

Planning Committee
AGENDA
8th March 2023

1. **Apologies for absence**
To receive, and consider for acceptance, apologies for absence. (LGA1972 s85)
2. **Declarations of interest**
To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. (Localism Act 2011 s29-34)
3. **Confirmation of minutes of previous meetings**
To adopt the minutes of the Planning Committee meeting held on 8th February 2023 as a correct record and to be signed by the Chairman.
4. **To consider the following planning applications :**
 - a. 23/00383/DOC1 40 Stapleton Close Martock Somerset TA12 6HT Discharge of Conditions No 5 (Consolidation and Surfacing of Driveway) and 6 (Surface Water Treatment) of planning application 19/03133/FUL
<https://publicaccess.southsomerset.gov.uk/online-applications/applicationDetails.do?keyVal=RPVF56OW0L900&activeTab=summary>
 - b. 23/00185/FUL Paddock House Hurst Martock Somerset TA12 6JU Erection of a two storey self-build dwelling and detached outbuilding comprising of a single bay garage and two bay car port
<https://publicaccess.southsomerset.gov.uk/online-applications/applicationDetails.do?keyVal=ROY0EOOWIYX00&activeTab=summary>
 - c. 23/00118/HOU 28 Moorlands Park Martock Somerset TA12 6DW Erection of rear extension and internal refurbishment.
<https://publicaccess.southsomerset.gov.uk/online-applications/applicationDetails.do?keyVal=ROIYMZOWIUO00&activeTab=summary>
 - d. 22/03507/FUL Land OS 8226 Off Dimmocks Lane Bower Hinton Martock Somerset TA12 6LA Erection of 9 open market dwellings (re-submission of 21/03285/FUL) (report attached)
<https://publicaccess.southsomerset.gov.uk/online-applications/applicationDetails.do?keyVal=RMZSVOOWIFF00&activeTab=summary>
 - e. 23/00537/TCA Hollybank House Back Lane Martock Somerset TA12 6LJ Notification of intent to carry out Tree Surgery Works to No. 1 Tree within a Conservation Area.

<https://publicaccess.southsomerset.gov.uk/online-applications/applicationDetails.do?keyVal=RQP7C1OWJJN00&activeTab=summary>

- f. **23/00536/TCA Garden Cottage Church Street Martock Somerset TA12 6JL Notification of intent to Fell No. 1 Tree within a Conservation Area.**
<https://publicaccess.southsomerset.gov.uk/online-applications/applicationDetails.do?keyVal=RQP7BVOWJJM00&activeTab=summary>
- g. **23/00403/HOU 2 Bracey Road Martock Somerset TA12 6HE Removal of existing single storey extension and garage and the erection of a new single storey extension and shed**
<https://publicaccess.southsomerset.gov.uk/online-applications/applicationDetails.do?keyVal=RQ14PJOWJBY00&activeTab=summary>

5. TO NOTE RECENT PLANNING DECISIONS

- a. **22/03423/TCA Manor Place Church Street Martock Somerset TA12 6JL Notification of intent to carry out Tree Surgery works to No. 1 Tree within a Conservation Area.**
Decision Application Permitted
- b. **23/00001/HOU 24 Bracey Road Martock Somerset TA12 6HE Single storey front extension to create a shower room and entrance hall/utility**
Decision Application Permitted with Conditions
- c. **22/03171/HOU Coat House Highway Road Martock Somerset TA12 6AR Reduction to the size of two existing dormers along with two new additional dormers to rear of property and additional window to North East Elevation.**
Decision Application Permitted with Conditions
- d. **22/03172/LBC Coat House Highway Road Martock Somerset TA12 6AR Reduction to the size of two existing dormers along with two new additional dormers to rear of property and additional window to North East Elevation. Internal alterations to provide additional bedroom, sitting area, dressing room and bathroom.**
Decision Application Permitted with Conditions

6. Planning Committee Chair's Report
To receive and note the Planning Committee Chair's February 2023 report. (as attached)

7. Date of next Meeting
Close of Meeting and confirm the date of the next Planning Committee meeting as 12th April 2023 at 7.00pm.

