

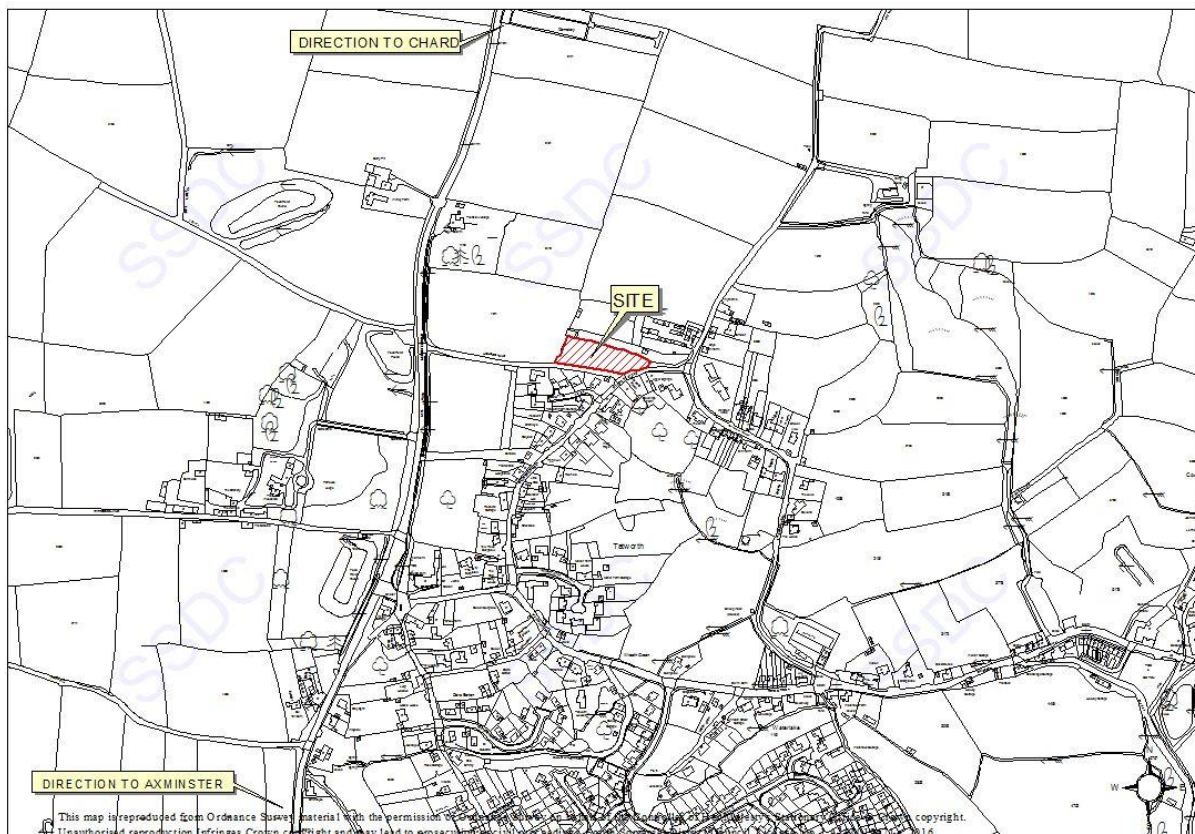
Officer Report On Planning Application: 15/02733/OUT

