



Appeal Decision

Inquiry held from 17 to 27 January 2017

Accompanied site visit made on 25 January 2017

by Alan Novitzky BArch(Hons) MA(RCA) PhD RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2017

Appeal Ref: APP/R3325/W/16/3152932

Land at Shudrick Lane, Ilminster, TA19 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission with all matters except access reserved for later decision.
 - The appeal is made by C G Fry & Son Ltd and the Dillington Estate against the decision of South Somerset District Council.
 - The application Ref 14/02474/OUT, dated 22 June 2014, was refused by notice dated 19 May 2016.
 - The development proposed is demolition of existing farm buildings, erection of up to 220 No dwellings (Class C3), creation of vehicular access from Shudrick Lane and Townsend/Long Orchard Hill, public open space and associated landscaping and engineering works.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by the Appellant against Somerset County Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application is in outline with all matters except access reserved for later decision. I will regard all other information as illustrative of ways of realising the scheme.
4. The application was originally for a scheme of up to 330 dwellings. Revised drawings and documents, comprising the present scheme for 220 dwellings, on which the Council made its decision, were submitted under cover of a letter dated 23 February 2016.¹
5. The development plan comprises the South Somerset Local Plan (2006-2028), adopted in March 2015 (LP). The Statement of Common Ground (SoCG)² notes that, as set out in the Council's latest Housing Land Supply Update published in July 2016,³ the Council cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework (NPPF)

¹ CD 3.1

² Case file

³ CD 4.4

is therefore engaged and relevant policies for the supply of housing should not be considered up-to-date.

6. The Council withdrew the second of its three reasons for refusal, concerning the sufficiency of information relating to highway safety and traffic impact, after receiving additional highways drawings.⁴ The Appellant carried out a consultation exercise in December 2016, and the responses were sent to the Planning Inspectorate. I have accepted these drawings, regarding them as additional information, rather than an amendment to the proposal.
7. The remaining reasons for refusal concern conflict with housing strategy and impact on the settings of heritage assets.

Main Issues

- The effects of the proposal on the settings of heritage assets
- The effects of the proposal arising from conflict with Local Plan housing policy including the direction of growth
- The effects of the proposal on the character and appearance of the landscape
- The effects of the proposal on highway conditions and highway safety
- Other matters

Reasons

Site and Surroundings

8. The appeal site lies to the south east of Ilminster, with existing development on Ditton Lane to the west and on Townsend and Love Lane to the north, much of it within the Ilminster Conservation Area. The site contains an open section of the Shudrick Valley, with the Shudrick Stream running westwards to be enclosed in a culvert under the town after leaving the site.
9. The land is predominantly greenfield, in agricultural use. Whilst built development would be confined to the valley bottom, the proposals involve the provision of public open space to the south, on slopes rising up to the Pretwood Hill ridgeline. Shudrick Lane would be extended from the west, following the line of Shudrick Stream to link into Townsend/Orchard Hill at Knott Oak to the east (the 'link' road).

First Issue – Heritage Assets

10. Bullet point 4 of NPPF paragraph 14 states that where the development plan is out-of-date, permission should be granted unless (according to the second indent to the bullet point) specific policies in the NPPF indicate development should be restricted including, for example, those relating to designated heritage assets. Paragraph 7.7 of the SoCG lists relevant heritage assets, comprising seven listed buildings and the Ilminster Conservation Area whose settings might be affected by the proposal. The Save Shudrick Valley Group (SSVG) and Ilminster Town Council (TC), both Rule 6 parties, point to other designated heritage assets as relevant.

⁴ PHL/01 Rev C and PHL/001 Rev C

11. In the following analysis I give considerable weight and importance to the desirability of preserving the settings of listed buildings.

Ilminster Conservation Area

12. The draft Ilminster Conservation Area Appraisal⁵ tells us that the Conservation Area is the core of the historic settlement and takes form from the topography of the southern slope of Beacon Hill and the historic road pattern. It notes that the area's key characteristics include tight urban grain; the topography of the core town with views out to adjacent hills and open countryside; and the Minster tower rising over the town, a feature visible from many points.
13. The Appraisal records that the setting to the south can be regarded as following the skyline of Pretwood, Listers and Herne Hills. It goes on to say that the strong visual containment of the urban area and the Shudrick Valley, the frequent prospects of whose landscape is a special feature of the town, are provided by the hills north and south.
14. I consider the significance of the Conservation Area derives from its character interest which includes its tight urban containment and cohesive visual identity, brought into relief against the openness of the Shudrick Valley. This point of character remains despite erosion by the recent development of Tesco's store and housing at Walnut Place to the north west of the site and is experienced both from within the Conservation Area and from outside. The experience is gained from static viewpoints, both public and private, including the upper floors of buildings, and also cumulatively as one moves through the town or through the surrounding landscape.
15. The Shudrick Valley is an integral part of the setting of the Conservation Area and contributes positively to the Area's significance in the ways indicated. The proposed development, despite care with form, layout and extensive landscaping, would inevitably result in the town being seen to spread outwards, changing the open, undeveloped nature of the Valley, and harming the setting and significance of the Conservation Area.
16. Besides harm experienced from within the Area and from the surrounding countryside including the permissive footpaths associated with Pretwood Hill, it would occur from within the development site. Here the nature of the walk on the permissive footpath alongside the stream would change to a walk through a large group of houses, altering perception of the character of the Conservation Area for the worse.
17. In my view, the harm, although by no means trivial, would be less than substantial. Paragraph 134 of the NPPF states that less than substantial harm should be weighed against the public benefits of the proposal. This exercise will be carried out in relation to the overall impact of the proposal on affected designated heritage assets in the conclusions to this main issue, taking care not to double count effects.

Dillington House Lodges

18. The significance of the Grade II* listed Lodges lies in their architectural and historic interest and in their interest as a feature in the landscape. Although the axis of the drive they flank continues over Shudrick Valley towards the

⁵ Mr Venn's proof Appendix 3

enclosing hills, it does not focus on Pretwood Hill or any other significant point in the landscape. Moreover, there is no direct visual connection between the Lodges and Dillington House, nor can Dillington House be seen from Pretwood Hill. Nevertheless, in my view, their setting extends into the wider landscape, largely because of their interest as a feature in the landscape, and contributes positively to the significance of the listed buildings.

19. In the projected layout, very little of the development would be seen from the Lodges and the view from their roofs towards the enclosing hills would remain largely uninterrupted. However, from the site and from positions within the landscape to the south, the significance of the Lodges as a landscape feature would be diminished by the proposal seen as foreground development, detracting attention from their presence. Minor harm, less than substantial in nature, would arise.

17 Love Lane

20. 17 Love Lane is a late 17th century two storey house in limestone rubble with extensive rear gardens abutting and looking out over the open valley. Its significance lies in the building's historic and architectural interest and in its historic and possible functional relationship with the valley lands to the south. The setting, contributing positively to the significance of the asset, encompasses a relationship with the valley, and a more extended relationship with the enclosing ridge to the south.
21. From the asset, buffer planting would mask views of the proposed development, foreshortening existing views. The sense of the listed building's associated land flowing into the valley would be lost to a suburban sense of enclosure. Views towards the ridge would probably be largely preserved. From the site, views of the asset would mainly be lost, and from the rising ground to the south, views would include the proposed development, compromising the perception of the asset's direct relationship with the open valley.
22. Minor to moderate harm, less than substantial in nature, would result.

Bay House

23. Bay House is a rather grand Victorian house built in local materials. Its significance lies in its architectural interest as a landmark building set above the Shudrick Valley, and as a marker on entry into Ilminster. It is enclosed to the south by later buildings, severing its direct relationship with the valley land. Its setting, derived from its landmark function and contributing positively to its significance, depends on its visual relationship with its wider surroundings.
24. There are views from the listed building into the valley and towards the ridge, particularly from the rear terrace and from the upper floors. Views of the valley would be harmed by the proposed development but softened by landscaping, whilst the more distant views would be preserved. From the site and from higher ground to the south, the building would be seen on the slopes above the proposed development, largely preserving its landmark significance. Slight to minor harm, less than substantial in nature, would arise.