MPC Planning Committee Report March 2023

Introduction

This is the Martock Parish Council Planning Committee Report prepared for the 8th March 2023 Planning Committee meeting. It covers the period from the 1st February 2023 up to the time of writing [27th February 2023].

Planning applications considered since 1st February 2023

- 3 applications were reviewed by the MPC Planning Committee at the 8th February 2023 meeting:
- 23/00001/HOU Single storey front extension to create a shower room and entrance hall/utility
24 Bracey Road Martock Somerset TA12 6HE
MPC Planning Committee recommendation –Support
 - 23/00146/HOU Erection of front and rear single-storey flat roof extensions. Change Garage flat roof to pitched tiled roof and convert garage to a Study. Formation of new window to Bedroom
One En-Suite with internal alterations/re-arrangements.
10 Moorlands Park Martock Somerset TA12 6DW
MPC Planning Committee recommendation – Support
 - 23/00247/TCA Notification of intent to Fell No. 1 Tree within a Conservation Area
Rose Bank House 5 Church Street Martock Somerset TA12 6JL
MPC Planning Committee recommendation – no objections

Planning applications Validated by SSDC and awaiting Review

At the time of writing [27th February 2023] the following planning applications pertinent to Martock have been validated by SSDC and will be considered by the Planning Committee at its meeting on 8th March 2023:

- 22/03507/FUL | Erection of 9 open market dwellings (re-submission of 21/03285/FUL)
Land OS 8226 Off Dimmocks Lane Bower Hinton Martock Somerset TA12 6LA
- 23/00118/HOU | Erection of rear extension and internal refurbishment.
28 Moorlands Park Martock Somerset TA12 6DW
- 23/00185/FUL | Erection of a two storey self-build dwelling and detached outbuilding comprising of a single bay garage and two bay car port
Paddock House Hurst Martock Somerset TA12 6JU
- 23/00403/HOU | Removal of existing single storey extension and garage and the erection of a new single storey extension and shed
2 Bracey Road Martock Somerset TA12 6HE
- 23/00536/TCA | Notification of intent to Fell No. 1 Tree within a Conservation Area.
Garden Cottage Church Street Martock Somerset TA12 6JL
- 23/00537/TCA | Notification of intent to carry out Tree Surgery Works to No. 1 Tree within a Conservation Area.
Hollybank House Back Lane Martock Somerset TA12 6LJ

Planning Applications Decided by SSDC since 1st February 23

At the time of writing [27th February 2023] the following planning applications pertinent to Martock were decided by SSDC during February 2023.

- 22/03171/HOU & 22/03172/LBC | Reduction to the size of two existing dormers along with two new additional dormers to rear of property and additional window to North East Elevation. Internal alterations to provide additional bedroom, sitting area, dressing room and bathroom. | Coat House Highway Road Martock Somerset TA12 6AR
Applications Permitted with Conditions
- 23/00001/HOU | Single storey front extension to create a shower room and entrance hall/utility | 24 Bracey Road Martock Somerset TA12 6HE

Planning Applications Awaiting Decisions

At the time of writing [27th February 2023] there are 27 validated planning applications currently identified as awaiting a decision by SSDC.

Of these, the following applications are for new buildings and are potentially awaiting resolution of the Phosphate Mitigation:

- 20/01576/FUL Erection of 3 bed dwelling and associated parking
Land North Of 6 Newtown Coat Road Martock Somerset TA12 6EX
- 20/03004/FUL Extension to existing House 1 and erection of 2 new buildings with associated infrastructure
Land Os 2434 (Poultry Units) Stoke Road Martock
- 21/00305/FUL Erection of detached bungalow with rooms in the roof and associated works
Land At Junction Of Foldhill Close Bearley Road Martock Somerset
- 21/01035/OUT Outline application for up to 100 dwellings with associated works including access, public open space and landscaping.
Land OS 6925 Coat Road Martock Somerset
- 21/01898/OUT Outline application with all matters reserved except access for proposed dwelling and associated parking.
Goose Hill Barn, Bower Hinton TA12 6LJ
- 21/02387/FUL Proposed erection of a single commercial / light industrial building comprising 8 No individual units (Use Class B2/B8/E) with associated parking, highways access and on-site light goods vehicle turning facilities
Plot C Oakland Road Martock Business Park Martock Somerset
- 22/03254/FUL Partial demolition, partial conversion and new build development to form 10 no. dwellings
Old Sparrow Works Ringwell Hill Martock Somerset TA12 6LG