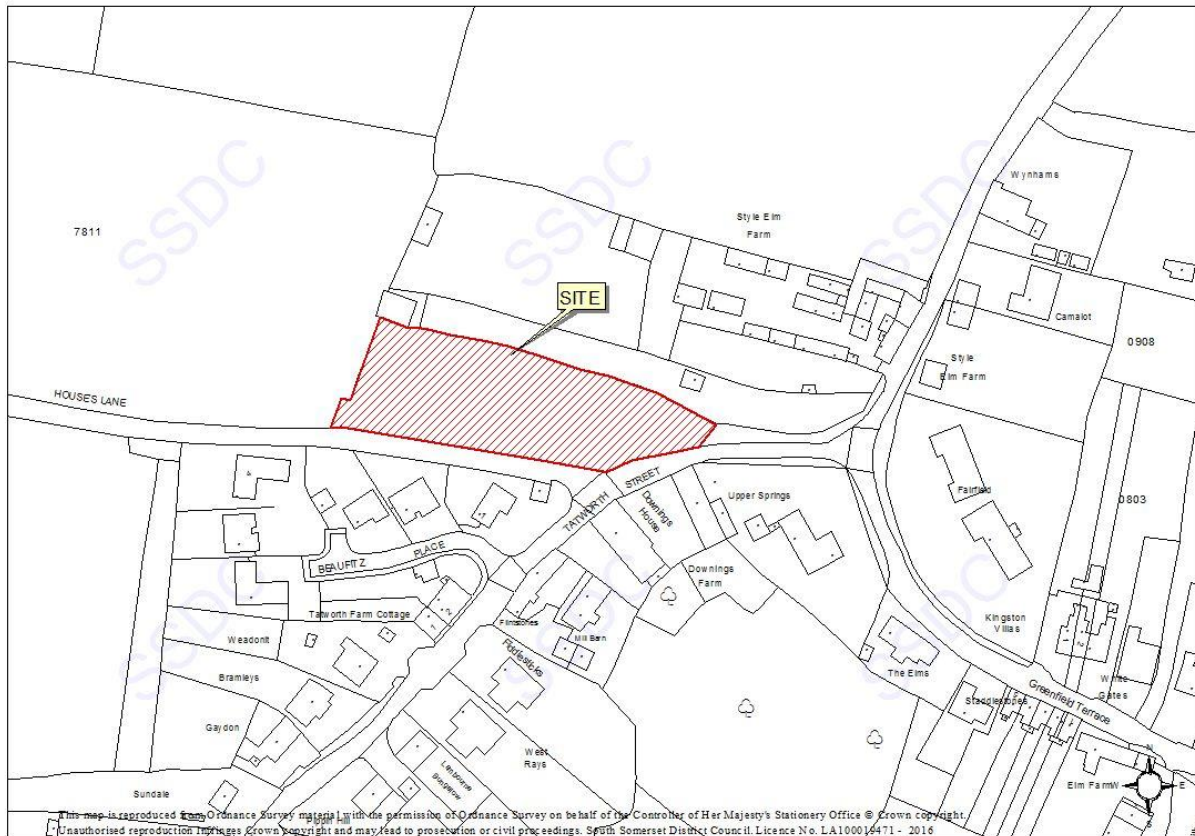
Proposal:	Demolition of existing outbuildings and erection of 7 No. dwellings with associated access, parking and landscaping (outline application) (GR 332874/106060)
Site Address:	Land And Premises Barley Farm Houses Lane Tatworth
Parish:	Tatworth & Forton
TATWORTH AND FORTON Ward (SSDC Member)	Cllr A Turpin
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date:	29th July 2015
Applicant :	Mr Andy Shire
Agent: (no agent if blank)	Mr John Bird Joyden Farm Holbear Lane Forton Road Chard TA20 2HS
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to committee with the agreement of the Chair due to the public interest and issues raised by the Ward Member.

SITE DESCRIPTION AND PROPOSAL





The site comprises approximately 0.29 hectares located off the northern side of Tatworth Street and Houses Lane which links the site to the A358 to the west. The site contains a number of agricultural style buildings both older and modern construction. Ground levels rise gradually from the site entrance to the northern site boundary.

The site is bound by traditional hedgerow to the northern, western and southern site boundary fronting Houses Lane. The south eastern boundary fronting Tatworth Street consists of Leylandi style hedging and low stone walling.

There is one Grade II listed building located adjacent to the site to the southern side of Tatworth Street known as Downing Farm.

This is a revised outline application for residential development comprising of up to 7 no. dwellings. The application is to agree the principle of development and access only, all others matters are reserved. The outline proposal includes an indicative layout for the provision of two 2 bedroom dwellings and five 3 bedroom dwellings.

It is proposed that the dwellings would be open market units. During consideration of the application a Court of Appeal decision has clarified that affordable housing or tariff based contributions cannot be sought on developments of 10 or fewer dwellings or with a floor area of less than 1000 square metres. These thresholds would not be met.

HISTORY

14/03027/OUT: Outline planning permission for the erection of up to 8 dwellings - Application withdrawn.

POLICY

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

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

In relation to Listed buildings Section 66 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting to 'have special regard to the desirability the preservation of the Listed building, its setting or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS4 - District Wide housing Provision

Policy SS5 - Delivering New housing Growth

Policy HG5 - Achieving a mix of market housing

Policy TA5 - Transport impact of new development

Policy TA6 - Parking standards

Policy EQ1- Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

National Planning Policy Framework

Core Planning Principles

Chapter 6: Delivering a wide choice of high quality homes

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

National Planning Practice Guidance

Guidance within the PPG is a material consideration.

