accordance with plan Ref. P17033-06-01E."

The highway authority was consulted in regards to this application and has considered the proposed scheme in detail. In response to objections received about the location of the access on Woodhayes Way, this access point was agreed at outline stage and so is not to be re-visited as part of this reserved matters application, which considers the layout, appearance, scale and landscaping of the development only.

Whilst the Local Planning Authority is aware that there are issues with part iii) of condition 10, the developer is required to discharge the condition prior to commencing development, and this would be a separate application. If the Highway Authority conclude that condition 10 cannot be discharged safely then the developer will need to make a Section 73 application to vary this condition prior to starting any work on site. The developer is aware that they are unable to commence development unless condition 10 is either formally discharged or varied, both of which would be under a separate application.

Notwithstanding the above, the Local Planning Authority is unable to hold this reserved matters application in abeyance because condition 10 is yet to be discharged.

The internal layout of the site is a matter for consideration at reserved matters stage, and the Highway Authority initially raised concerns about the lack of parking across the site, including visitors parking, as well as suggestions for additional pedestrian crossing points, signage, lighting and traffic calming measures on the proposed estate roads. Amendments have been received to address these issues, and whilst the Highway Authority has acknowledged that there is a slight shortfall of parking, due to the overprovision of unassigned visitors parking spaces it would be unreasonable to refuse the application on this basis. Furthermore, the highway officer's assessment discounts 44% of the garages from their calculations, whilst the Somerset Parking Strategy (2013) allows for garages to count as parking spaces.

The Highway Authority considers the development to be acceptable in highway terms, subject to conditions to secure the following:

- Footway to each dwelling shall be properly consolidated and surfaced prior to first occupation, and the highway shall be at least base level
- Scheme of street lighting to be agreed
- The design, layout, levels, gradients, materials and method of construction of all highway features to be agreed prior to commencement
- Survey of highway to be adopted
- Access to be implemented prior to commencement of any other development
- Cycle parking facilities to be provided
- Visibility splays to be implemented and maintained
- EV charging points provided
- Garages must not be converted to living accommodation
- Details agreed for the disposal of surface water from the highway
- Construction management plan to be submitted and agreed

- Travel plan to be implemented, monitored and reviewed

The requirement for a CEMP has already been conditioned at outline so this will not be reiterated on the reserved matters application. Similarly, the travel plan has already been secured through the outline Section 106 agreement.

Overall the development is considered to be acceptable in terms of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives the NPPF.

Layout, Scale and Design

An indicative plan was considered broadly acceptable at outline stage, showing 130 dwellings arranged centrally within the site around a loop road accessed from Woodhayes Way, with informal public open space bordering the countryside to the west, a SUDS basin to the south-east and a play area and wildlife pond fronting Stalbridge Road. In the details submitted for this reserved matters application, the maximum of 130 dwellings is proposed and the layout has been improved, with an area of open space and play facilities moved to be adjacent to the access on Woodhayes Way, more housing positioned close to Stalbridge Road creating a stronger frontage, and less built form on the rural edge of the site to the west. The new positioning of the LEAP is beneficial to both occupiers of the development but also occupiers of the existing dwellings on Woodhayes Way and beyond. The siting and orientation of the properties is well spaced out with the majority of units overlooking a public open space, attenuation pond or a green corridor that is to be maintained.

The market housing is proposed to be a mix of three and four bedroom properties, which is consistent with the latest Local Housing Needs Assessment for the SSDC area which indicated a requirement for 3-beds (59% of the LHNA) and 4-beds (20% of the LHNA) over one or two bedroom dwellings. The market housing consists of 38 three-bed properties and 46 four-bed properties. The affordable housing mix is consistent with the outline permission and proposes 16 no. one-bed flats, 17 no. two-bed dwellings, 12 no. three-bed dwellings and 1 no. four bed. The majority are proposed to be socially rented with some shared ownership.

In terms of scale, a consistent height of two-storey properties is proposed across the site, although five properties will also have rooms in the roof facilitated by rooflights. The properties are a mix of terraces, semi-detached and detached, with hipped and gable rooflines to create interest across the site. The details on the elevations, such as bay windows, lintels, contrasting brick at the eaves and large traditional door frames, also create interest and are considered to represent high quality design that reflects some of the more traditional properties in the area.

Materials proposed are as follows:

- Forticrete SL8 Rooftile in either 'Sunrise Blend' or 'Slate Grey'
- Weber render in 'Chalk White'
- Forticrete Stone Shearstone in 'Light Ham'
- Weinerberger Blended Red Multi Gilt Brickwork
- Red Brick for feature detailing
- Buff Riven slabs for garden footpaths

It was noted by officers that the properties facing Stalbridge Road were a mix of white render and blended red brick, with a sunrise blend roof tile. It was suggested that these properties be amended so the elevations facing Stalbridge Road are finished in the reconstituted stone with brick detailing to reflect the majority of properties on Stalbridge Road. Amendments have been received to show this change. Each elevation plan lists the finish for each property and so conditioning the plans will ensure that the agreed materials are used to construct the development.