Planning Committee

Planning Committee Members

Membership of the Planning Committee is currently:

Cllr Paul Helyer – Chair of Planning Committee

Cllr Andrew Clegg

Cllr Neil Bloomfield

Cllr Alan Potter

Cllr Tony Walsh

Cllr Ash Warne

One vacancy

Planning Committee Terms of Reference

The Planning Committee Terms of Reference, formally accepted at the meeting of MPC Full Council on 26th October 2022, need to be updated to reflect the increase to the number of members to 7 which was agreed by full council.

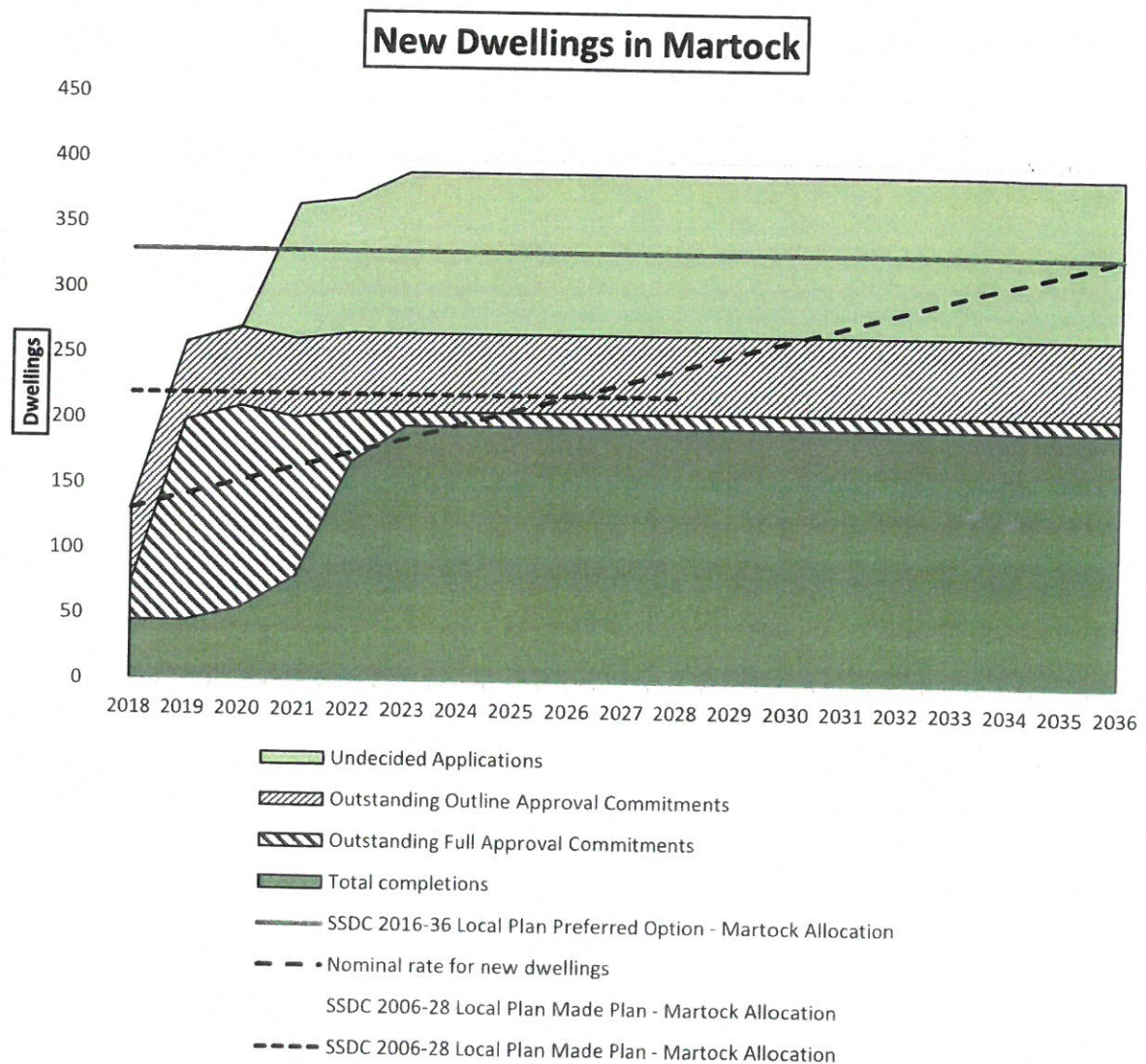
Local & Neighbourhood Plans

Local Plan

The reorganisation of Somerset County and District Councils into a single Unitary Council has effectively put the review of the South Somerset Local Plan on hold. "The current Local Plan documents for South Somerset District Council [...] will remain part of the Development Plan until they are replaced either wholly or in part by new Local Plan documents produced by the new unitary council. For the avoidance of doubt adopted Neighbourhood Plans will continue to remain part of the Development Plan for relevant areas."

South Somerset's Local Plan for 2006 to 2028 was adopted on 5 March 2015. It identified a residual requirement of 106 new dwellings for Martock up to 2028 as at April 2012.

The SSDC Local Plan Review 2016 to 2036 was initiated and got as far as the second formal stage of consultation prior to being put on hold pending the reorganisation of the District and County Councils into a single Unitary Authority. The Local Plan Preferred Options Document identified a residual requirement of 220 new dwellings for Martock and 3 .0 hectares of new employment land up to 2036 (at 31st March 2018).



Under "Infrastructure", the Local Plan Preferred Options includes the following statements for Martock:

- "The flood alleviation scheme at Martock includes a 300m flood embankment, throttle structures, widened channel, and walls. If development is proposed on the eastern edge of Martock, existing culverts should be upgraded, funded through developer contributions. Flood defences may need to be raised in the future, depending on the location and floor levels of future development."