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Tatworth Parish Council:

Recommend Refusal for the following reasons:

- This constitutes over-development in terms of scale, mass, size and form.
- The proposal is inappropriate and not in keeping with the density or style of the surrounding properties, which include 4 Grade 2 Listed Buildings.
- The volume of traffic generated would greatly increase the existing dangers to pedestrians and motorists in Houses Lane and Tatworth Street.
- The already hazardous situation regarding vehicular access into Houses Lane from the A358 would be exacerbated. This is regarded as a dangerous road. Hazards already exist for the horse owner in providing feed and water for horses kept in an adjacent field off Houses Lane.
- Sight Lines for the Site Access should be a minimum of 43 metres in order to comply with Regulations stipulated in the Manual for Streets, as Houses Lane does not have a speed limit. (The proposed entrance is only 25 metres)
- Slow worms and dormice are extremely likely to be present on the site, as supported by Green's Preliminary Ecology Report. The local area has already lost a large amount of the species due to over-development, and therefore these are of particular importance to the local eco-system.
- Surface water flooding is an issue (drains are unable to cope) (Pictures supplied by some residents)
- Sewage system is unlikely to cope as there is already blockages to the local infrastructure
- HGV traffic (during construction) could damage neighbouring houses, some of which do not have foundations
- Air, light and noise pollution would be increased
- Main entrance is in Houses Lane where the recommendation from Highways expressed an opinion that the entrance should be from Tatworth Street.
- Houses Lane is entirely unsuitable for access to this site.
- Plots 1 -6 can only be accessed down Houses Lane from the A358. Plot 7 is accessed from Tatworth Street. There's no access between plot 7 and the other 6 plots, so the only way in is down Houses Lane via the A358 for these 6 plots.
- Loss of amenity in the form of riding stables.
- Residents have seen bats on the site regularly, indeed every night during the summer.
- How can large trucks, i.e. 26 tonne refuse trucks access the site?
- Eroding/removing the Devon Bank.
- There are numerous inaccuracies in the access statement - i.e. no 30 bus - bus times are every 1.5 hrs with no services in the evening or on Sundays and nor do they connect with public transport in Axminster. Wessex water do not deal with the sewage. The sewage system is at full capacity.
- Not enough parking spaces for the number of houses being built and they do not comply with the National guidance. We believe that for this site 20 spaces are required for parking, which will increase the level of traffic.
- Pedestrians currently are forced to walk back down Houses Lane when walking towards the A358.
- Damage has been done to sewage and water works.

- Lots of the cottages on Tatworth Street have no frontage or frontage is right onto the road.
- Tom Tom sat navs main access into Tatworth brings vehicles down Houses Lane.
- Large vehicles have been wedged in Houses Lane and have had to reverse back onto the A358 in the wrong direction, which holds the traffic up.

SSDC Conservation Officer:

Make sure the height of 7 is not excessive and we need to control the front elevation.

I am not happy with the area D where the wall has been pulled back to form a triangle of land. This would be somewhat odd in the streetscene.

SSDC Ecologist:

Bats:

The bat inspection didn't identify any evidence of bats in the buildings proposed for demolition but the consultant concluded some buildings have some (or low) potential to be used by bats and recommends an emergence survey to give confidence in a negative assessment of bat use. I support this recommendation and recommend it is made a requirement by condition:

No buildings identified as having low potential to support bats in the Preliminary Ecological Appraisal (Richard Green Ecology Ltd, August 2014) shall be demolished until a dusk emergence or dawn re-entry survey for bats has been undertaken in the period of May to September by an appropriately qualified person (preferably a licenced bat consultant) in accordance with current best practice and the survey report has been submitted to and approved in writing by the Local Planning Authority. The survey shall be completed prior to submission of any full or reserved matters planning application.

In the event of the above survey(s) concluding any potential impact to bats, full details of a mitigation plan or method statement containing measures for the avoidance of harm, mitigation and compensation, shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan (adopted).

Dormice and hedges:

Dormice have been recorded in hedges from a number of locations around the area and there is a moderate likelihood that they will occupy the site boundary hedges on either a temporary or permanent basis.

I note the north and west boundary hedges are proposed for retention. However, as these hedges (at least in part) would end up as part of the garden boundaries, there would be a lack of control over their future management or even their future retention. There would also be some loss of the south and east boundary hedges (e.g. for access).

Given the village edge context of the site, the hedges are unlikely to be of any strategic importance for dormice (e.g. as important linking corridors between significant areas of dormouse habitat).

The south and east hedges are of relatively low quality for dormice. Whilst the north and west

hedges are of better quality, this is a small site and dormice exist at very low densities. It is therefore unlikely that the site would support more than a very small number of dormice at best. Although there would be a risk of disturbance or harm to dormice from development of the site and introduction of cats or from subsequent treatment or future removal of hedges once they are garden boundaries, I consider the level of risk and likely very low numbers of dormice that would be affected is not sufficient to raise an objection.

