

## Officer Report On Planning Application: 20/02249/OUT

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

### REASON FOR REFERRAL TO AREA COMMITTEE

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

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

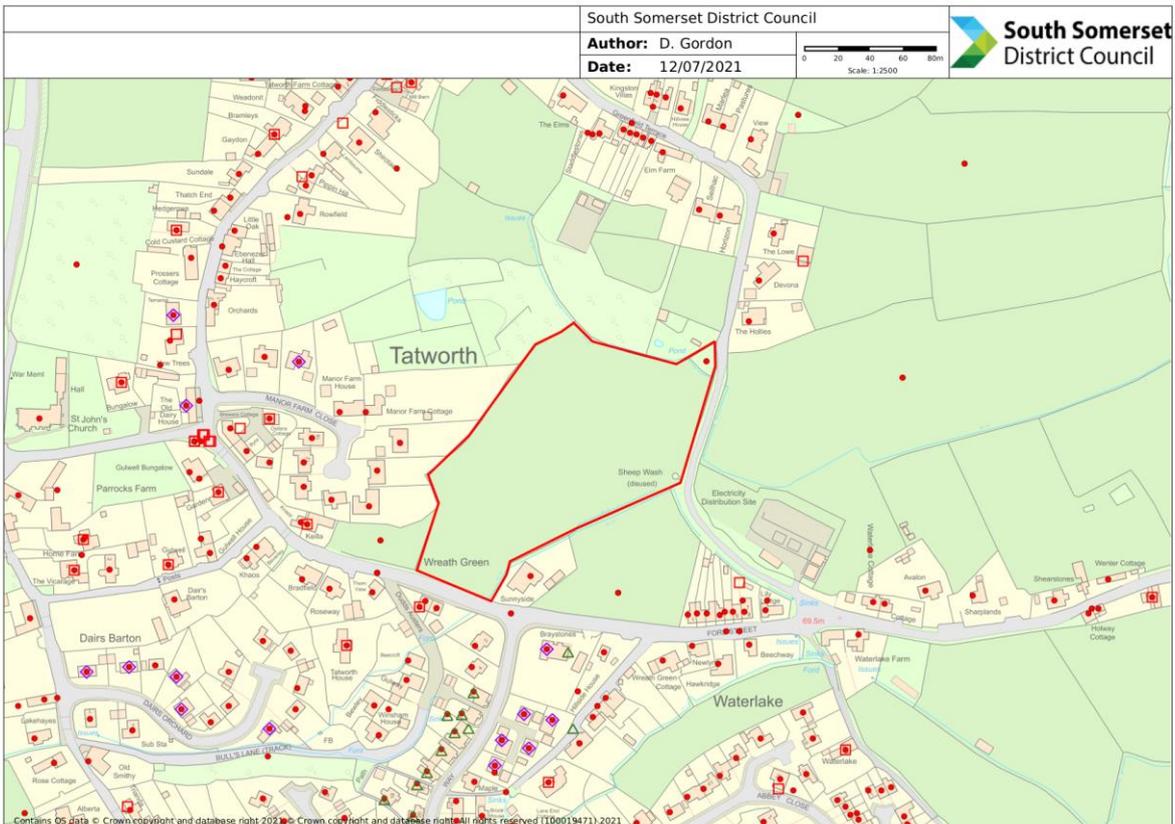
At the conclusion of the debate, it was proposed and seconded to defer the application to a future meeting of the Area West Committee as members felt that there was an opportunity to deliver a highway benefit to the local road network through a negotiated solution that could be achieved within the two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

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

Resolved:

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

# SITE DESCRIPTION AND PROPOSAL



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

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

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

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

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

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

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

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

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

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

## **HISTORY**

There is no planning history to the site.

## **POLICY**

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

the development plan unless material considerations indicate otherwise.

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

South Somerset Local Plan (2006-2028) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Tatworth as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3- Provision of affordable housing

HG4 - Affordable housing contributions

TA1 - Low Carbon Travel

TA5 - Transport Impact of New development

TA6 - Parking Standards

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

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

Chapter 16: conserving and enhancing the historic environment

## **CONSULTATIONS**

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

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

## SSDC Planning Policy: (Key points)

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

### Emerging Local Plan Review:

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

48 of the NPPF).