Comments have been received to state that the design does not take into account the Climate Emergency declared by South Somerset District Council in 2019. A revised Energy Report has

been submitted to demonstrate that a number of measures will be incorporated into the design, including:

- Building fabric will be above the minimum standards using upgraded materials and increased insulation thickness, as described in section 2.3 of the report
- Air source heat pumps for all properties
- 100% Low-E lighting fixtures shall be fitted to all properties.

Subject to a condition ensuring that the development is considered to accord with policies EQ1 and EQ2 of the Local Plan.

Residential Amenity

New development will usually have some effect on the amenity of neighbours. These effects include impacts from loss of light, overshadowing, loss of privacy and overbearing impacts. In relation to privacy, the design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens.

An objection has been received stating that the development would overshadow Greys Cottage on Stalbridge Road. However, as this property is on the opposite side of Stalbridge Road from the proposed development there is unlikely to be any significant overshadowing. There is not considered to be any adverse impact on the amenity of any other adjoining occupiers by way of overshadowing, overlooking, or overbearing.

There would inevitably be some adverse impact on neighbouring occupiers by way of disturbance during the construction phase of the proposed development. However, a construction management plan has been conditioned to ensure that any such disturbance is kept to a minimum. Such disturbance would also be transitory and it is not considered that the disturbance would be significant enough to warrant refusal of the scheme.

In terms of the amenities of future occupiers of the site, it is acknowledged that there would be some indirect overlooking into neighbouring gardens, however this is common in residential areas. No properties have been located adjacent to the electricity substation to the south-east of the site, with the closest being approximately 38m away, and so it is not considered that any properties would be disturbed by the noise.

Therefore, subject to a construction management plan that has already been secured by condition, and notwithstanding local concern, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Public Right of Way

Right of Way WN 12/41 runs partly down the south-western boundary of the site and will be unaffected. Right of Way WN 12/25 runs across the site from the location of the proposed youth facilities to Stalbridge Road to the east. SCC's Rights of Way team have not objected subject to a Grampian condition preventing any obstruction to the Right of Way until a path diversion order has been made and confirmed.

Flooding and Drainage

Condition 8 of the outline permission requires a drainage strategy to be agreed prior to commencement. A drainage strategy was submitted, however there was insufficient information for the LLFA to make a substantive response. Condition 8 of the outline is therefore still outstanding and the developer will need to apply to discharge this condition prior to commencing on site.

Ecology and Vegetation

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The removal of a hedgerow to facilitate the development has been approved separately under application 22/00305/HDG, where the Council did not consider the hedgerow to meet the criteria for an 'Important Hedgerow' and so were unable to serve a Hedgerow Retention Notice. Condition 7 of the outline application required tree protection measures to be submitted and these have been agreed with the Council's Tree officer.

Somerset Ecology Services did not consider that there would be any harm to protected species at outline stage subject to biodiversity enhancements being secured as part of this reserved matters application. The outline application also conditioned that development takes place in accordance with the ecological report. The applicant has submitted an updated Ecological Appraisal dated March 2022, with updated mitigation proposals for the reserved matters layout, as well as a Landscape and Ecology Management Plan, which includes measures to improve biodiversity such as proposed tree, scrub and hedgerow planting, proposed grassland, attenuation basins, bat and bird boxes and providing habitat piles for reptiles. Subject to a condition to ensure these measures are implemented in accordance with the timescales proposed in the documents, there will be no adverse impact on protected species or biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

Contributions

The development would be CIL liable for £40 per square metres of residential floor space.

Accompanying the outline permission was a Section 106 Agreement dated 28th September 2018 which requires the payment of financial contributions towards the provision and maintenance of play facilities and open space, affordable housing and also towards early years places. The legal agreement also requires the provision and agreement from the County Highway authority of a Travel Plan. During the appeal for the outline application, provision of primary school places were also discussed however the Inspector concluded that the primary school would have enough places to accommodate the build and so the primary school contributions do not meet the tests in the Regulation 122 list.

The Council's Open Space officer and Strategic Leisure officer are both satisfied with the location and size of the proposed open space and play facilities and consider it reflects what was secured through the S106 agreement. Comments have been received raising concerns about anti-social behaviour at the youth facilities, and the public right of way is not busy enough to provide surveillance. This is noted however the specification in Annex 1 of the S106 agreement details skate park equipment and a sports wall for ball play surrounded by a low fence of not more than 1m if required. As the site will be fairly open, there would be sight lines from the nearest dwelling (plot 14) and longer distance views from plots 6-13. As a 40m buffer is required between the youth facilities and the closest dwelling to prevent disturbances, the location proposed does appear to be the most appropriate.

Amendments were sought to increase the size of some of the 3-bed affordable units following consultation with the Strategic Housing officer, so that they can more easily accommodate 6 person families. These changes have been made and the affordable housing mix is acceptable.