Former White Horse Public House

25. The significance of this 17th century Grade II listed building, now subdivided into two dwellings, lies in its historical and architectural interest. Its plot

contains a large area of garden and open parking space to the south, the end closed off with a low wall and gate giving access to a relatively recently built single storey dwelling within a small garden.

26. Its setting, which contributes to its significance, largely depends on its visual relationship with its surroundings. Views from the external seating areas and upper windows would be similar to those from Bay House. Views towards the building would also be similar but in this case its significance as a landmark building is less pronounced. Slight harm, less than substantial, would result.

10 and 11 Bay Hill

27. 10 and 11 Bay Hill comprise a Grade II listed mid-19th century two storey building containing the two dwellings, on the north side of Townsend. Their significance lies in their historic, architectural and townscape interest as part of the group at the junction of Bay Hill and Townsend.
28. Although there may be glimpses of the southern ridge from the upper floor windows of the asset, the site is unlikely to be visible. Instead, the building's setting is largely focussed on the local streetscape. In my view, the setting, which contributes to the significance of the building, would not be harmed by the proposed development.

Cottage to the Rear of 14 Townsend

29. Once thatched, this 18th century Grade II listed cottage is now derelict, surrounded by foliage and separated from the site by horse paddocks. It is of historic and architectural significance and, although there may have been a functional relationship with the land to the south, its main aspect probably addressed the drive to number 14.
30. Once restored, its setting would remain tightly drawn, and is unlikely to be harmed by the proposed development.

22 Townsend

31. This Grade II listed building, once three cottages, was built in the 17th century and later extended and elaborated. It has a formal frontage to the north, close to but below the level of the Townsend road. However, its principal aspect is to the south giving extensive views over its large, sloping rear garden, containing curtilage buildings, which abuts the site. These views continue over the Shudrick Valley, towards the slopes of the enclosing ridge. They can be enjoyed particularly from the broad access to the west of the building and from its upper floors. In addition, there are strong views from the site towards the building.
32. Historic photographic evidence⁶ and evidence from older maps⁷ indicates that the land currently associated with the listed building continued south of the present boundary into the site, and was in agricultural use along with the land and buildings of 22 Townsend. Boundaries either side of the plot, running north-south down the valley side appear consistent and continuous in both the photographs and the maps, corresponding to early field divisions. Although many such divisions have been swept away, these particular boundaries exist today. Therefore, besides the significance of the building derived from its

⁶ Mr Venn's proof Appendix 9

⁷ CD 3.17

historic and architectural interest, significance may arise from a functional relationship with historic farming activities, whatever the freehold ownership of the land.

33. Overall, the setting depends on the building's visual relationship with its surroundings contributing to the significance of the building, including the valley and the rising slopes to the south. However, in my view, a contribution also arises from the functional relationship inherent in the setting.
34. Under the proposal, a planted buffer zone, designed to mask the two storey houses, would be placed against the southern boundary of the plot, close to the curtilage buildings of 22 Townsend. One of these curtilage buildings has been converted to a holiday let, has a sitting out terrace directly facing the site boundary.
35. The sense of the setting flowing from the building into the valley would be lost to a suburban sense of enclosure, harming the special interest of the building. This would be clear in views from the building and its surroundings, from the site, and from the slopes of the rising ground to the south.
36. In addition, the illustrative layout shows a pedestrian link to Townsend where the site meets the road to the east of the listed building. I understand this is intended to offer pedestrians on Townsend a safer route to the town centre. The engineering works, sight lines, and lighting required might harm the setting of the listed building. However, this aspect of the proposal could be conditioned to require approval of a detailed scheme, allowing control of the nature of the works, or omission of the link entirely.
37. Nevertheless, I find that moderate harm, distinct and identifiable in nature, to the significance of the building would arise from the proposal. However, this would be less than substantial harm.

Parish Church of St Mary

38. The Church of St Mary (the Minster) is a 15th century Grade I listed building restored in the early 19th century by William Burges. Its significance arises from its historic, communal, architectural, and townscape interest. Its setting has two components, the immediate setting defined by the informal square of buildings around the churchyard which would not be affected, and the extended setting. In the extended setting, the Church tower is seen from many positions within the town and defines the focus and identity of the town from the surrounding countryside. Both components contribute positively to the asset's significance.
39. The tower can be glimpsed from various positions on the site. Whilst the proposal's buildings would obscure some of these views, the opportunity exists of framing distant views through the sensitive arrangement of buildings, bringing the tower into greater focus. It would also be visible in conjunction with the proposed development from the rising slopes to the south. Despite the proposal's blurring of the edge of the town, considered under the analysis of effects on the Conservation Area, the significance of the Church tower in defining the focus and identity of the town would remain.
40. There would, therefore, be no material harm to the Church's setting caused by the proposed development.

Knott Oak House

41. The Grade II listed Knott House is a two storey building, comprising 18th and 19th century elements aligned on an east west axis with the principal aspect directed southwards. It lies to the north east of the site, on the outside of a bend in the road. Because of this location, it has no direct views over the site and, in any event, its plot is heavily shielded with mature foliage, which I saw was effective even in winter. Moreover, its presence is not at all obvious from the wider landscape.
42. The building's significance derives from its historic and architectural interest. Its setting is largely inward focussed at present and, were the foliage to be cut back, there would still be little visual interaction between the site and the building. This would be so, seen from the site, the building or the general landscape.
43. A pedestrian link to Townsend opposite the entrance drive to the Knott Oak House is shown in the illustrative layout. As in 22 Townsend, this could be conditioned to control the nature of the works, preventing harm to the building's setting, or omitting the link entirely.
44. The harm to the significance of the listed building through impact on its setting would be negligible.

Other Listed Buildings

45. 13 Bay Hill and the Toll House, Bay Hill are grouped together off Bay Hill, north of Townsend. Although on high ground with some distant views of the wider landscape, there would be little visual interaction between the proposed development and the listed buildings because of their orientation and mature planting. The proposal would cause no material harm to the significance of the buildings.
46. Ditton Lea has an inward focussed setting, having no visual interaction with the site, and would not be affected by the proposal. The damage to the boundary pier, apparently caused by traffic movement, is considered in the fourth issue.
47. The settings of Ditton House and 33 Ditton Street are also strongly inward focussed. There may be views across the playing field towards the proposed development from rear windows, but these views would be largely screened and the consequences are not critical to the essence of the settings' contribution to significance of the buildings. There would be no material harm to the significance of the buildings.

Conclusions

48. The harm to the significance of the affected designated heritage assets caused by the proposed development through impact on their settings would be less than substantial overall. The public benefits of the proposal, examined and evaluated in detail within this decision, comprise:
 - Substantial housing delivery in the context of the local planning authority's failure to demonstrate a five year supply of deliverable housing sites.
 - 35% affordable housing provision.
 - The provision of public open space.

- Highway provision.
 - Drainage attenuation designed to reduce outflow from the site.
 - Possible environmental benefits.
 - Possible socio-economic benefits.
49. In the present housing land supply situation, I find that the harm identified would not outweigh the public benefits of the proposal. In these circumstances, an assessment will be made of whether any adverse impacts overall of granting planning permission would significantly and demonstrably outweigh the benefits.