However, given some, albeit low level of risk, and the high conservation status and legal protection afforded to dormice, I recommend a condition requiring precautionary measures:

No removal of any hedge (or part thereof) shall be undertaken until a Method Statement detailing precautionary measures for the avoidance of harm to dormice has been submitted to and approved in writing by the local planning authority. All hedge removal shall be undertaken in full accordance with the approved Method Statement unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance (dormouse) in accordance with NPPF, and of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

Wessex Water:

No objections. Standard comment provided regarding connections to Wessex Water infrastructure.

South West Water:

No objections.

SSDC Landscape Architect:

These revised sketches now infer a building arrangement that appears much more responsive to local context, and offer a way forward. I have no further landscape issues to raise.

SCC Highway Authority:

First response:

The traffic impact of the development is likely to be limited. Access arrangements appear to provide safe and suitable access as in accordance with the NPPF. The number of parking spaces is sufficient but no consideration has been given to cycle parking.

Reference has been made to the previously submitted TA but no data has been provided. It is considered that the traffic impact is unlikely to be severe; however evidence needs to be provided to demonstrate this.

Access will come from Houses Lane for 6 of the 7 properties and one dwelling will be accessed off Tatworth Street. Previous pre application consultation with SCC officers concluded that the proposed access arrangement was acceptable with the width of the carriageway, horizontal alignment and existing hedgerows likely to contribute to low speeds. In view of this 20mph visibility splays have been previously accepted by the council as acceptable. However these will need to be revised on the Proposed Site Layout plan (P-150) as this shows the 2.4 x 25m splay leading into the centre of the carriageway on House Lane, this visibility splay should be to the near edge of the carriageway and there should be no

obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

The access onto Houses Lane is one way and therefore residents can only turn left coming out of their property and have to travel via Axminster Road to get back to their property. It is agreed that this is acceptable subject to the appropriate signing strategy in place prior to occupation of the properties.

Signing strategy of one way system should be set out on the exit from the proposed access junction informing motorists of the arrangement prior to occupation. The access should be 5.0m wide for 6.0m back from the edge of highway and consolidated for 5.0m back from the edge of highway.

The proposed parking arrangement is based on 7 dwellings. This includes, as set out in Section 4 of the Design and Access statement, 5 3 bed properties and 2 2 bed properties. Based on this, the number of vehicle parking is more than sufficient for the site and above that stated in the SCC Parking Strategy. However, a higher number of higher bedroom properties are also mentioned in the documentation so this needs clarification to ensure appropriate levels of parking are provided. Single parking bays should be 5m long and 2 longitudinal spaces should be 10.5m long.

No details have been provided for cycle parking. Cycle parking should be provided in accordance with the SCC Parking Strategy. In addition the turning areas outside each dwelling need to be sufficient to allow cars to park, as well as manoeuvre. Parking outside the properties proposed may make turning an issue. Again compliance to the SCC parking strategy is required.

Due to the narrow width of House's Lane along the section where the access would be formed, it may be prudent to ask for a tracking plan (scale 1:200) showing how a refuse vehicle 11.4m long (4 axle) can turn into the estate. I have concerns that there will be areas of overrun and that it may be necessary to incorporate some form of widening to Horse's Lane in the vicinity to the access. There appears to be sufficient room for a refuse vehicle to turn within the internal estate

The infrastructure within the estate does not currently meet adoptable standards as there are no margins around the edge of the shared surface road (margins should be 1m all around except at the end of turning arms where there should be a 2m overhang margin).

The access from Tatworth Street is only 3m wide for the majority. The access should be 4.1m wide minimum to allow for 2 way traffic to avoid any queuing on the existing Highway. The site access should be consolidated or surfaced for the first 5m back from the carriageway.

The eastern splay for the Tatworth Street access appears to cross land that is neither in the applicant's ownership or Highway land. Visibility must be demonstrated and maintained and the proposed access arrangement is suitable for vehicles entering and exiting the site. There should be no obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

Please ensure there is adequate pedestrian visibility for the pedestrian link out onto Tatworth Street. The requirement is a 2.0 x 2.0m visibility splay that will need to be measured back up House Lane as well as Tatworth Street, again there should be no obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

Looking through the historic electronic filing for this site, it does appear that there have previously been flooding/drainage issues in the area. I note there was no Flood Risk Assessment on the planning portal. There is mention of the possible use of an infiltration structure to drain surface water. There should be no assumption that any connections can be made to the existing Highway drainage system. No private water should fall onto or run into the Highway.

Second response:

I refer to the above-mentioned planning application received on 21 March 2016. After submitting the application for audit, have the following observations on the amended plans provided for this proposal:-

It must be assumed that the existing highway drainage system within Houses Lane is operating at design capacity and therefore not suitable to serve to collect any increase in highway catchment. The surface water run-off from the proposed new access road, including the bellmouth junction itself, must therefore be collected by the surface water system serving the new site.