Other Matters

As previously discussed, the majority of objections relate to the principle of the number of dwellings or the wider highways concerns relating to condition 10 of the outline application. As outline permission has already been granted by the planning Inspectorate, these issues are outside of the scope of this reserved matters application.

Relevant conditions from outline planning application

The tree and hedgerow protection measures submitted are acceptable, however condition 7 of the outline application (17/03029/OUT) is still outstanding until the approved measures are installed and made available for inspection by the Council's Tree Officer.

The applicant has submitted a drainage strategy in accordance with Condition 8 of the outline planning permission, however the Lead Local Flood Authority have responded to state there is still insufficient information for them to respond. Therefore condition 8 of the outline is still outstanding.

Condition 9 of the outline required the submission of a Construction Management Plan. A CEMP was received as part of this reserved matters application and revised to take into account the requests of the local community to re-route construction traffic away from the village. Whilst the Environmental Health Team at SSDC are satisfied with the revised CEMP, the Highway Authority have requested that a CEMP is conditioned on the reserved matters. Whilst it is not appropriate to re-apply the condition again to this application, condition 9 of the outline is considered to be outstanding.

As previously discussed, condition 10 of the outline relating to wider highway works is also still outstanding until the developer applies to discharge or vary the condition under a separate application.

CONCLUSION

The principle of development has been established by the previous grant of outline approval, together with the means of access from Woodhayes Way. The proposed design, appearance, scale, layout and landscaping of the development would result in no significant adverse impact on the character and visual amenities of the area, and would cause no demonstrable harm to the landscape, residential amenity, highway safety, flood risk or biodiversity interests. Accordingly, the proposed scheme is considered to accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ7, TA4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

RECOMMENDATION

Approval.

01. The principle of development has been established by the previous grant of outline approval, together with the means of access from Woodhayes Way. The proposed design, appearance, scale, layout and landscaping of the development would result in no significant adverse impact on the character and visual amenities of the area, and would cause no demonstrable harm to the landscape, residential amenity, highway safety, flood risk or biodiversity interests. Accordingly, the proposed scheme is considered to accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ7, TA4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

SUBJECT TO THE FOLLOWING:

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

9493-PL58a Type Z and Type 1BF
 9493-PL47a Hadley Detached Type 2
 9493-PL48a Ingleby Type 2
 9493-PL43b Type Z and Type 51 (Plots 79-81)
 9493-PL44b Type Z and Type 1BF (Plots 101-106)
 9493-PL45b Type Z and Type 1BF (Plots 107-110)
 9493-PL46a Archford Type 2
 9493-PL40b Type SH53 Type 1
 9493-PL41b Type SH54 Type 1
 9493-PL42b Type SH55 Type 1
 9493-PL53a Type SH51 Type 2
 9493-PL55a Type SH53 Type 2
 9493-PL56a Type SH54 Type 2
 9493-PL50a Kirkdale Type 2
 9493-PL51a Avondale Type 2
 9493-PL52a Holden Type 2
 9493-PL49a Hollinwood Type 2
 9493-PL33b Ingleby Type 1
 9493-PL30b Archford Type 1
 9493-PL31b Hadley Detached Type 1
 9493-PL32b Hadley Semi-Detached Type 1
 9493-PL22c Proposed Site Sections 2 of 2
 9493-PL23c Proposed Street Elevations
 9493-PL38b Type SH51 Type 1
 9493-PL10d Proposed Car Charging Plan
 9493-PL21c Proposed Site Sections 1 of 2
 9493-PL35b Kirkdale Type 1
 9493-PL36b Avondale Type 1
 9493-PL37b Holden Type 1
 9493-PL34b Hollinwood Type 1
 9493-PL03d Proposed Site Plan
 9493-PL04d Proposed Boundaries Plan
 9336-L-01-08 Rev D Detailed Landscape Proposals
 9493-PL09d Proposed Car Parking Plan
 9493-PL07d Proposed Heights Plan
 9493-PL08d Proposed Waste Management Plan
 9493-PL06d Proposed Affordable Housing Plan
 9493-PL05d Proposed Materials Plan
 9493-PL57 Type SH55 Type 2
 9493-PL25a Proposed Garages
 9493-PL26a Apartment Bin and Cycle Storage
 9493-PL27a Bin Collection Points
 9493-PL28a Garden Cycle Storage
 9493-PL01a Site Location Plan
 GTC-E-SS-0011_R2- 0_1_of_1 Substation
 501-100-01 (Rev D) General Engineering layout

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

02. Prior to the occupation of the approved dwellings, the proposed roads, including footways and turning spaces where applicable, shall be constructed to a standard that ensures that the dwellings are served by a properly consolidated and surfaced footway and carriageway to at least base course level between each dwelling and existing highway.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

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

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

04. No construction of each of the components listed a)-r) below shall commence until plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction have been submitted to and approved in writing by the Local Planning Authority:
- a) estate roads
 - b) footways
 - c) tactile paving
 - d) cycleways
 - e) sewers
 - f) retaining walls
 - g) service routes
 - h) vehicle overhang margins
 - i) embankments
 - j) visibility splays
 - k) carriageway gradients
 - l) drive gradients
 - m) pedestrian and cycle routes and associated vehicular accesses and crossings,
 - n) means of enclosure and boundary treatment,
 - o) street lighting and street furniture,
 - p) all new junctions,
 - q) proposed levels,
 - r) highway drainage

No dwellings shall be occupied until the development has been constructed in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

05. No development shall take place until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
- A plan to a scale of 1:1000 showing the location of all defects identified;

A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF. This information is required prior to commencement in order to prevent remedial works later on.

06. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 501-100-01 Rev D, and shall be available for use prior

to commencement of any other development. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

07. None of the approved dwellings shall be occupied until the cycle parking facilities shown on the submitted plans have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety and to encourage sustainable transport choices, to accord with policies TA1, TA5 and TA6 of the Local Plan and the provisions of the NPPF.

08. At the proposed access there shall be no obstruction to visibility greater than 600/240 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 501-100-01 Rev D) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

09. None of the approved dwellings shall be occupied until the electric vehicle charging points and parking bays shown on Drawing Number 9493 PL10 Rev D have been constructed. Thereafter, they must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety and to encourage sustainable transport choices to accord with policies TA1, TA5 and TA6 of the Local Plan and the provisions of the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall be made available for parking of domestic vehicles at all times and not be used for further residential accommodation at any time.

Reason: To ensure adequate parking provision in accordance with TA5 and TA6 of the Local Plan and the provisions of the NPPF.

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

Reason: To ensure adequate highway drainage in accordance with policy EQ2, EQ7 and TA5 of the Local Plan and the provisions of the NPPF.

12. No development hereby approved which shall interfere with or compromise the use of footpath WN 12/25 shall take place until a footpath diversion order has been made and confirmed, and the diverted route made available in accordance with the agreed diversion order and maintained clear from obstruction in perpetuity.

Reason: In order to ensure the footpath remains available for public use in accordance with policy EQ2 of the Local Plan and the provisions of the NPPF.

13. Development must take place in strict accordance with the measures and timescales in Section 5 (Table 2) of the Ecological Appraisal by GE Consulting, dated March 2022, with the measures to be retained and maintained in perpetuity.

Reason: In order to ensure the development does not harm any protected species in accordance with policy EQ4 of the Local Plan and the provisions of the NPPF.

14. The approved landscaping and ecological enhancement scheme (proposed in plan reference no. 9336-L-01 Rev D, 9336-L-02 Rev D, 9336-L-03 Rev D, 9336-L-03 Rev D, 9336-L-05 Rev D, 9336-L-06 Rev D, 9336-L-07 Rev D, 9336-L-08 Rev D and 1023-EEP-AE Rev 1) must be implemented in accordance with the timings detailed in Table 3 of the Landscape and Ecological Management Plan dated March 2022 by GE Consulting and thereafter permanently retained and maintained as such.

Reason: In the interests of visual amenity and biodiversity and to accord with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and the provisions of the NPPF.

15. Development must proceed in strict accordance with the measures to reduce carbon emissions detailed in the submitted energy report by Environmental Economics, including the improved fabric specification and the installation of Air Source Heat Pumps for all dwellings prior to first occupation.

Reason: In order to reduce carbon emissions from the development in accordance with policy EQ1 and EQ2 of the Local Plan and the provisions of the NPPF.

Informatives:

01. With regard to condition 11, any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.
02. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that the developer contacts the Highway Authority to progress this agreement well in advance of commencement of development.
03. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
04. All conditions and informatives attached to the original grant of outline planning permission ref. 17/03029/OUT approved at appeal on 20th November 2018 still apply and must be read and complied with in conjunction with this approval of reserved matters unless superseded by any conditions imposed on this reserved matters permission.
05. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