Second Issue – Housing Policy including the Direction of Growth

Delivery Figures

50. The South Somerset District Council Five Year Housing Land Supply Paper, July 2016 (HLS Paper),⁸ is the latest update on housing land supply (HLS) in the district. It indicates a cumulative shortfall of 998 dwellings up to the end of March 2016, out of an overall requirement set out in LP Policy SS5 of 15,950 dwellings in the LP period (2006–2028). This gives an average shortfall of almost 100 dwellings per year against an annual target of 725 dwellings.
51. For the five year period starting 1 April 2016 and ending 31 March 2021, the basic requirement is 3,625 dwellings. Adopting the Sedgefield method for addressing the shortfall (adding it to the basic five year requirement) brings the figure to 4,623 dwellings. The Council have then adopted the worst case scenario of adding a 20% buffer for persistent under delivery to both the basic figure and the shortfall. This gives an overall requirement in the five year period of 5,548 dwellings.
52. The Council estimates that 4,630 dwellings can be delivered within the five year period. This is equivalent to a HLS of deliverable housing of just over 4 years 2 months, a reduction of two months' supply compared with the previous year due to low completions in that year. In only two years out of the ten considered within the LP period have completions exceeded the annual target.
53. The HLS Paper notes that the largest settlements, Yeovil, Chard, and Crewkerne, are not delivering the necessary numbers of dwellings to keep the overall District figures on track. LP Policy SS1 (Settlement Strategy) identifies Yeovil as a Strategically Significant Town and the prime focus for development in South Somerset. The next settlement tier, Primary Market Towns, comprises Chard, Crewkerne, Ilminster, and Wincanton. Policy SS1 notes that in Market Towns provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres.
54. The South Somerset Authority Monitoring Report, September 2016 (AMR) compares delivery rates for different settlements against LP targets at 31 March 2016.⁹ This shows that, of its LP overall target of 496 dwellings, Ilminster had delivered 263 dwellings by the monitoring date, 53% of its overall target, equivalent to 17% more than its annualised target to 2016.

⁸ CD 4.4

⁹ CD 4.19 Table 10.2

55. Although Ilminster is performing well, its targets do not represent capping figures. In the absence of a deliverable five year HLS for the district, as a Primary Market Town and subject to the weight of policy, it is in line to compensate for failings elsewhere, especially Yeovil.

Policy Weight

56. The main measures to address the shortfall in housing land supply appear to rely on a forthcoming review of the Local Plan. However, the outcome of the review seems unlikely to be enacted in time to affect the current five year HLS figures.
57. On the other hand, the HLS shortfall is not extreme and its method of calculation shows it in its worst light. Moreover, investment fell back for a number of years after the 2008 financial crisis, clearly affecting completions. Further, the Local Plan was adopted only relatively recently and its effects in generating investment confidence in allocated sites may not yet be fully realised.
58. Encouraging signs in terms of applications include that recently received for a major allocation on land at Coldharbour Farm, Ilminster, known as the Canal Way scheme. The outline application for 450 units is consistent with the development plan in terms of the direction of strategic growth for Ilminster (LP Policy PMT3). Much discussion has taken place between applicant and Council and the scheme looks likely to go ahead, delivering completed units from 2020/21. The appellant estimates 320 units would be completed by the end of the LP period, but the Council puts delivery at a higher rate.
59. Relevant policies for the supply of housing comprise LP Policies SS1 (Settlement Strategy), SS5 (Delivering New Housing Growth), and PMT3 (Ilminster Direction of Growth). Since Yeovil, Chard and Crewkerne are not performing satisfactorily in terms of housing delivery, some weakening of the LP Policy SS1 requirement that housing development should increase the self-containment of Market Towns such as Ilminster and enhance their roles as service centres is appropriate.
60. LP Policy SS5 sets out guidance on housing requirement numbers within each settlement with the emphasis on maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. It also indicates a permissive approach to housing development within the Yeovil sustainable urban extensions and the directions of growth at the Market Towns. Because of the lack of performance of identified towns, housing supply above guidance levels is appropriate elsewhere to compensate for shortfalls.
61. LP Policy PMT3 confirms that the direction of strategic growth in Ilminster will be to the south west of the town. It also sets separate targets for net additional housing, employment land delivery and new jobs. Since the policy aspect on the direction of growth is permissive, no reduction in weight is necessary, but increased flexibility in the targets for housing, employment land and jobs may be appropriate.
62. Given the overall circumstances of HLS shortage, I consider that a moderate reduction in weight of the relevant policies, in the ways indicated, is appropriate.

Effects of the Proposal in terms of Housing Policy

63. The appellant has produced calculations of predicted housing delivery for Ilminster year by year over the LP period.¹⁰ These have been assembled firstly assuming Canal Way goes ahead as well as other commitments, and secondly assuming both Canal Way and the present proposal go ahead. The calculations are based on the AMR data and on the appellant's assumptions of delivery rates for Canal Way and for the present proposals. The Council considers these delivery rates conservative.
64. They show that, with only Canal Way under construction, by the end of the five year HLS period, 81% of Ilminster's target of 496 dwellings would have been completed with seven years remaining in the LP period. At the end of the LP period, 138% of the target would have been delivered (683 dwellings). With both Canal Way and the present proposal under construction, 101% of the target would have been delivered at the end of the five year HLS period, and 182% (903 dwellings) by the end of the LP period. A further 130 dwellings would then be delivered by the Canal Way scheme after the end of the LP period.
65. Therefore, at the end of the LP period, with Canal Way alone under construction, a surplus of 188 dwellings above the target of 495 would have been completed. The surplus would be 408 dwellings with both Canal Way and the present proposal engaged. The question then arises, given reduced policy weighting, as to the effects of these scenarios on sustainable levels of growth (LP Policy SS5 – disturbance in the settlement hierarchy is unlikely); on the failure to meet the policy requirement for increased self-containment and an enhanced role as a service centre (LP Policy SS1); and through the likelihood of the targets for housing, employment land, and new jobs in Ilminster becoming out of kilter (LP Policy PMT3).
66. The appellant points to socio-economic information in the South Somerset Settlement Role and Function Study, Final Report April 2009 by Baker Associates (the Baker report).¹¹ In particular, its identification of Ilminster as a settlement with a strong employment role¹² and a relatively high proportion of older residents.¹³ The Baker report notes that, in the future, with a population aging nationally, such settlements could require additional housing growth to ensure that existing employment has sufficient economically active residents to support it.
67. The Baker report illustrates the reduction in the economically active population over time, through an aging population without general population growth.¹⁴ It notes that future population growth will generally only be facilitated by new housing development, especially with the trend towards reducing household size.¹⁵ The report forecasts a reduction of population in Ilminster from 4,750 in 2001 to 4,250 in 2026 arising from household size reduction, in turn reducing travel and demand for employment opportunities and potentially undermining community services.¹⁶