- "The Infrastructure Delivery Plan identified the requirement for fluvial flood risk defences, and also a community hall, new open space, sports facilities, play area, and expansion of youth facilities for the settlement. An equipped play area at Martock is a particular priority."
- "Symphony Healthcare Services advise that the existing primary healthcare practices in Martock are operating in excess of operational capacity in accordance with national standards. An options appraisal for what type of healthcare development is required and could be delivered in Martock to accommodate the primary healthcare needs of the increasing population will be necessary."

Neighbourhood Plan

The Martock Neighbourhood Plan 2018 to 2028 version 4.3 was prepared with reference to the SSDC Local Plan SSDC Local Plan Review 2016 to 2036 Preferred Option Version.

Following a positive referendum result, South Somerset District Council has agreed at the District Executive meeting on 3rd June 2021 to make the Martock Neighbourhood Development Plan part of the Statutory Development Plan.

Paul Helyer
Chair of Martock Parish Council Planning Committee
31st January 2023

Land OS 8226 Off Dimmocks Lane Bower Hinton,

This document has been produced to elaborate on planning arguments considered by Martock Parish Council in support of the review of this application at its meeting of

1 The current status of the Local and Neighbourhood Plans

The Local Plan

The Local Plan is currently deemed out-of-date because a significant number of their potential development sites have been declared undevelopable because they conflict with habitat regulations which require phosphate in the site effluent to be removed or offset in the Parrett catchment. This development is on one such site which means that at the point when this development can be considered the active status of the local plan will *ipso facto* have been restored.