It is recommended that drainage provision be incorporated immediately upstream of the new bellmouth junction to intercept surface water runoff from Houses Lane.

It should be noted that pervious pavement is not currently approved for use in adoptable highways in Somerset and therefore will need to be constrained for use on this development within private areas only. The Designer will be required to consider in detail the correlation between any permeable paved area and the prospective public highway to ensure that any future works in the highway will not inadvertently compromise the integrity of the permeable paved area. These paved areas should also be designed with levels that fall away from the highway to reduce the impact upon the highway of any failure in their operation.

The Designer will need to consider in detail the interface between permeable paved areas and standard highway construction to ensure that the ingress of surface water doesn't have a detrimental effect on the stability of the road formation. Somerset County Council standard requirement is the provision of a suitable buffer of traditional construction between permeable paving and prospective public highways.

It should be noted that to enable the Highway Authority to adopt any road it would require soakaways to be positioned such that they would not have a detrimental long-term effect on the stability of the road formation and to that end would expect the Building Regulation requirements in terms of soakaway positioning to be satisfied. Any soakaway should be positioned a minimum distance of 3.0m from an adjacent footway and 5.0m from any carriageway

Taking the above into account, the Highway Authority is not in a position to discharge the amended plans until the developer has addressed the points that have been raised above.

Third Response:

Having looked at the updated location of the soakaway, I can see that it is now 5m away from the proposed access road (including turning head) and therefore is far enough away so as not to cause any negative impacts to the road structure.

SSDC Highway Consultant:

First response:

Refer to SCC comments. Development unlikely to have significant impact on approach roads to the site. Concerns that residents may not obey the current TRO if seeking to access the site from the east, unless the TRO is altered. 2.4m x 25m visibility splays should be shown to vehicle track line rather than centreline. Potential APC liability - SCC to comment on standard of internal highway. Parking provision should seek to accord with SPS optimum

standards.

Second response:

I am in receipt of an amended Proposed Site layout plan (drawing: P-150 Rev A) which shows the provision of 2.4m x 25m visibility splays at the main point of access extending to the vehicle track line which I consider to be acceptable, provided the highway authority is content that 85th%ile speeds on Houses Lane are 20mph. Any alteration to the existing TRO would require a separate public consultation process and on the basis that the local highway authority has not mentioned the need to alter the TRO it may be prudent not to make any amendments to the TRO.

In my opinion the means of access to Plots 1-6 and to Plot 7 are broadly acceptable. I note that the highway authority has commented on the details of the internal layout and I agree that there are one or two points that need to be resolved (e.g. the provision of a margin on the eastern side of the internal access road and ensuring that vehicles reversing from P4 and P5 have sufficient turning space to execute such a manoeuvre, but I consider that these matters can be resolved at reserved matters or full application stage. Given the modest scale of the development, I do not believe it is essential that the refuse collection vehicle needs to be able to access the site - collecting waste and recyclables using the standard kerb-side collection method (with a bin store or hardstanding located close to the access) should be sufficient. Other service/delivery vehicles could reverse into the site on the very infrequent basis that such manoeuvres are required (subject to tracking which may necessitate a slackening of the southern junction radius at the main point of access).

On-site parking provision still needs to accord with SPS optimum standards but again this matter can be addressed at reserved matters or full application stage.

I would anticipate that APC would apply in this case (a matter for SCC to determine) even if it is the intention for the internal access road to remain private. On this note, it would be worthwhile re-consulting SCC in light of the revised Proposed Site Layout plan to seek its final consultation response and recommendation on this application but I trust the above is useful.

Somerset Waste Partnership:

I've visited the site and seen that Houses Lane is restricted to 7.5t vehicle. From an operational point of view we have very little scope for expansion on these routes, so if there is a way of putting a collection point for properties 4,5,6 accessible from Tatworth Street, via a footpath and back gates for example, it would really help to minimise the impact on the narrow access rounds.

Appreciate this is an operational issue from our point of view but anything you can do to accommodate the request would be appreciated.

It shouldn't be a problem to collect from the edge of Houses Lane for plots 1, 2 and 3.

SDDC Drainage Engineer:

First response:

The design proposed keeps all surface water on site by infiltration so greenfield run off rates are not relevant. The tests should be carried out to BRE Digest 365 which includes filling three times in succession etc. The design of the soakaways should also be carried to the same document. The design should cater for the 100 year, 6 hour rainfall event plus 30% climate change and 10% urban creep allowance.

Assuming this design correlates with the sizing etc as shown the soakaways should incorporate silt collection traps and also inspection and maintenance of the silt traps and soakaways.

Identify who will be responsible for this maintenance. It is noted that the soakaways are in what will be garden areas or restricted access so arrangements for access need to be determined. A design for the permeable paving and regime for maintenance needs to be submitted.