¹⁰ Doc A10

¹¹ Doc A8 and Doc A9

¹² Doc A8 Table 3.1

¹³ Doc A8 para 3.12

¹⁴ Doc A8 Tables 3.6 and 3.7

¹⁵ Doc A8 para 3.25

¹⁶ Doc A8 Table 4.9 and para 4.28

68. It tells us that Ilminster has a self-containment rate of 48%, a little below the average for South Somerset wards,¹⁷ but that it also acts as a strong functional centre and a destination for out commuting.¹⁸ In the Settlement Classification Summary, Ilminster is identified as a settlement with an employment function, a retail and community role, and as being self-contained with sustainable travel opportunities.¹⁹ This summary, and its rankings in the Baker report relative to other settlements, confirm its position in the settlement hierarchy.
69. The appellant argues that the proposal will allow Ilminster to attract and retain an increased population of younger working age residents. This would support the delivery of strategic employment sites, and increase in local expenditure thus assisting jobs, as well as generating short term construction jobs.
70. However, it was pointed out by SSVG²⁰ at the inquiry that, far from the population of Ilminster declining, according to figures derived from the AMR, the population had risen from 4,750 in 2001 to 5,808 in 2011, an increase of 35.5%.²¹ Also, that the number of dwellings had increased from 1,558 to 1,994 in the same period, an increase of 25.6%.²²
71. The AMR notes that South Somerset's employment monitoring database is not currently fit for purpose, and data is insufficiently robust to provide an acceptable analysis.²³ However, SSVG noted that the town has lost much of its traditional manufacturing base, much employment land has been available for a considerable time, and no notable new employment facility has been established. This is in spite of the increase in population, and despite the strong locational advantage of the allocated sites being adjacent to the A303 with good links to the M5. In these circumstances, a significantly enlarged population is likely to outrun employment within the settlement leading to increased out commuting.
72. The Baker report of 2009 informed the Local Plan, which was adopted as recently as 2015, and the LP housing and other targets for each settlement would have reflected its considerations. Therefore, to argue for housing provision above LP targets on the basis of the Baker report analysis is effectively to double count. The settlement housing target appears likely to be well exceeded by the end of the LP period without the proposed development going ahead. Therefore, unintended consequences might arise from the proposal's implementation and a near doubling of the housing thought appropriate in the Local Plan as a target for Ilminster.
73. These consequences could well include the trend away from self-containment towards the functioning of Ilminster as a dormitory town. The LP states that a challenge will be to increase the number of microbusinesses in the town and that adding to the town's existing employment base will be key.²⁴ However, it is unclear how the proposal would help meet this challenge since housing to provide for a sufficiently large economically active population would be in place in any event. 35% affordable housing would be provided, but this would generally be the case with new housing development in Ilminster and must be

¹⁷ Doc A8 Table 5.1 and para 5.4

¹⁸ Doc A8 para 5.6

¹⁹ Doc A8 Table 6.19

²⁰ Document S2

²¹ CD 4.19 Table 3.5

²² CD 4.19 Table 4.2

²³ CD 4.19 Section 9

²⁴ CD 4.5 para 7.78

balanced against the consequences of over provision of market housing in Ilminster.

74. Although perhaps adequate at present, local services and facilities would require augmentation because of increases in housing and population. Additional provision of services and facilities would probably be located mainly on the west side of the town, serving the direction of growth. This might well stimulate car use by occupants of the proposed development. The County Council's oral evidence, in response to the appellant's costs claim, confirmed that a school would have to be rebuilt as a consequence of demand from the Canal Way development and that the aim is to build it at the same time as the Canal Way housing.
75. Any overburdening of the services and facilities in Ilminster would probably lead to a loss of self-containment. That loss might be serious in nature given the figures involved in the development of both Canal Way and the proposal. The appellant points to the potential for additional spending within the town arising from the new households. However, expenditure leakage to alternative centres, including Yeovil, might well accompany a loss of self-containment. This is all the more likely with significant out commuting to work. Tesco's store is adjacent to the site, but might not be able to cope easily with a greatly expanded population.
76. The appellant looks to the analysis in recent Ansford, Castle Cary appeal decisions²⁵ which provided for a total of up to 200 dwellings. However, both appeal sites lie within the direction of growth for Ansford/Castle Cary where a permissive approach to housing development applies (LP Policy LMT1). Moreover, the dwelling delivery rate in Ansford/Castle Cary is much poorer than in Ilminster, showing a percentage against target within the plan period to 2028 of only 18.18%, against Ilminster's 53.02% at 31st March 2016.²⁶
77. Furthermore, the AMR shows an increase in the number of dwellings per settlement between 2001 and 2011 of 25.57% in Ilminster but only 8.23% in Castle Cary.²⁷ In addition, Ansford/Castle Cary has provided no affordable housing at all in the plan period, whilst Ilminster is performing well in this regards. Also, as the decisions note,²⁸ there has been significant job growth at Ansford/Castle Cary, whilst Ilminster the Inquiry heard that job growth had stagnated.

Conclusion

78. Overall, in my view, despite the reduced weight given to policies relevant to the supply of housing, the adverse effects arising from conflict with these Policies would be significant and demonstrable.

Third Issue - Landscape

79. The Shudrick Valley does not lie within a designated landscape and there is little available by way of landscape character assessment at local level. The Council's Peripheral Landscape Study – Ilminster (PLS)²⁹ was published in November 2007 and was used to inform development options for the LP. The

²⁵ Doc A4 (APP/R3325/W/15/3035753) and Doc A5 (APP/R3325/W/15/3121541)

²⁶ CD 4.19 Table 10.2

²⁷ CD 4.19 Table 4.2

²⁸ Doc A4 para 58; Doc A5 para 59

²⁹ CD 4.18

PLS states that it seeks to evaluate both the landscape character and visual sensitivity of each of 13 selected settlements, to enable an assessment of their capacity to absorb additional development, and to give an indication of potential growth areas.³⁰

80. Of the area to the south east of Ilminster containing the site, it tells us that there is a strong sense of enclosure within the valley. It also speaks of intricate pockets of broadleaved woodland, and small-scale down-slope fields on falling ground, with mature oaks in the hedgerows are found on Pretwood Hillside, with a ridge-top parish boundary at its head.
81. The PLS values landscape sensitivity as low, north of the stream and east of the school playing fields, with the landscape to the south and up the slopes of Pretwood Hill of medium and high sensitivity. However, it notes that (at the time of writing) the base of the valley resembles a large building site with the Tesco store and car-park newly completed, and preliminary work on the housing development to the east underway. It adds that this clearly imparts an urban character to the land beyond (and north of the Shudrick Stream) and as the character is partially intact and in mixed condition, the sensitivity is graded low. It is unclear whether the assessment reflects the value of the landscape after completion of the building works.
82. A similar valuation is made for visual sensitivity, with the Pretwood Hill ridgeline and upper slopes graded high. It notes that the lower slopes have a reduced visual profile, yet similarly represent the strong rural elements that characterise the whole of the hill, with the additional benefit of the small fields' hedgerows acting as an effective visual buffer to longer views along this narrow valley. It tells us that the remaining land in the valley bottom, whose visual profile is low and where there is no containing element to intervisibility between the town edge and its immediate rural edge is graded low sensitivity.

Impact on Landscape Character

83. The landscape character of the area containing the site revolves around several aspects. Firstly, its situation within the open, undeveloped countryside running up to the Pretwood Hill ridgeline to the south. Secondly, the open landscape setting to the south east of the town, which contributes strongly to the perceived form and definition of the town. This aspect was also explored for heritage reasons in the first main issue where the effect of the proposal on the Conservation Area was analysed. Thirdly, the remaining historic landscape pattern of narrow field divisions running down towards the stream. These are evident on the slopes to the south of the stream, with fragments to the north, where suggestions of continuity with the plots of historic buildings exist.
84. Turning to the first aspect, the LP Inspector, whilst not ruling out development on landscape grounds, noted that the Shudrick Valley option has disadvantages in terms of the effect that development would have on the landscape and the historic environment. He considered the most damaging impact would be on the landscape in this part of the valley which, he noted, enjoys a feeling of enclosure and is typified by small fields, hedgerows and trees, providing an attractive setting for Pretwood Hill.³¹

³⁰ CD 4.18 para 1.2

³¹ CD 4.14 para 20

85. I agree that the valley occupies an important position in the local topography, with the Pretwood Hill ridgeline rising strongly without interruption from the open, undeveloped valley bottom and its stream. The proposal would remove this aspect of the landscape character, radically changing the nature of the valley within the site and, in my view, harming the landscape character. In this respect, I note that the PLS values the slopes running south from the stream as of high or medium sensitivity.
86. Regarding the second aspect, despite development of the Tesco supermarket and Walnut Close housing, Ilminster has a very clear and characteristic form in relation to the landscape to the south east. There is a transition between town and countryside which depends not on a sharp edge but on its location on higher ground, such that the form of the town appears pinned by the landmark feature of the Minster and poised above the valley. The proposal would dilute this relationship with the wider landscape, harming the landscape character.
87. Turning to the third aspect, the illustrative landscape layout shows the hedge lines retained beyond the built development, and the aim is to maintain them in future. However, they would no longer run to the stream, and the fragments to the north, along with the continuity of land and boundaries from early plots, would be lost. This would harm the local landscape character.