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

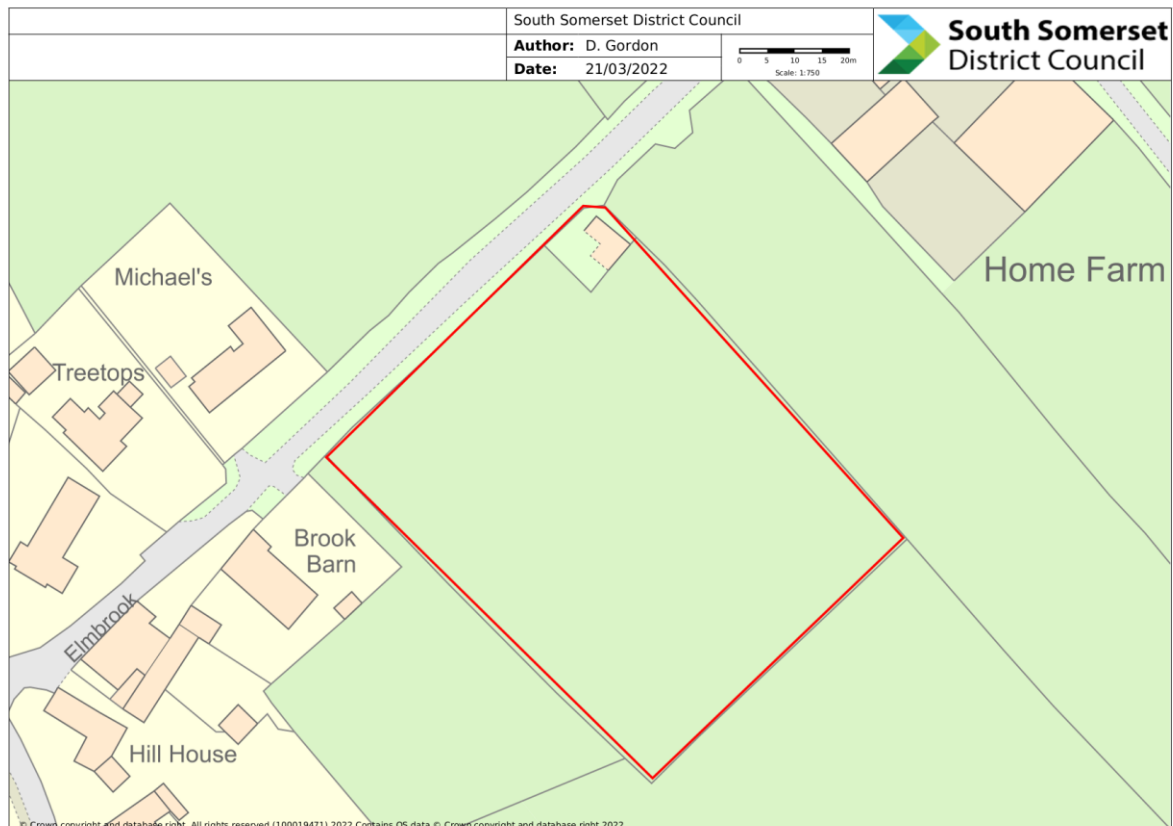
Agenda Item 12

Officer Report On Planning Application: 21/03589/FUL

Proposal :	Erection of a dwellinghouse and garage and construction of access
Site Address:	Land At Lemons Ground, Whitechurch Lane, Yenston, Templecombe, Somerset,
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr H Burt
Recommending Case Officer:	Russell Williams (Specialist) Tel: 01935 462345 Email: russell.williams@southsomerset.gov.uk
Target date :	14th February 2022
Applicant :	Mr & Mrs W Wallace
Agent: (no agent if blank)	Mr Diccon Carpendale Unit 3 Kingsmead Business Park Shaftesbury Road Gillingham SP8 5FB
Application Type :	Minor Dwellings 1-9 site less than 1ha

This application is to be determined at the Area East Planning Committee in accordance with the Council's scheme of delegation, as the applicant is an elected member of South Somerset District Council.

SITE DESCRIPTION AND PROPOSAL





The application site is approximately 0.28ha located on the south side of Whitechurch lane (a class C road) to the east of the A357 which runs through the village of Yenston. The lawful use of the application site is agriculture and appears to be used for grazing, with a modest stable building located to the northern corner of the plot.

The application site is located entirely within Flood zone 1.

This application seeks full planning permission for the erection of a detached 4 bedroom open market dwelling with detached garage building comprising of an open fronted triple car port and single bay secure garage. Within the roofspace of the garage building will be a WC and floorspace to be used for an office space.

The dwelling would be constructed in local natural stone with a natural slate roof and painted timber windows and doors.

The proposed garage and carport building will be finished in timber boarding to the walls, natural slate roof and painted timber fenestration

A new vehicular access is proposed along the boundary to Whitechurch Lane and the existing field gate in the corner of the site with associated access to the public footpath to the south retained. The layout would include visibility splays to the access and parking for a minimum of 4 cars and there is ample storage space for bicycles to serve the dwelling house.

It is proposed to drain surface water to soakaways within the site, which will be subject to Building Control design approval. Foul drainage will be connected to mains sewers.

PLANNING HISTORY

20/01667/FUL - Erect dwellinghouse and construct access thereto.

This application proposed an alternative design for a single dwellinghouse within the plot. The application was approved by Area East Committee and Full planning permission was granted

on 12 March 2021. This application remains extant.

POLICY

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

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

SD1 (Sustainable Development);
SS1 (Settlement Strategy);
SS4 (District Wide Housing Provision);
SS5 (Delivering New Housing Growth);
HG4 (Provision of Affordable Housing - Sites of 1-5 Dwellings);
TA5 (Transport Impact of new Development)
TA6 (Parking Standards);
EQ1 (Addressing Climate Change in South Somerset);
EQ2 (General Development)
EQ4 (Biodiversity).

National Planning Policy Framework 2021

Chapter 2 Achieving Sustainable Development
Chapter 4 Decision Making
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

Planning Policy Guidance

Somerset County Council Parking Strategy (March 2012)
National Design Guide

REPRESENTATIONS

No representation has been received from members of the public.

CONSULTATIONS

Henstridge Parish Council :

Supports the application and recommends approval.