Second response:

Whether it is acceptable under a planning condition is up to you. My comments are that the calculations are simplistic and not to an accepted standard in BRE Digest 365. In addition the infiltration tests have also not been carried out to the same document.

Whilst the figures submitted indicate good infiltration rates one of the holes was a bit 'slower'. They were also only filled once rather than three times. If the soakaways are not designed to BRE 365 then appropriate factors of safety should be applied which may have an effect on sizing.

It would be useful if the infiltration test locations were indicated on the plan. There is no indications of levels on the proposal so these should be added to verify potential overland flow routes.

The design for the proposed permeable paving needs to be submitted and indications on maintenance. The maintenance of the soakaways is an important part of the drainage system etc. so should be determined.

Like I said up to you whether you would like this prior or under condition.

Third response:

All looks OK (In response to the revised drainage calculations).

SSDC Tree Officer:

If an outline consent is to be granted, I'd be grateful if you would consider imposing a pre-commencement tree protection requirement, perhaps along the following lines:

Tree Condition: Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree protection details by the Council in-writing, a site-meeting between the appointed building/groundwork contractors, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of protected trees in

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

SCC Housing:

Initially commented in relation to affordable housing provision. It has since been confirmed that affordable housing cannot be sought on this site as the relevant thresholds are not met.

SSDC Sport, Art Leisure:

Initially commented in relation to affordable housing provision. It has since been confirmed that sport and leisure contributions cannot be sought as the relevant thresholds are not met.

REPRESENTATIONS

In response to consultation letters and a site notice being posted, 31 representations have been received, 26 objecting and 5 in support. The following comments are made:

Objections-

- Concerns over traffic volume/safety/parking/accessibility for refuse vehicles.
- Overdevelopment.
- Adverse impact on listed buildings and character and appearance of the area.
- Loss of hedgerow.
- Concerns over surface water flooding in the area that will be made worse by the development.
- Will set an undesirable precedent.
- Noise and light pollution.
- Loss of privacy/overlooking.
- Houses not needed.

Support-

- Application will increase the number of affordable properties in the village.
- Will allow young families to stay within the village.

CONSIDERATIONS

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the

benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted. (para.14).

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and these considerations are set out below:

Sustainability of the settlement:

In terms of the sustainability of any particular site, proximity to local facilities and services is a key consideration. Within the village there is a primary school, pre-school, shop/post office, playing fields, public house and bus services. Overall it is considered that Tatworth and South Chard is a sustainable location for housing development in principle given the facilities that the settlement provides.

In terms of the physical connections to these facilities, it is noted that the site is on the northern fringe of the settlement and therefore the school is approximately 800 metres away. The footway provision in the village is also intermittent which weighs slightly against the proposal. Nevertheless, the site is physically well related to the edge of the village and represents an 'infill' style plot of land. Even if some local services are accessed by car, the journeys involved would be short and therefore it is considered that the site is a sustainable location for residential development.

Having regard to the above the proposal would comply with the relevant sections of the NPPF in respect to siting housing in 'sustainable' locations.

Number of dwellings proposed:

The key consideration is whether the site can acceptably accommodate the number of dwellings proposed. The applicant has submitted an indicative layout, however these details would be part of a reserved matters submission and is therefore not finalised at this stage. The provision of 7 dwellings would represent a gross density of approximately 22 dwellings per hectare. This density is not considered to be excessive in this context. For the reasons outlined elsewhere in the report it is considered that an acceptable scheme can be achieved at reserved matters.

Landscape Character/ Visual amenity/Setting of the Listed Building:

The Landscape Architect has been consulted and his comments are quoted in the consultation section of this report. In summary the Landscape Officer does not object to the indicative layout.

The indicative layout is considered to be well conceived and provides an informal layout which is considered appropriate to this context. This is in contrast to a layout on the previously withdrawn application showing a row of semi-detached properties which was considered to be overly standard and suburban in the context of the above constraints.

There is a grade II listed building located to the opposite side of Tatworth Street, 'Downings House'. The Council's Conservation Officer has commented that care would have to be taken over the scale and design of plot 7 which is directly opposite the listed building. The design and access statement submitted with the application indicates that plot 7 would be single storey. A single storey design is considered necessary given the proximity to the listed

building. It is anticipated that a design and appearance replicating the character of a converted barn may be an appropriate way to proceed at reserved matters stage. Having regard to the above, it is considered necessary to include a condition within the decision notice to ensure that any dwelling within plot 7 is single storey.