Impact on Visual Character

88. The impact of the proposal on the visual character of the area containing the site can be approached from viewpoints in three broad zones. These are, viewpoints within the urban area, including buildings as vantage points; within the site; and from the slopes of the Pretwood Hill ridge.
89. Glimpses of the proposed development would be available from public viewpoints on roads to the north of the site, with more direct views from the gardens and upper floors of private property. There would also be some views from Shudrick Lane, the car parks, and Walnut Close. The harm to landscape character, set out above in the first aspect of the impact on landscape character, would be seen.
90. Within the site, the visual impression would change from a rural walk by the stream, with awareness of the historic field divisions and remaining relationship of the valley land to the dwellings, to one through an area of housing, with the majority of the outward views towards the countryside blocked or radically altered by foreground buildings. This impact on the visual character of the landscape would be harmful and felt especially by users of the permissive footpath by the stream.
91. From the slopes of the Pretwood Hill ridge, all of the harm to landscape character set out in the above analysis, would be seen. This would be, loss of the open valley with its uninterrupted slopes rising from the stream, loss of the relationship of the town to the valley, and loss of the hedge lines within the part of the site subject to built development. The effects of artificial lighting associated with the development, from both public and private areas, would be to accentuate the harm identified in this issue, particularly at dusk.

Public Open Space

92. Public open space (POS) would be made available as part of the proposals. Of an overall area of 14.7 ha POS, 6.5ha would lie within the development scheme

and 8.2ha would comprise adjoining land on the slopes to the south. This adjoining land would be offered on a 99 year lease for public use. A management body would be set up, responsible for maintenance, and an open space commuted sum arranged to cover the costs of maintenance for a period of ten years.

93. Within the development scheme, community orchards, streamside riparian landscape, buffer landscape, and a central open space are envisaged, together with a small part of a central wildflower meadow, the majority of the meadow extending into the adjoining leasehold land. It is not clear from the various drawings what the adjoining land would comprise, but it seems to be meadows, and existing and new woodland. There appear to be permissive footpaths replacing those already existing at high level, linking in to the development scheme. There would also be conservation grazing rights within the central open space and the adjoining land.
94. The variety and extent of landscaping within the development scheme is attractive, subject to acceptable arrangements over conservation grazing, and would help soften the built form and provide public amenity. However, the advantage of the network of permissive footpaths in the adjoining land compared to the existing arrangement is not clear. Disabled access would still not be possible. Moreover, there were considerable misgivings about the long term financial burden of maintenance which would fall on the public purse or on the occupants of the dwellings or on both.
95. Overall, it is unclear whether the benefit of the adjoining POS would justify the financial commitment of maintenance.

Conclusions

96. I find that the proposal conflicts with LP Policy EQ2 (General Development) in that it fails to conserve and enhance the landscape character of the area. Overall, the effects of the proposal on the character and appearance of the landscape are unacceptable, although not on their own sufficient to significantly and demonstrably outweigh the benefits of the proposal.

Fourth Issue - Highways

97. Somerset County Council, as Highway Authority (HA), does not object to the proposal subject to conditions being attached to a grant of planning permission. Following the submission of spine road and vehicle tracking drawings, the Council agrees that suitable and safe access to the appeal site can be demonstrated.³²
98. The areas of debate at the Inquiry comprised:
- Traffic modelling and trip distribution including cumulative effects
 - Highway conditions in Ditton Street
 - The Bay Hill/Townsend junction
 - Personal Injury Accident (PIA) analysis and Road Safety Audit
 - Spine road width and its connection to Shudrick Lane
 - Highway provision and the effect of the proposal on routes to the east

³² SoCG paras 7.14 – 7.19

Traffic Modelling and Trip Distribution

99. Aspects of the Transport Assessment (TA) modelling were examined in some detail at the inquiry. This included the relative traffic flows from either end of the link road, the consequent traffic volumes on Townsend and stress on the Bay Hill junction; the cumulative expectations of traffic volumes, including that contributed by the Canal Way scheme; and traffic conditions on Ditton Street.
100. I see no reason to doubt the underlying validity of the TA modelling, as considered by the HA and subsequently revised. The model forecasts a reduction in traffic on Townsend. SSVG's sensitivity testing of 50% of traffic using the eastern access to the link road, with implications for the Townsend/Bay Hill junction, and 50% using the western access, do not seem realistic.
101. I am also satisfied that the cumulative effects of committed development, including the Canal Way scheme, were generally taken into account. This is set out clearly in the TA.³³

Highway Conditions in Ditton Street

102. Traffic modelling for Ditton Street appears appropriate apart from the traffic increase arising from the possible construction of 450 units at Canal Way rather than 365 previously envisaged. However, any resulting increase in traffic on Ditton Street would be low and the effect on flow capacities at junctions minor, none approaching anywhere near the nominal limit of RFC 0.85.³⁴ Neither queuing nor congestion appears to be significant, and the geometry to accommodate large vehicles appears adequate.
103. Visibility and road width meet Manual for Streets 2 (MfS) standards for low speed urban conditions. MfS notes that, where HGV and/or bus flows are low, it may not be necessary to design carriageways to cater for two large vehicles meeting at a bend, as long as there is sufficient inter-visibility for one driver to stop and wait.³⁵ This is the case in this instance. There would be sufficient visibility and road width for the satisfactory stand-off of one vehicle to take place whilst the other passed.
104. Photographs of damage to the small brick pier in the front boundary railings of the Grade II listed Ditton Lea have been submitted.³⁶ 'Tesco Lorry' is noted on the photographs, but no description of the circumstances of the damage is given, and it is difficult to see how this could have occurred on the normal supermarket goods delivery route. It may have been caused by a vehicle entering or leaving the adjacent filling station, but there is little reason to suppose that vehicles associated with the proposed development would exacerbate the situation.

Bay Hill/Townsend Junction

This is an awkward junction, especially turning left onto Townsend where the effects of an acute turn are compounded by adverse camber. A photograph of a coach absurdly and unsuccessfully attempting this turn was submitted.³⁷

³³ CD 3.4 paras 5.15 et seq.

³⁴ CD 3.4 pages 31 -36

³⁵ MfS para 8.6.12 in Doc A2, Awcock Rebuttal Appendix 1

³⁶ Ilminster Town Council proofs, Appendix 2

³⁷ Doc S7

There is certainly a need for improvements including signage discouraging repeat performances, and a contribution has been set aside to assist this purpose.³⁸

PIA Analysis and Road Safety Audit

105. The PIA has been criticised for narrowness of focus. However, its coverage appears to accord with Planning Practice Guidance (PPG).³⁹ Provided it satisfies the HA, I see no reason seek further analysis.
106. SSVG considers that a Road Safety Audit Stage 1–Agreement in Principle, should have been carried out. The CIHT guidance tells us that such an audit may be necessary prior to planning approval, in particular where fundamental safety issues are affected by fundamental design issues. Where this threshold occurs, and whether it applies in this case, is unclear.
107. SSVG’s main example of a possible safety hazard concerns the junction of the link road with Long Orchard Hill, where the approach speed may be high. It was suggested that a roundabout might be appropriate here. However, if a roundabout were to be preferred, I am sure the HA would seek this, with or without a safety audit.
108. A further safety aspect relates to the over-sailing by larger vehicle bodies of pavements, verges and cycleways shown on some tracking diagrams. To a degree, without widening junctions unrealistically, this may be inevitable and is workable with slow speeds and natural caution on all sides. In any event, it is a matter which the HA would assess for acceptability.