Highway Authority :

Standing advice applies.

SSDC Highways Consultant :

Please refer to the comments made previously to the 2020 application and to the highways related conditions imposed at that time. Those comments are copied below for information:

"Whitechurch Lane is narrow but at its light controlled junction with the A357, there appears to

be sufficient width to allow two vehicles to pass one another and it would seem that Whitechurch Lane only serves a handful of dwellings. Therefore, it is unlikely the traffic impact of the scheme would be significant. The proposed location of the access and the associated visibility splays are acceptable. The first 5m of the access must be properly consolidated and surfaced (not loose stone or gravel) and appropriately drained. The proposed on-site parking and turning provision is acceptable. A charging point will be required for electric vehicles"

Rights of Way Officer :

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site (public footpath WN 12/2) at the present time.

We have no objections to the proposal, subject to the following:

Any proposed works must not encroach onto the width of the PROW.

The following text must be included as an informative note on any permission granted:

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

County Ecology :

The applicant will be required to commission a Preliminary Ecological Appraisal, which may recommend further surveys and mitigation, as required.

Notwithstanding the above, following recent advice from Natural England this application may now require a Habitats Regulations Assessment (HRA) due to the recent CJEU Dutch Nitrogen case law. This is because the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There is a major issue with nutrients entering watercourses which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition any increase, including from single dwellings, is seen as significant, either alone or in combination with other developments.

Following receipt of Preliminary Ecological Appraisal additional comments provided:-

A Preliminary Ecological Appraisal of the application site was carried out in October 2020 by David Leach Ecology.

Habitat:

- The site is a 0.27 ha section of a large semi improved grass field.
- The site has a public footpath running along the south west boundary, a road and hedge on the north- west boundary, was open to the main grass field to the south-east and had a mixed native hedge at the north-east boundary. There were a few small trees at the north east of the site and two small open fronted animal shelters at the north corner of the site. Near the animal shelters was an area of ruderals, mainly common nettles with some thistles and docks.
- One of the animal shelters had walls of wood sheeting and two metal garage doors with a corrugated metal roof. The second shelter had wood cladding walls and corrugated bitumen sheet roofing.
- The hedge at the north-west of the site was approximately 2 - 3m high and 2m wide.
- At the north and west boundary were some ruderals at the bottom of the hedge including

nettles (*Urtica dioica*), cow parsley (*Anthriscus sylvestris*) and cleavers (*Galium aparine*).

- Species noted within the hedgerow: Elder (*Sambucus nigra*), blackthorn (*Prunus spinosa*), oak (*Quercus robur*), hawthorn (*Crataegus monogyna*), sycamore (*Acer pseudoplatanus*).
- The main species present were blackthorn and hawthorn. In addition the woody species the hedge contained bramble (*Rubus fruticosus*), honeysuckle (*Lonicera periclymenum*) ivy (*Hedera helix*) and rosa sp.
- There are no large trees along the section of hedge to be affected.
- Species noted within ground flora: cow parsley, cleavers, common nettle, spear thistle (*Cirsium vulgare*), bramble, ivy (*Hedera helix*), yarrow (*Achillea millefolium*) ground ivy (*Glechoma hederacea*), hawkbit (*Leontodon* sp.), rumex sp. red clover (*Trifolium pratense*), broad leaved plantain (*Plantago major*) and common mallow (*Malva sylvestris*).
- No rare or uncommon plants were found on site.
- There were no signs of invasive plants within or near the site.

Bats

- There are no trees on site with potential roosting features for bats.
- The hedges on site could be used by foraging and commuting bats.
- No signs of bats were found in the animal shelters which had negligible roosting potential due to a lack of roosting features and being exposed to high light levels and draughts.

Birds

- A birds nest, possible a blackbirds, was fund in the large of the two animal shelters.
- There is potential nesting habitat in the hedge at the north-west of the site.
- No evidence of barn owls was found in the animal shelters.
- The habitat on and around the site is mainly close grazed grass with provides suboptimal habitat for voles and other prey items of barn owls and it is unlikely that barn owls regularly hunt in the field.

Reptiles

- The majority of the habitat on site is closely grazed grass which provided sub optimal habitat for reptiles.
- The ruderal vegetation at the bottom of the hedge provides moderate potential for reptiles. It is unlikely that a significant population of reptiles will be present.

Great crested newts

- There are no ponds on site or nearby and it is unlikely that any great crested newts (*Triturus cristatus*) will be affected by the proposed works.
- The nearest ponds are the other side of the village and are separated from the site by a buildings and roads road which acts as a barrier for commuting newts.
- There were no records of great crested newts found within 1km of the site.
- There is a pond 150m to the south west marked on some maps. However this was inspected and found to be a widening of the stream which runs along the bottom of a field and which has no suitability for great crested newts. It may historically have been a pond but is now part of the stream with no standing water (see plate 13 & 14).

Water voles and otters

- There are no waterbodies on site or nearby that would provide suitable habitat for water voles or otters.

Badgers

- No badger setts were found and no signs of badger activity such as snuffle holes or latrines were seen.