Highways:

There has been a significant amount of correspondence with the Highway Authority to address various points that have been raised. These are summarised as follows:

Visibility splays:

The applicant originally proposed visibility splays to the centre line of Houses Lane. On the amended plans the applicant has illustrated visibility splays taken to the vehicle track line, however the highway authority commented that they should be taken to the highway edge. The Councils highway officer has commented that in a lightly trafficked single carriageway road it is acceptable to take splays to the track line and as such this detail is considered to be acceptable. The provision and retention of the visibility splays can be conditioned as part of the planning approval.

The Highway Authority commented that the visibility splays intersected an area of third party land. The applicant has since produced a land registry plan confirming that the area of verge is within their ownership. The Highway Authority have since submitted a road records plan verifying the applicants land registry plan. As such the proposal is acceptable in this regard.

Refuse vehicles:

The Councils Highway Consultant has commented that in his opinion it is not essential for refuse vehicles to be able to enter and turn within if appropriate bin stores can be provided close to collection points on Houses Lane and Tatworth Street. The Highway Authority suggested that the applicant consults Somerset Waste Partnership to confirm they are content with this arrangement and this has now been confirmed in writing. Having regard to the above it is considered that the above arrangements would be acceptable in terms of highway safety and are achievable in design terms at the reserved matters application stage.

Highway adoption/Drainage:

The internal road would be a private street rather than being adopted by the highway authority. Regulations under the Highway Act require that the road must nevertheless be constructed to an adoptable standard even though it remains as a private street in order to ensure that it will not deteriorate over time. The adoptable standard of construction precludes the use of permeable surfacing for the access road. As a consequence, the drainage scheme has been amended to take into account additional surface water which would be dealt with via onsite soakaways rather than permeating through the road surface. The Councils drainage engineer and the Highway Authority have since commented that this amendment is acceptable.

Parking provision:

The parking provision on the indicative layout indicates 3 spaces per dwelling which would accord with the optimum levels set out in the Somerset Parking Strategy. This issue can be addressed at reserved matters stage.

Flooding/sewerage infrastructure:

Objections have been received from local residents in relation to surface water flowing from the site. There is currently a relatively significant amount of hardstanding and existing buildings on the site will already create an amount of unregulated surface water run off. It is understood that this runoff exits the site at the southern end. The applicant has submitted an outline drainage scheme. Percolation tests demonstrate that the ground provides a good

level of permeability. The purpose of the drainage scheme is to demonstrate that there is sufficient space within the site to locate soakaways when the root protection area of the Ash tree is taken into account. The Councils engineer has commented that the drainage scheme as submitted is acceptable.

It is a usual requirement that runoff from the access road is dealt with on site via soakaways and as such there would be no flow into the wider highway drain network. Given that the development would be undertaken in accordance with modern drainage requirements rather than the current situation where ad hoc development has taken place on the site in the past which will not comply with modern standards it is considered likely that the proposal would represent an improvement over the existing situation in drainage terms. Having regard to the above the proposal would be acceptable in relation to local plan policy EQ1.

Ecology:

An extended phase 1 habitat survey has been submitted with the application. The report concludes that there is no evidence for bat activity in the buildings to be demolished but nevertheless recommends an emergence survey for certainty. The Councils ecologist concurs with this view and considers that this detail can be secured via a condition.

The report concludes that there is a moderate possibility of dormice using the hedgerow at the northern end of the site. The Councils ecologist agrees but also comments that given the risk of harm is very negligible. However a condition is proposed given that dormice are a protected species.

Tree Protection:

There is a mature Ash tree subject to a Tree Preservation Order located adjacent to the junction of Tatworth Street and Houses Lane.

The Councils tree officer does not raise an objection subject to a planning condition relating to tree protection measures and methods of working. An additional condition is considered to be necessary in relation to the location of underground services in order that the root protection area of the tree is not harmed.

The future maintenance of the tree is also a consideration. A planning condition is considered appropriate to secure details of the future maintenance. For example if the tree is located within the ownership of plot 7 it is considered that its maintenance would be covered by the relevant property owners. Other than being the responsibility of a single dwelling, the tree would have to be included within the responsibility of a management company along with other shared areas such as the access facilities.

Residential Amenity:

Having regard to the relationship of the site to adjoining occupiers, it is considered that an acceptable scheme can be achieved at reserved matters stage in relation to overlooking, overshadowing and sense of enclosure.

Conclusion:

It is considered that the principle of providing up to 7 open market dwellinghouses would be acceptable within this sustainable location of Tatworth and South Chard. The access arrangements are considered to have no adverse impact on highway safety. The setting of the adjacent grade II listed building would not be harmed. There would be no harm to the amenities of adjoining occupiers. An acceptable drainage scheme can be secured that will not contribute to flood risk in the area.

The proposal is considered to comply with the relevant development plan policies. There are

no other material considerations that would warrant a refusal in their own right.