Spine Road

109. The argument over the minimum width of the spine road carriageway turns on whether guidance is taken from MfS or the Design Manual for Roads and Bridges (DRMB) and the Somerset County Council ‘Red Book’.⁴⁰ MfS indicates that streets on bus routes should not generally be less than 6.0m wide,⁴¹ and shows two large vehicles able to pass within a 5.5m width. DRMRB and the Red Book point to 6.75m minimum width.
110. MfS is the most recent guidance applying to roads such as this and should be taken seriously. It helps avoid the over dominance of roads in urban surroundings, whereas DMRB and the Red Book distinguish insufficiently between larger and smaller scale roads in their guidance. In my view, MfS offers the appropriate advice in this case. However, there are no significant consequential implications of increasing the width from 6.0m to 6.75m, and conditions attached to a planning permission could be arranged to leave the final decision to the HA.
111. The link road would join Shudrick Lane, whose width is a little less than six metres at the meeting point. I am satisfied that the slight narrowing would cause no significant difficulties, and might serve to reduce traffic speeds. Shudrick Lane is unadopted at present. However, ‘step in’ rights exist to enable adoption.⁴²

³⁸ Doc A20

³⁹ ID: 42-015-20140306

⁴⁰ Estate Roads in Somerset Design Guidance Notes (1991)

⁴¹ MfS para 6.5.7

⁴² Doc A11

Highway provision and the effect on routes to the East

112. The link road might well reduce traffic in the town centre to an extent. However, there are implications to be considered in terms of the effects on routes to the east.
113. I drove the route through Kingstone suggested by Mr Rigby and appreciate the difficulties experienced by residents. I agree that increased levels of traffic using the route as a rat run, arising either from that generated by the proposed housing or from others using the link road, would make the situation worse. If planning permission were granted, this would be a matter requiring careful monitoring and appropriate action by the relevant traffic authorities.
114. There is no reason to suppose that the 7.5 tonne weight restriction on roads to the east of the appeal site would be removed were planning permission granted. Instead, the HA might choose to widen weight control to include the link road.

Conclusions

115. Whilst some of the detailed highways matters in the scheme are unresolved, they are of insufficient weight to make the proposal unacceptable on highways grounds. The residual cumulative transport impacts of the proposed development are not severe and, overall, it meets LP Policy TA5 (Transport Impact of New Development).

Other Matters

Flooding

116. Photographs and videos of extensive and distressing flooding along Shudrick Lane and elsewhere were shown at the inquiry. Whilst the stream itself is in Flood Zone 3, the parts of the site on which built development would take place, including the bulk of the spine road, would be in Flood Zone 1, with a very low likelihood of flooding from surface water.⁴³ In these circumstances, sequential testing of the site is not required. However, low lying areas of the town, including parts of Ditton Street and Shudrick Lane, are much more vulnerable to flooding.
117. The core difficulty, however, appears to be the under capacity of the culvert into which the stream flows, beginning at a point opposite Tesco's car park. The culvert then extends under the town before discharging into the River Isle. This means that, at times of high run-off from the open Shudrick Valley which otherwise would not pose a danger, the culvert cannot cope and the water backs up, causing flooding. From what I heard, there appears to be little prospect of the capacity of the culvert being upgraded.
118. Under the proposals, the rate of run off from site would be 25% less than in its present green field state, decreasing the risk of flooding in the rest of the town. This would be achieved through a series of interceptor swales with storage basins, and through flood storage areas directly associated with the stream.⁴⁴ In addition, the present agricultural use of the site for growing maize sometimes leads to soil compaction giving rise to rapid water run-off, and its cessation could assist. The Environment Agency (EA) required the model on

⁴³ CD 3.5 Appendix B and SSVG CD 7.9A

⁴⁴ CD 3.5 Appendix F and Richards' proof Appendix 6

which the drainage scheme is based to be independently reviewed and, as a result, are satisfied that it is appropriate. Subject to recommended conditions the EA do not object to the proposal.⁴⁵

119. I have studied the scheme and associated material, and see no reason to doubt its effectiveness. Nevertheless, flooding may well take place because of the under capacity of the culvert, but perhaps less frequently than at present. Although the 220 new dwellings would not themselves be subject to flooding, the occupants would be affected when attempting to use the western access to the site, as would the existing residents of this part of the town.
120. This is not a good situation but is unlikely to place people in danger. The eastern access would still be available, except in very extreme conditions, and the emergency services would still operate. Moreover, given the likely reduction in flooding occurrences, the overall number of people seriously affected in a given period of time would probably not increase.
121. LP Policy EQ1 (Addressing climate change in South Somerset) would be satisfied in relation to flood risk areas, reducing and managing the impact of flood risk, and resilience to the effects of climate change. In these circumstances, I find that the problems of flooding would, not on their own, be sufficient to lead to dismissal of the appeal.

Residential amenity

122. Attention was not drawn to any significant instances of loss of privacy for existing residents through direct overlooking from close range, whatever doubts there might be about the effectiveness of buffer planting. Moreover, loss of a private view is not normally an aspect given weight in planning decisions.
123. The loss of openness arising from the development and its buffer planting would affect residential amenity to an extent. There would also be some loss of tranquillity. Similarly, artificial lighting might give rise to minor harm to amenity, but this could be minimised by conditioning to produce a carefully designed scheme of low level, appropriately shielded public lighting. Overall, the harm to residential amenity would not be great.

Noise and Air Quality

124. Reports on the noise and air quality effects of the proposal were commissioned by the appellant.⁴⁶ The noise impact report notes that acceptable conditions would be experienced within existing dwellings at Walnut Close, Love Lane, and Townsend, and also at their external amenity spaces. Conditions would also be acceptable for the proposed dwellings given the anticipated specification of thermal double glazing and trickle vents.
125. Turning to local air quality, the report notes that the traffic along the spine road would give rise to a negligible change in NO₂ and PM₁₀ concentrations. There would also be a negligible change in concentrations at Swanmead School. However, the expected reduction in traffic movements through the centre of the town would lead to a slightly lower concentrations.

⁴⁵ CD 3.22

⁴⁶ Mr Richards' proof, Appendix 7 and Appendix 4

126. I see no reason to doubt the reports' conclusions. The proposal would, therefore, accord with LP Policy EQ7 (Pollution Control) and be acceptable in relation to noise and air quality.

Site Conditions

127. SSVG expressed concerns about contamination of the site, particularly in relation to Townsend Farm, and incompleteness in the geophysical survey. Concerns were also expressed regarding the drainage network's capacity for additional foul water disposal, and in relation to archaeology. All of these aspects are capable of being dealt with satisfactorily through the use of planning conditions .

128. Part of the site comprises best and most versatile agricultural land (BMV). Although it is desirable to use poorer quality land,⁴⁷ the Council does not take issue on this point. I see no significant argument against the proposal in relation to BMV.

129. Regarding alternative sites, the prospect of development on the Canal Way site is clearly material and forms part of the analysis under the second main issue. However, the proposal does not fall within the criteria requiring regard to be had to alternative sites, and none have been put before me.

Appeal Decisions

130. A great number of appeal decisions have been put forward by the parties. I have taken note of their content but do not find it necessary to respond to the relevance of each of them within this decision.

Obligations and Conditions

131. Three completed planning obligations were submitted by the appellant. These are:

- A s106 agreement with South Somerset District Council relating to affordable housing, open space, the formation of the management body, the landscape and ecology management plan, and the neighbourhood equipped area for play (NEAP).⁴⁸
- A unilateral undertaking in favour of the Council relating to a contribution towards improvement of the Bay Hill/Townsend junction.⁴⁹
- A unilateral undertaking in favour of Somerset County Council relating to the Education Contribution and the Travel Plan.⁵⁰

132. The County level undertaking was assembled following the failure to reach agreement with the County over:

- Whether the 'Early Years Contribution' of £112,056 is necessary
- The appropriate level of the 'First School Contribution', either £448,224 as maintained by the County or £140,070 as maintained by the appellant
- Whether the Travel Plan 'Safeguard Measures Sum' of £55,000 is necessary

⁴⁷ NPPF para 112

⁴⁸ Doc A19

⁴⁹ Doc A20

⁵⁰ Doc A21

133. The Regulation 122 tests of the Community Infrastructure Regulations 2010 (CIL Regs) are used to determine whether these contributions are payable in the case of the Early Years Contribution and the Safeguard Measures Sum, and the scale of contribution in the case of the First School Contribution.