Dormice

- The site has short lengths of hedgerow and is not linked to any ancient woodland which may hold populations of dormice. There are no dormice records within 1km of the site which has limited suitable habitat for dormice and it is unlikely any will be on site.

The hedges on site could be used by foraging and commuting bats and the site is within Consideration Zone C for Brown Long-eared bats. Therefore, the following shall be conditioned:

- 1) Prior to occupation of the dwellings, a "lighting design for bats" for the existing and

proposed bordering hedgerows and tree's on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats (the existing and proposed bordering hedgerows and tree's) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed through the provision lighting contour plans and if appropriate directional lighting of lights with hoods technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Where PIR timers are to be included, it should be shown that timers are going to be set to less than one minute.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

To create an access onto the site a 10m section of hedgerow will be removed. David Leach Ecology have stated that it is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season. Condition recommended.

It has been highlighted that other than the removal of a 10m section of hedgerow on the northwest of the site, all vegetation as a whole is being retained. Conditions recommended.

I am satisfied that the buildings onsite provide negligible roosting potential for bats. However, due to the opportunistic behaviour of some bat species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted:

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

As long as the above is actioned as worded, I have no further comment.

CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

Policy SS1 of the adopted local plan provides a settlement strategy and hierarchy which seeks to direct new development to strategic towns, market towns and rural centres; and other rural settlement are consider as being part of the countryside. Policy SS5 of the local plan identifies a target of 2,242 dwellings in Rural Settlements between 2006-2028 and this target has already been exceeded. Policy SS2 seeks to strictly control devolvment in Rural Settlements and would only support residential development if this meets identified housing need, particularly for affordable housing.

In this regard, Yenston itself does not offer a range of local services with only a bus stop close to the junction of Whitechurch Lane and the A357 which provides an infrequent service. There is a nursery school in Whitechurch Lane but this is on the outskirts of and closer to Henstridge. Yenston is located between the villages of Henstridge and Templecombe which do have a

greater range of services, employment and these rural settlements would be considered to be more sustainable locations for development. Access to these villages by foot or cycle would be too far along unsafe, unlit roads without footpaths.

The site and its location does not, therefore, strictly accord with the requirements of Local Plan Policy SS2.

Notwithstanding, from September 2021 it is recognised that South Somerset District Council cannot demonstrate a 5 year housing land supply, with the most recent assessment indicating a delivery of 4.7 years. As a consequence policies SS1 and SS2 and the settlement strategy of the adopted local plan carry limited weight and the presumption in favour of granting planning permission for sustainable development, where the impacts of doing so are not severe, is engaged.

Furthermore, it is pertinent to acknowledge the fact that the site benefits from an extant planning permission for the construction of a single dwellinghouse. Application 20/01667/FUL was approved against the Officer recommendation in early 2021 and found to be acceptable. This decision is binding upon the local authority and is a material consideration to the determination of this application and one that carries significant weight.

Having regard to the above matters, it is considered that the application would not ordinarily accord with the aims of Local Plan Policies SS1, SS2 and SS5. It is not a sustainable location for housing, however, the lack of a deliverable 5 year housing land supply and the presence of an extant planning permission weighs heavily in favour of the proposed development that essentially comprises of an amended design approach.

As such, on this occasion, there is no objection to the principle of a new dwellinghouse being constructed on the site.

APPEARANCE AND DESIGN

The application seeks approval of an alternative design scheme to that approved under application 20/01667/FUL.

The approved scheme comprises of a detached two storey dwellinghouse with single storey attached garage. The design of that dwelling is rather busy, comprising of traditional pitched and hipped roofs with a principle elevation that does not create any real sense of legibility upon entering the property.

The revised design creates a simpler dwelling, with two storey main body to the building and two storey out-riggers to the east, all of which comprise of standard pitched roofs. The design is less busy and in keeping with the rural setting of the application site.

The detached garage building with office accommodation above is of a simple, agricultural design and its appearance is considered to be appropriate when regard is had to the rural setting of the property. The building will be finished in timber cladding and natural slate roof, which will enable the building to sit quietly within the site and assimilate appropriately with landscape character. The removal of the poor quality building to the northern corner of the site is of no material harm.

The proposed hedgerow planting to the southwest boundary would help to soften the appearance of the plot in this rural location.

The design and materials proposed would be acceptable having regard to the local area and will provide a softening of the buildings' appearance. Materials can be controlled by condition.

Overall the proposed design is considered to provide a betterment upon the previously approved scheme. The development will relate appropriately to visual amenity and landscape character and the development therefore complies with Local Plan Policy EQ2

AMENITY

The proposed dwelling would be within a substantial plot and would not have any close neighbours. As such the proposal would not affect the privacy, light and living conditions of the occupiers of nearby properties and there will be sufficient space within the plot to serve the proposed dwelling.

HIGHWAYS

A new vehicular access is proposed to serve the new dwelling. The principle of the access and its design was found to be acceptable previously and there has been no material change in circumstance since that decision.