The Neighbourhood Plan

Regardless of the status of the Local Plan, the Neighbourhood Plan remains an active planning document because all clauses in NPPF paragraph 14 are satisfied, including the requirement that the Neighbourhood Plan contains policies and allocations within the development boundary to meet the identified housing requirements of the village both in the current Local Plan and also in the preferred option of the 2036 Plan.

The 'tilted balance' in favour of development does not therefore apply in this case, contrary to the assertion made by the proposers (section 7.22ff of the Planning Statement.)

2 Relevant previous application adjacent to this site

Appeal Reference APP/R3325/A/94/246335

A proposal for one house on land south of Dimmocks Lane immediately opposite this proposal was rejected on appeal in 1995 primarily for the following reasons

- It was outside the development boundary
- The need for an additional house in the village had not been demonstrated
- There were no other developments in the vicinity with which it has a physical or visual relationship; the field was essentially 'part of the countryside' and building there would be an 'unwarranted expansion of the built development that would damage the character of the village and its rural surroundings'

- (Reason for refusal proposed by SCC Highways) “Dimmocks Lane, by reason of its restricted width and substandard junction with the class to road (B3165) is considered unsuitable to serve as a means of access to further residential development’

All the points made by the Inspector in rejecting this appeal still apply to this part of the village.

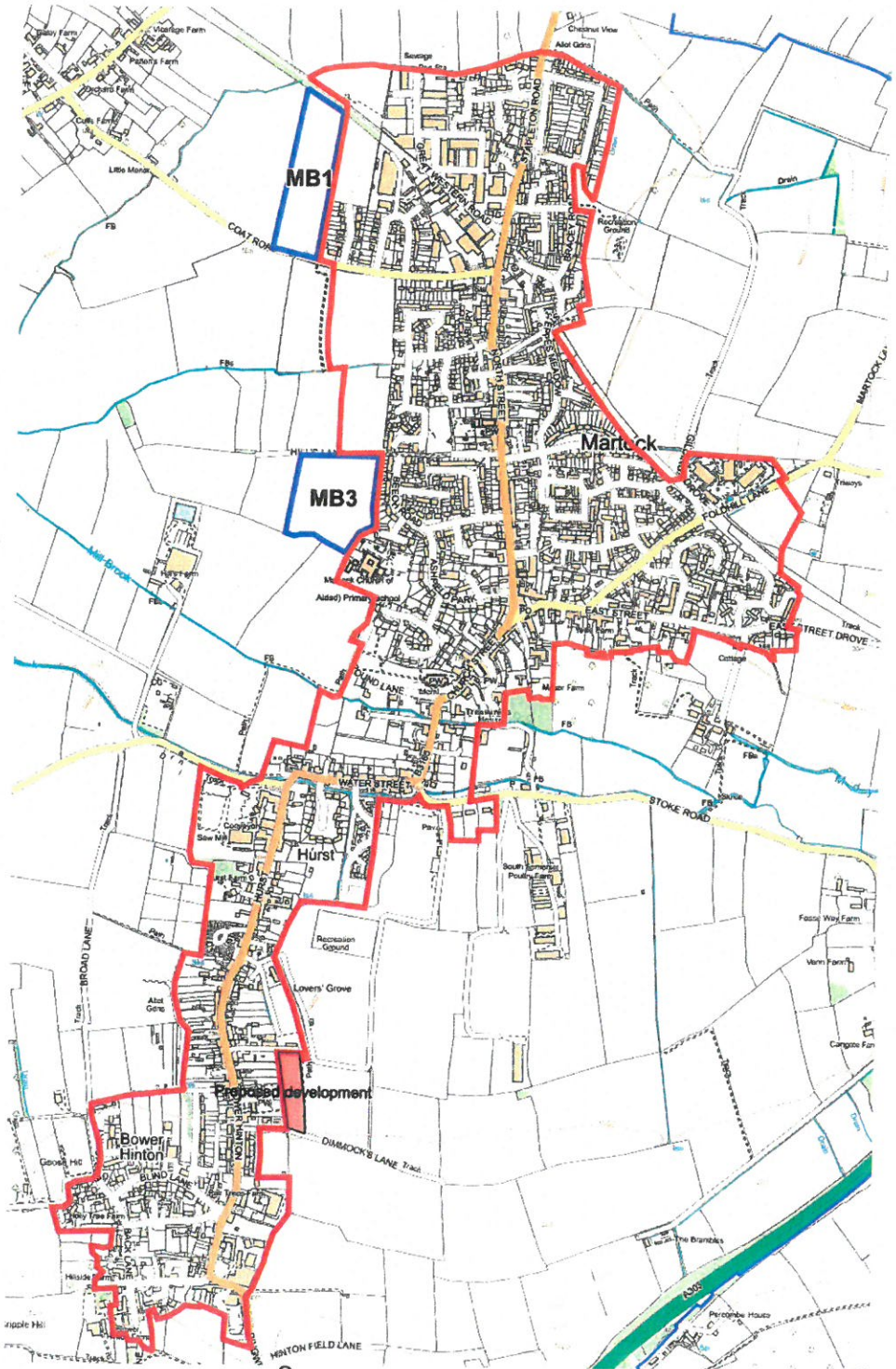
3 The development is outside the settlement boundary