134. A set of proposed conditions,⁵¹ agreed with the Council beforehand, was discussed during the inquiry.

The Planning Balance and Conclusions

135. I find overall that the harm arising from the effects of the proposal on heritage assets, the effects arising from conflict with Local Plan housing policy including the direction of growth, and the effects on the character and appearance of the landscape would significantly and demonstrably outweigh its benefits. This is so assessed in relation to the development plan, with which it conflicts overall, despite the reduced weight given to housing policies. It is also so assessed against the policies in the NPPF taken as a whole.

136. Neither the proposed conditions, nor the provisions of the completed planning obligations, whatever the level of contributions payable, alter this assessment.

Alan Novitzky

Inspector

Richborough Estates

⁵¹ Doc A14

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Felicity Thomas instructed by the Council

She called:

Greg Venn BSC(Hons) BTP DipArchCons Conservation Officer with the Council
MRTPI IHBC

Andrew Gunn BTCP PGDipTCP MRTPI Planning Team Leader with the Council

FOR THE SAVE SHUDRICK VALLEY GROUP, Rule 6 Party

Gavin Collett of counsel instructed directly

He called:

Ian Lund Dip Urban & Regional Planning Heritage consultant
Dip Architectural Conservation IHBC

David Bell BSc(Hons) BA MCIHT MIHIE Highways consultant

Chris Britton BSc(Hons) MLA CMLI Director, Chris Britton Landscape Associates

Robert Drayton MBE Local resident, retired journalist

FOR THE ILMINSTER TOWN COUNCIL, Rule 6 Party

John Fagan Councillor

FOR THE APPELLANT

Neil Cameron QC instructed by Turley, 40 Queen Square, Bristol

He called:

Jonathan Smith BA(Hons) MA PGCE Director of Historic Buildings, CGMS
PGDip MCIFA IHBC

Ian Awcock CEng MICE MCIHT MCIWEM Director Awcock Ward Partnership

Justin Thomson BA(hons) PGDip CMLI Director Macgregor Smith

Jeffrey Richards BA(Hons) MTP MRTPI Office Director, Turley

INTERESTED PERSONS:

Rose Overton Local resident, previously Mayor

Nicholas Whitsun-Jones CPRE Somerset

Vicky Taylor Local resident

Leslie Duncan Rigby Local resident

Lillian Kirby Comber Local resident

Henry Best Local resident

Richard Manley	Local resident
Toby Hawkey	Local resident
Gaye Phillips	Local resident

APPELLANT'S DOCUMENTS

A1 Opening submissions
A2 Rebuttal evidence produced by Ian Awcock on highways matters
A3 Listing descriptions of heritage assets
A4 Appeal decision APP/R3325/W/15/3035753
A5 Appeal decision APP/R3325/W/15/3121541
A6 Minutes of Ilminster Town Council 6 January 2014
A7 English Heritage Extensive Urban Survey of Ilminster, 2003
A8 Note on self-containment of Ilminster
A9 South Somerset Settlement Role and Function Study, final report April 2009, Baker Associates
A10 Scenarios, predicted housing delivery against requirement
A11 Note on 'step in' rights to enable adoption of Shudrick Lane
A12 Panel and survey comments on land at Coldharbour Farm
A13 Costs application against Somerset County Council
A14 Proposed conditions
A15 Summary of s106 Agreements
A16 Draft undertaking re: SSDC, Bay Hill/Townsend junction
A17 Draft s106 agreement with SSDC
A18 Draft s106 agreement with SCC
A19 Certified copy of completed s106 agreement with SSDC
A20 Certified copy of completed undertaking with SSDC
A21 Certified copy of completed undertaking with SCC
A22 HC Judgment, Case No: CO/978/2016 (Forest of Dean DC)
A23 CoA Judgment, Case No (1993) 65 P&CR 137 (N. Wilts DC v SoS and Clover)
A24 HC Judgment, Case No: CO/2639/2016 (Borough of Telford and Wrekin)
A25 HC Judgment, Case No: CO/5040/2015 (Cheshire East BC)
A26 Closing submissions
A27 Comments on the County Council's response to the costs application

SOUTH SOMERSET DISTRICT COUNCIL'S DOCUMENTS

C1 Opening submissions
C2 Planning Obligations – Statement of Compliance
C3 South Somerset Historic Environment Strategy, draft for formal approval, December 2016
C4 Ilminster Conservation Area, map showing boundary changes approved December 2016, and further areas under consultation
C5 Note on completions, commitments and self-containment
C6 2 no photographs taken from Mrs Kirby Comber's property
C7 SSDC Open Space Strategy 2011-2015
C8 Taunton and South Somerset HMAs Strategic Housing Market

- C9 Assessments (2008) Executive Summary, February 2009
Extracts, Mendip, Sedgemoor, South Somerset and Taunton
Deane SHMA Final Report October 2016
- C10 Historic Environment Good Practice Advice in Planning: 2,
Historic England, March 2015
- C11 Various documents concerning the delivery of the SSDC Local
Development Scheme (2015-2018)
- C12 HC Judgment, Case No: CO/4865/2014 (Cecil v S. Kesteven DC)
- C13 HC Judgment, Case No: CO/2757/2015 (Felicity Irving v Mid
Sussex DC)
- C14 HC Judgment, Case No: CO/4852/2015 (Forest of Dean DC)
- C15 Supreme Court Judgment, Hilary Term [2012] UKSC 13 (Tesco v
Dundee City)
- C16 Closing submissions

SSVG's DOCUMENTS

- S1 Opening submissions
- S2 Note on the Self-Containment of Ilminster
- S3 Brief comments by David Bell on AWP rebuttal document
- S4 Extract, Estate Roads in Somerset, Design Guidance Notes
- S5 Extract, The Institution of Highways and Transportation, Road
Safety Audit, October 2008
- S6 Various photographs of flooding in and around Ilminster
- S7 1 no photograph, coach attempting Bay Hill/Townsend junction
- S8 HC Judgment, Case No: CO/2468/2014 (Ivan Crane)
- S9 HC Judgment, Case No: CO/3058/2015 (Edward Ware Homes)
- S10 HC Judgment, Case No: CO/4594/2014 (Woodcock Holdings)
- S11 HC Judgment, Case No: CO/4788/2016 ((Muller Property Group)
- S12 SSVG Statement of Case and Core Documents
- S13 Site Visit route map and wish list
- S14 Closing submissions

ILMINSTER TOWN COUNCIL'S DOCUMENTS

- TC1 Video evidence of flooding in Shudrick Lane, 2 no DVDs
- TC2 Closing submissions

INTERESTED PARTIES' DOCUMENTS

- IP1 Duncan Rigby's speaking notes
- IP2 Submission from the Parish Councils
- IP3 Submission from Leslie Duncan Rigby on road conditions and
footpaths
- IP4 Leslie Duncan Rigby's closing submissions

SOMERSET COUNTY COUNCIL'S DOCUMENTS

- CC1 Response to costs application

CORE DOCUMENTS

CD No.