Section 106 Planning Obligations:

Following a Court of Appeal ruling relating to financial contributions, it is considered that the site would be beneath the threshold whereby contributions should be sought. There are no considerations or direct impacts arising from this development that warrant a contribution to be secured contrary to this guidance.

RECOMMENDATION

Approve subject to conditions.

01. The proposed development is located in a sustainable location, provides social benefits in the provision of housing and will contribute to overall housing supply within the district. The impacts of the scheme will be acceptably mitigated through planning obligations and is considered that an acceptable scheme can be achieved in relation to residential amenity, highway safety, visual amenity and would not harm the setting of the adjacent Grade II Listed Building. Planning conditions would ensure that protected species are not harmed and that there are ecological enhancements within the site. An appropriate drainage scheme would ensure that the proposal does not increase the risk of flooding off site. As such it is considered that the proposal would accord with the requirements of policies EQ1, EQ2, EQ3, HG3, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

SUBJECT TO THE FOLLOWING:

01. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

02. The development hereby approved shall be carried out in accordance with the following approved plans: P-100; P-150 Rev. B only.

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

03. The landscaping scheme required by condition 1 shall include the retention of the existing hedges to the north, east and western site boundary fronting Houses Lane (other than for the provision of the visibility splay required by this permission), details of measures for their protection in the course of the development and measures for the protection of any trees within the development site. The landscaping scheme shall include details of any changes proposed in existing ground levels, the construction, location and finish of hardstanding and all proposed planting, seeding and turfing. The landscaping scheme shall be carried out and completed in accordance with a timetable to be agreed in writing. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local plan (2006-2028).

04. At the proposed new accesses there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays illustrated on the approved plan No. P-150 (drawn 2.4m back from the carriageway edge). Such visibility splays shall be provided prior to the commencement of the use of the access hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy EQ2 of the South Somerset local Plan (2006-2028).

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

Reason: In the interests of highway safety to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

06. The reserved matters application required by condition 01 shall include a detailed surface water drainage scheme together with a programme of implementation; maintenance and management of the sustainable drainage scheme, for the lifetime of the development have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- Flood water exceedance routes, both on and off site, note: no part of the site shall be allowed to flood unless specifically designed to do so.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage, constructed to the approved details, thereafter implemented, retained, managed and maintained as per the approved details for the lifetime of the development and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

07. The reserved matters application required by condition 01 shall include details of the design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local plan (2006-2028).

08. The dwellinghouse(s) to be erected within the area annotated as 'plot 7' illustrated on the approved plan, drawing No. PL-150 Rev. A shall be of single-storey construction only with no accommodation in the roof space.

REASON: In the interests of preserving the setting of the adjacent Listed Building to accord with Policy EQ3 of the South Somerset Local plan (2006-2028).

09. Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree protection details by the Council in-writing, a site-meeting between the appointed building/groundwork contractors, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

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

10. Prior to the occupation of any of the dwellings hereby permitted, a scheme for the management and responsibility of the mature Ash tree positioned at the junction of Houses lane and Tatworth Street as illustrated on the approved site layout plan, drawing No. P-150 Rev. B shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented in accordance with the agreed details in perpetuity.

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

11. No removal of any hedge (or part thereof) shall be undertaken until a Method Statement detailing precautionary measures for the avoidance of harm to dormice has been submitted to and approved in writing by the local planning authority. All hedge removal shall be undertaken in full accordance with the approved Method Statement unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance (dormouse) in accordance with NPPF, and of legally protected species in accordance

with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

12. No buildings identified as having low potential to support bats in the Preliminary Ecological Appraisal (Richard Green Ecology Ltd, August 2014) shall be demolished until a dusk emergence or dawn re-entry survey for bats has been undertaken in the period of May to September by an appropriately qualified person (preferably a licenced bat consultant) in accordance with current best practice and the survey report has been submitted to and approved in writing by the Local Planning Authority. The survey shall be completed prior to submission of any full or reserved matters planning application.

In the event of the above survey(s) concluding any potential impact to bats, full details of a mitigation plan or method statement containing measures for the avoidance of harm, mitigation and compensation, shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan (adopted).

Informatives:

01. Water Supply Connections

New water supply connections will be required from Wessex water to serve this proposed development.

Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply.

The applicant is advised that the existing Ash tree at the junction of Houses Lane and Tatworth Street is subject to a Tree Preservation Order. The Tree Preservation Order protects the tree above and below ground and prevents the cutting down, topping, lopping, uprooting, wilful damage or destruction. Any proposed works to the tree require the written consent of the Local Planning Authority. If further advice is required please contact the Councils Tree Officer on 01935 462670.