Local Plan SS1 and SS5
Neighbourhood Plan
Mart13

The proposed development is outside of the Martock and Bower Hinton built area boundary shown below.

Martock settlement boundary.

The settlement boundary (red) showing two development areas (MB1 and MB3 in blue) adjacent to the existing boundary that, together with other identified sites within the boundary, will allow the proposed expansion of the village by at around 400 houses between 2016 and 2036.



The proposed development area is shown here in red

The boundary to the east of Bower Hinton along Dimmocks Lane is Bower Hinton Brook, a natural stream draining Ringwell Hill to Hurst Brook extending from Sparrows Works in the south to Lovers Lane next to the Recreation Ground. This stream forms a natural and well-established boundary to Bower Hinton; this proposal, east of the stream, does not form a logical extension of the boundary and encroaches on what has been, for centuries, mainly ridge and furrow and meadowland.

4 The Neighbourhood Plan can demonstrate a housing land allocation for around 450 houses within the development boundary

Local Plan, SS1 and SS5
Neighbourhood Plan,
Mart13

The table below shows that there are more than sufficient sites under active development within the built area to meet the current plan target of 230 and also even the proposed 2035 target of 330.

Total Housing Requirement, 2028	230			
Housing status	Totals	Running totals	Performance against requirement	Percent requirement
Total completions	145	145	-85	-37%
Under construction	128	273	+43	+19%
Full permission (17/8/2021)	14	287	+57	+25%
Outline permission (17/8/2021)	60	347	+117	+47%
Including this application	9	356	+126	+56%

These data are from an SSDC Planning Policy comment for application 21/01035 OUT and exclude additional sites MB1 and MB3 shown in the Settlement Boundary map above.

In addition, the two sites from the SSDC preferred options paper, (policies MB1 and MB3) will add around 120 to this total taking the number of available sites within the boundary to over 450.

The Parish will not support building on a greenfield site outside the development boundary when allocated space is available for around 100% more than the current target inside the boundary,

5 The housing mix does not meet the objectively assessed needs of the village

Local Plan, SD2 and HG5
Neighbourhood Plan,
Mart12 and 18

The planned number of houses is nine. It can be no coincidence that this is the maximum number a developer can propose without having to cater for the affordable market. All the proposed houses are to be open market houses whereas there is a local need for rental provision.

Research carried out in the village and also by the Somerset Housing Market Assessment (2016) shows that open market demand in the village is 45-50% for 1 and 2 bed houses partly to allow our young people to stay in the village and partly to accommodate downsizing by the elderly. The existing housing stock is heavily biased towards three and four bedroom houses. The development does not include any houses with 1 or 2 bedrooms.