Planning Balance:

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

SCC Highways:

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

Background

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

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

Parking

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

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

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

## Other

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

## Feasibility Safety Audit.

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

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

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

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

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

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

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

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

Somerset Waste Partnership:

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

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

Police Designing Out Crime consultee:

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

Environmental Protection Team:

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

SSDC Affordable Housing:

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

I would propose the following mix detailed below:

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

5 x 2 bedroom house/bungalow (4 person)

2 x 3 bedroom house (6 person)

1 x 4 bedroom house (8 person) to be provided for social rent

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in at least 2 clusters with social rented properties in each cluster.

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

Space standards should follow the National Technical Standards.

#### SCC Education:

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

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

#### NHS Somerset Clinical Commissioning Group:

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

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

#### SSDC - Strategy & Commissioning:

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

Overall contribution Total = £104,320.00, (1% Locality Service Administration Fee = £1,043.00)  
Overall Level of Planning Obligation to be Sought = £105,363.00. (Equates to £3,010.00 per Dwelling)

#### Natural England:

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

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

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

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

Dorset AONB Team:

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

Blackdown Hills AONB Team:

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

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

Somerset Ecology Services:

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

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

Amphibians:

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

Bats:

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

Badgers:

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

#### Birds:

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

#### Reptiles:

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

#### Dormice:

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

#### Hedgehogs:

The grassland and hedgerows provide suitable hedgehog habitat.

#### Water voles and otters:

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

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

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

#### SCC Lead Local Flood Authority:

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

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

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

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

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

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

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

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

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

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

South West Water:

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

## **REPRESENTATIONS**

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

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

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

## **CONSIDERATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

## **THE COUNCIL'S HOUSING SUPPLY POSITION**

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

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

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

Whilst the authority is making progress to resolve the current phosphate related delays in releasing developments across the Ramsar catchment impacted parts of the district the uncertainty over the timing for putting in place an adopted Strategy and accredited mitigation schemes means that the tilted balance is applied to decision making for the current time. This is set out at paragraph 11 of the NPPF (July 2021) and states:

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

For decision-taking this means:

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or

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

Footnote 7 refers to policies in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Footnote 8 refers to situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

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

## **HIGHWAYS AND SITE ACCESS**

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

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

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

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

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

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

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

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

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

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

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

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

## **SURFACE WATER FLOODING**

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

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

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

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

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

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

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

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

## **LANDSCAPE IMPACT**

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

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

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

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

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

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

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

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

## **IMPACTS UPON ECOLOGY**

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

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

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

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

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

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

## **IMPACTS UPON HERITAGE ASSETS**

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

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

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

## **AFFORDABLE HOUSING AND COMMUNITY INFRASTRUCTURE**

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

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

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

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

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

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

## **CONCLUSION**

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

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

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

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

## **RECOMMENDATION**

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

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

And subject to the following conditions:

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

## **SUBJECT TO THE FOLLOWING:**

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

FIVE YEARS from the date of this permission; or

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

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

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

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

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These details shall include: -

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Details to ensure that any flow from offsite will be adequately managed to prevent and manage flood risk to the proposed development site, or elsewhere.
- Any works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.
- Flood water exceedance routes both on and off site, noting, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during

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

- Investigation into the causes of surface water flooding on the site. Any surface water flowing onto the site should be captured, quantified and attenuated to greenfield rates to ensure that there is no increase to flood risk elsewhere
- Features such as bunds and filter drains located strategically on site boundaries to manage and control exceedance routes.
- Consideration of exceedance above the 100 year+40% climate change event, taking Chard catchment Section 19 investigations into consideration. This should ensure that exceedance is directed away from existing properties and infrastructure, and should this be planned to be directed into existing watercourses it should be ensured that the receiving system have suitable capacity and condition to take flows from the site. This should include any measures to ensure that this will be undertaken.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. This should include any watercourses under riparian ownership of the site.

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

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

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

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

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

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

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

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

16. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework the provisions of the Environment Act and the Somerset Biodiversity Supplementary Planning Document.

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

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

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the

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

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

The development shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

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

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

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

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

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

**Informative:**

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

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

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

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