The development has acceptable visibility splays in both directions and there is adequate space within the plot for parking and turning of vehicles. The proposal would be acceptable in highways terms subject to conditions regarding the access and parking and provision of a charging point.

Public Footpath WN12/2 crosses the western corner of the site. A site layout plan shows the route of the footpath to be clear of the proposed built development and the boundary treatment not obstructing the route such that it would be available for public use. Subject to a condition and informative to be attached to any decision the proposal is not considered to compromise the route or use of the footpath and the query regarding the former diversion order can be resolved separately and an application for diversion submitted if required.

ECOLOGY AND BIODIVERSITY

The application site is not within the Somerset Levels catchment area and therefore assessment and mitigation with regard to phosphate output is not required.

An ecological appraisal has been provided as requested by the county ecologist which includes recommendations to protect existing habitats and provide additional enhancements. Conditions to be imposed if the applications were to be approved have been recommended by the County Ecologist.

CONCLUSION

The application site is within a rural settlement with limited services and as such development is strictly controlled in this location. Notwithstanding conflict between the proposed development and Local Plan Policies SS1 and SS2, the site benefits from an extant planning permission and this, together with the Council's 5 year land supply position indicates that the principle of the development should be supported on this occasion.

The amended design is considered to offer an enhancement to visual amenity and landscape character when compared with the extant planning permission.

Matters relating to biodiversity, landscaping, access and future use of the garage building can be reasonably controlled by planning condition.

On balance, the application is considered to be acceptable and it is therefore recommended that planning permission be granted.

RECOMMENDATION

Grant permission

01. The application site is within the village of Yenston which forms a cluster of settlements with nearby Henstridge and Templecombe where local services are available and reasonably accessible. The application site benefits from an extant planning permission to erect a single dwellinghouse and as such the principle of development is accepted on this occasion. The proposed dwelling would be located between existing buildings and is of an appropriate design. Given that there would be no significant harm to visual or residential amenity, highway safety, flood risk or biodiversity the proposal is considered to be acceptable and in accordance with South Somerset local plan and policies SS1, EQ2, EQ4 and TR5.

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 approve plans:

Drawing No. 20070-10 - Site Survey

Drawing No. 20070-8B - Proposed Plans, Elevations and Section

Drawing No. 20070-9C - Proposed Site Plan including surface water drainage arrangements

Drawing No. 20070-4C - Site Location Plan

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

03. Prior to the commencement of any development hereby approved, above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

04. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:- means of enclosure; hard surfacing materials; external lighting; existing planting to be retained and means of protection; and proposed new planting. All hard and soft landscape works shall be carried out in accordance with the approved detail prior to first occupation of the development and any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality, in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

05. The approved surface water drainage works as shown on Drawing Number 20070-9C shall be fully completed prior to the first occupation of the development hereby permitted.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk, in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

06. Prior to the first occupation of the development hereby permitted, the access, visibility splay, car parking areas and turning space shall be laid out and constructed as shown on Drawing Nos. 20070-09C. The first 5m of the access shall be a consolidated surface (not loose stone or gravel) and the layout shall include a charging point for electric vehicle. Thereafter, these areas and the charging point shall be maintained, kept free from obstruction and available for the purposes specified.

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

07. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the new dwelling. 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) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation
- b) A Schwegler House Martin Terrace No. 11 or will be installed under the eaves of the north-west elevation
- c) Two bee bricks built into the wall about 1 metre above ground level on the south-west and south-east elevation of the new dwelling.
- d) To compensate and enhance for the loss of the 10m hedgerow on the north-west side of the site, approximately 100m of hedgerow will be planted around the site. 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.
- e) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.
- f) 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, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

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, and the Draft Environment (Principles and Governance) Bill 2018.

08. Prior to occupation of the dwellings, a "lighting design for bats" for the existing and proposed bordering hedgerows and tree's on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats (the existing and proposed bordering hedgerows and tree's) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed through the provision lighting contour plans and if appropriate directional lighting of lights with hoods technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

c) Where PIR timers are to be included, it should be shown that timers are going to be set to less than one minute.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

09. No removal of hedgerows, trees, scrub, bramble and any other vegetation that provides potential for nesting birds shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides 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 by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

10. Prior to the commencement of development hereby permitted, all existing trees and hedgerows bordering the site that are to be retained will be protected throughout the duration of works by Heras fencing. No materials shall be stored or plant operated within 1 metre of the Heras fencing.

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

11. The proposed garage, carport and office building hereby permitted shall be maintained and retained for such purposes of parking of vehicles and as an office incidental to the enjoyment of the principal dwellinghouse and shall remain ancillary thereto. The building shall not be used for, or in connection with, any commercial, trade or business purposes (including use as a holiday let) and shall not be converted into any habitable accommodation or be occupied as a separate dwelling unit, and no separate curtilage shall be created.

Reason: In the interest of amenity in accordance with Policies SS1 and EQ2 of the South Somerset Local Plan 2006-2028.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a

specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details

<https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

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