The village also has a demonstrable need for affordable houses for rent and shared ownership. The proposal has no affordable houses

6 Access to the site is inadequate for nine additional large houses

Local Plan TA1
Neighbourhood Plan
Mart28

The opposition to the earlier proposal by the Highways Authority is noted and supported. The additional evidence provided in the Highways Technical Note fails to address any of the the following concerns we made in response to the earlier application:

- No statement is made about how the footpath along Dimmocks Lane is to be adequately and safely accommodated, neither along Dimmocks Lane nor where the site access crosses the path. This footpath provides quick and direct access to the recreation and is much used on a daily basis, particularly by dog-owners. It also provides a safe and shortened access to the village centre and is increasingly used as an access to the new Commercial Park on Stoke Road.
- There is no statement on how disabled access from Bower Hinton main street is to be achieved satisfactorily.
- Dimmocks Lane is only slightly over one vehicle wide for much of its length, The visibility splay is compromised by the neighbouring garden boundary.
- The distance from the development to the nearest shops is 1.6km. Manual for Streets recommends an ideal maximum distance of 800m (10 minutes walk) unless there are extenuating factors. As this is a greenfield site outside the built area boundary, there are none. This is the main reason why the new areas allocated for housing in the Neighbourhood Plan are clustered just to the west of the village centre.

The highways Technical Note produced by the developer makes the assertion, unsupported by any local evidence, in the paragraph 6.4.2, that:

Across the network AM peak period (08:00 to 09:00 hrs), the proposed residential units would generate one arrival and two departures, totalling three, two-way vehicular trip movements, whilst during the network PM peak period (17:00 to 18:00 hrs), the proposed residential units would generate two arrivals and two departures, totalling four, two-way vehicular trip movements.

This is a development of larger houses in an area that is not within easy walking distance of any facilities and Martock has a work out-commute rate of around 80% (SSDC figure—revised Local Plan preferred options). It is likely that the total number of cars associated with the development will exceed 20, almost all of which will be used on a daily basis pursuing normal household activities with arrivals and departures peaking in the periods stated.

It is inconceivable that peak hour traffic generated by these nine houses will be limited, as suggested in the Technical Note, to just 3 or 4 trips. This figure is manifestly an order of magnitude too small.

7 The field is a particularly biodiverse combination of tree and scrub and is one of only a few semi-improved grassland areas still extant.

Local Plan EQ4
Neighbourhood Plan
Mart1

The ecological significance and importance of this site has been underestimated by the Ecology Report. It is one of a group of fields that is the last remaining area of semi-improved grassland around the village.

The local importance of semi-improved grassland

The site is semi-improved grassland that has never been cultivated (as far as maps show). Like all such long-undisturbed areas, it is particularly rich in invertebrates, providing, for example, a safe and permanent refuge for over-winter eggs. We are anxious to see it preserved in line with national and local policy. It is one of a rapidly diminishing number of such semi-natural sites in the village.

The importance of Bower Hinton Brook

Bower Hinton Brook is permanent water and is shown on all old maps of the village as a stream and not an artificial ditch. It is one of two natural streams that drain Rigwell Hill which join a few metres downstream of this field and which formed the original two boundaries of Bower Hinton. It still forms the eastern boundary of the village from beyond Sparrows works to the edge of the Recreation Ground. It joins the main river (Hurst Brook) north of Mat-furlong close.

Although the normal flow of the brook is low, it is permanent and, because it drains a large area of sloping farmland, can in some circumstances become a torrent; the Recreation Ground is so designed to act as a flood defence to take the excess water and prevent the Brook overwhelming the houses south of Water Street.

The river system of which it is part is a rich habitat where otter, water voles, kingfisher and a rich variety of invertebrate species are regularly logged.

The brook is bordered on both sides by old-established wide scrubland with intermittent trees. This too is an important but rapidly diminishing habitat in the village which we are trying to conserve. Typical species of this habitat, recently common but now rare, are nightingale, brown hairstreak butterfly, and the corky-fruited water dropwort mentioned in the ecology report. There is a large badger sett on the west bank opposite the field as is evident by the fan of tracks and snuffle holes in the field.