Planning Application Documents and Plans

Section 1 – Original Planning Application Documents

- 1.1 Application Covering Letter
- 1.2 Application Form
- 1.3 Archaeological Evaluation (May 2014)
- 1.4 Design and Access Statement (May 2014)
- 1.5 Built Heritage Desk Based Assessment (June 2014)
- 1.6 Ecological Impact Assessment (May 2014)
- 1.7.A Flood Risk Assessment (May 2014)
- 1.7.B Flood Risk Assessment Appendices (May 2014)
- 1.8 Site Location Plan (L-100)
- 1.9 Geophysical Survey Report (March 2014)
- 1.10 Site Investigation Interpretive Report (August 2013)
- 1.11 Proposed Masterplan (Illustrative Masterplan) (A-101)
- 1.12 Planning Supporting Statement (May 2014) –A4
- 1.13 Preliminary Highway Layout (PHL/101 Rev A) – A1
- 1.14 Preliminary Highway Profiles (PHL/101 Rev A, RP/201 Rev A, RP/202 Rev A, RP/203 Rev A, RP/204 Rev A, RP/205/ Rev A, RP/206 Rev A, RP/207 Rev A, RP/208 Rev A) – A1
- 1.15 Proposed Site Plan (A-100) – A1, *Superseded*
- 1.16 Statement of Community Engagement (June 2014)
- 1.17.A Transport Assessment (May 2014)
- 1.17.B Transport Assessment Appendices, Appendix A – H
- 1.17.C Transport Assessment Appendices, Appendix I
- 1.18 Existing Site Plan (L-101) – A3
- 1.19 Tree Constraints Plan (03924 TCP 28.03.2013) – A1
- 1.20.A Utility Infrastructure Appraisal Report (April 2013)
- 1.20.B Utility Infrastructure Appraisal Report (April 2013), Appendices Part 1
- 1.20.C Utility Infrastructure Appraisal Report (April 2013), Appendices Part 2
- 1.21 Written Scheme of Investigation (April 2014)
- 1.22 Landscape and Visual Impact Appraisal (May 2014)
- 1.23 Landscape and Visual Impact Analysis (May 2014)
- 1.24 Request for Screening Opinion April 2014
- 1.25 Screening Opinion July 2014
- 1.26 EIA Screen direction from the Secretary of State for Communities and Local Government 20th November 2014
- 1.27 English Heritage representation 27th June 2014
- 1.28 Landscape Officer response dated July 24th 2014

Section 2 – 2014 Amended Planning Application Documents

- 2.1 Amended Plans Covering Letter
- 2.2 Proposed Masterplan (A101 Rev B)
- 2.3 Existing Location Plan (L100 Rev B)
- 2.4 Existing Site Plan (L101 Rev B)
- 2.5 Transport Assessment Additional Information, Trip Distribution & Traffic Impact within Ilminster (October 2014)
- 2.6 Highways Additional Information Summary Additional Technical Work (December 2014)

- 2.7 Listed Buildings Intervisibility Study (August 2014)
- 2.8 Landscape & Public Open Space Outline Management Plan (October 2014)
- 2.9 Landscape & Public Open Space Outline Management Plan Covering Letter (December 2014)
- 2.10 Heritage Response Letter (December 2014)
- 2.11 Heritage Response Letter (August 2014)
- 2.12 Landscape Response Letter (December 2014)
- 2.13.A Flood Risk Assessment Amended (December 2014)
- 2.13.B Flood Risk Assessment Amended Appendices (December 2014)
- 2.14 Proposed Site Plan (A100 Rev B)
- 2.15 English Heritage representation 13th January 2015
- 2.16 LPA Conservation Officer's representation 3rd July 2014³
- 2.17 LPA Conservation Officer's representation 14th January 2015

Section 3 – 2016 Amended Planning Application Documents and Correspondence/Consultation Responses

- 3.1 Amended Plans Covering Letter (February 2016)
- 3.2 Proposed Site Plan – Drawing Number A100 Rev D
- 3.3 Proposed Masterplan – Drawing Number A101 Rev D
- 3.4 Transport Assessment - dated 4 February 2016
- 3.5 Flood Risk Assessment – dated 3 February 2016
- 3.6 Landscape and Visual Impact Appraisal February 2016
- 3.7 Landscape and Visual Impact Analysis Plans – Drawing Ref. 1077-G504 rev. A February 2016
- 3.8 Listed Buildings, Intervisibility Study February 2016
- 3.9 Landscape & Public Open Space Outline Management Plan February 2016
- 3.10 Wider Landscape Masterplan – Drawing no. 1077-02 G511 rev. A February 2016
- 3.11 Landscape Outline GA – Drawing no. 1077-01-001 rev. B February 2016
- 3.12.A Tree Removal/Retention & Replacement (Existing 1 of 2) – Drawing no. 1077-02-002 February 2016
- 3.12.B Tree Removal/Retention & Replacement (Existing 2 of 2) – Drawing no. 1077-02-003 February 2016
- 3.13 Public Open Space Areas – Drawing no. 1077-02-004 rev. A February 2016
- 3.14 Landscape Proposals – Strategic Areas plan – Drawing no. 1077-02-005 rev. A February 2016
- 3.15 Play Areas Distribution – Drawing no. 1077-02-006 February 2016
- 3.16 Ecological Impact Assessment February 2016
- 3.17 Built Heritage Statement February 2016
- 3.18 Design and Access Statement February 2016
- 3.19 Historic England Response March 2016
- 3.20 Conservation Officer Comments March 2016
- 3.21 Council's Landscape Officer Response March 2016
- 3.22 Environment Agency Response April 2016
- 3.23 Environment Agency Response 7 January 2016 and additional Correction note 9 January 2016
- 3.24 Council Ecologist Comments April 2016
- 3.25 Natural England Response June 2014
- 3.26 Natural England Response March 2016
- 3.27 Council Tree Officer Response March 2016
- 3.28 Ilminster Town Council Response January 2015
- 3.29 Ilminster Town Council Response March 2016

- 3.30 Save Shudrick Valley Group Transport Response July 2014
- 3.31 Save Shudrick Valley Group Transport Submission April 2016
- 3.32 Save Shudrick Valley Group Highways Report (by LGPS Resources) dated 18 April 2016
- 3.33 Save Shudrick Valley Group Heritage Document April 2016

Section 4 – Council Documents

- 4.1 Decision Notice 14/02474/OUT 19 May 2016
- 4.2 Five Year Housing Land Supply Report September 2015
- 4.3 Officer Report 14/02474/OUT 19 May 2016
- 4.4 Five Year Housing Land Supply Report July 2016
- 4.5 South Somerset Local Plan (2006-2028)
- 4.6 Taunton and South Somerset Areas Strategic Market Assessments Final Report (February 2009)
- 4.7 Sustainability Appraisal Matrix produced in 2010
- 4.8 South Somerset District Council: Local Plan 2006 – 2028 Independent Examination, May 2013 Hearing Statement Issue 9 Ilminster
- 4.9 Local Plan Inspector's Question 3: Council's Response - 18.03.13
- 4.10 Proposed Submission South Somerset Local Plan 2006 - 2028 Examination Suspension, Soundness Issue 2 Background Report
- 4.11 Council's Proposed Main Modification Report (March 2014)
- 4.12 Statement of Case of the Local Planning Authority
- 4.13 South Somerset Historic Environment Strategy consultation draft Oct 2016
- 4.14 South Somerset Local Plan Inspector's Report
- 4.15 2012 Proposed Submission Local Plan Sustainability Appraisal matrix for site
- 4.16 Council's response to Inspector preliminary questions
- 4.17 Resumed Independent Examination, South Somerset District Council Hearing Statement, Issue 1: Duty to Co-operate, Public Consultation and the Council's Overall Strategy (including PMM1)
- 4.18 Peripheral Landscape Study – Ilminster November 2007
- 4.19 Authority Monitoring Report September 2016

Section 5 – Appeal Decisions and High Court Decisions

- 5.1 The Suffolk Coastal District Council and Hopkins Homes v Secretary of State for Communities and Local Government [2016] EWCA Civ 168)
- 5.2 Forest of Dean DC v Secretary of State ([2016] EWHC 421 Admin)
- 5.3 Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137
- 5.4 Forge Field Society v Sevenoaks District Council [2014] EWHC 1895
- 5.5 Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd [2013] EWHC 2847

Section 6 Other Documents required by the Appellants and the Council

- 6.1 National Planning Policy Framework
- 6.2 Ilminster Town Council comments to the Draft Local Plan
- 6.3 Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.4 Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage 2008
- 6.5 Good Practice Advice in Planning Note 3 The Setting of Heritage Assets, Historic England 2015