The biodiversity of the wider area

Ongoing and recent surveys carried out in the village have reported a diversity of wildlife including, hazel dormouse, brown hairstreak butterfly, great crested newt, grass snake, slow worm and nine bat species. Badger are found all the way up Bower Hinton Brook

The village is crossed by a number of wildlife corridors that the parish is mapping and actively trying to conserve and develop. The Bower Hinton Brook system is one such corridor linking with Hurst Brook in the village centre. It has recently been reinforced close to this site by planting several hundred trees, and meadow grasses and flowers in the areas where the banks have to be kept clear for dredging purposes.

Neither the planning statement nor the ecology appraisal attempt to show how the required biodiversity net gain is to be met as a result of the destruction by this development of the riparian area of the brook and the permanent semi-improved grassland.

Phosphate nutrient pollution of the Somerset Moors and Levels

The area is within the catchment area of the Somerset Moors and Levels Ramsar site. Natural England requires a habitat regulations assessment, or similar, to show how effluent generated by this site will have no net effect on the endangered Somerset Moors and Levels. We urge that, in accordance with Natural England directives, this application is not progressed until this has been produced.

8 The Design Statement fails to demonstrate its claim that the proposal reflects the 'character and sense of place' of Bower Hinton.

Local Plan EQ2/3
Neighbourhood Plan
Mart11

The 2021 revision of the National Planning Policy Framework has placed a greater emphasis on Design than earlier versions (Section 12, paragraphs 126ff). Paragraph 127 includes;

Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

An important supporting document of the Martock Neighbourhood Plan is the Village Design Statement¹. This notes that the dominant architectural heritage of this part of Bower Hinton derives from the economic dominance of the area by Sparrows Works in the second half of the nineteenth century and associated with this heritage, the United Reform Chapel and associated houses and schoolroom.

Another architectural characteristic of the area are the of the post WW1 Yeovil RDC housing designed by Yeovil architects Petter and Warren (some of which are mentioned specifically in Pevsner's Buildings of England).

Design messages from both these influences are analysed at length in the Design Statement.

Sadly, none of this analysis is reflected in the development proposal or its Design Statement which has all the hallmark of a bland computer-generated design of mass-produced houses that reflect nothing of the environment where are to be built.

The NPPF (2021) is quite clear (paragraph 134) on how this kind of issue should be addressed:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

1 <https://www.martockplan.org.uk/Environment/VDS.html>

10 Energy Efficiency

Mart16 and Mart22

Martock Parish has declared a Climate Emergency. This means that the village cannot support any development that is unable demonstrate a high energy efficiency and low carbon footprint. These two policies promote design that requires these and also that responds sensitively to solar orientation.

As a starting point we expect to see data, such as Design and Target Emission Rates, on which we can make a judgement on energy efficiency of the house designs. We also expect to see an account, in the Design Statement of how the design maximises solar gain and what offsetting measures, such as solar heating and electricity panels, are to be built into the designs. We also would like to see that attention has been paid, in the designs, to embodied carbon in the materials chosen to build the houses.

Somerset has set itself the task of reaching carbon net zero by 2030; the country target is two thirds of the way to net zero by then. The village expects Design Statements to recognise that these are more than just slogans by showing us how these goals are to be met by all new buildings. This Design Statement and Plans are regrettably silent on these matters.

11 Flooding and drainage

Local Plan EQ1
Neighbourhood Plan
Mart3 and 4

The proposed development is in a flood zone 1 area but Bower Hinton Brook, which forms the west boundary of the site and is some 3m deep, is liable to very considerable variation in water levels. Although the field itself is not known for flooding, the recreation ground, close to the northeast corner of the site, forms part of the village flood alleviation plan.

The water flow down Bower Hinton Brook is determined by the absorption capacity of the land on Ringwell Hill and this, in turn, is determined by its stage in the agricultural cycle with the greatest high flow risk coinciding with the immediate post-harvest period which can—after late harvested crops such as maize and potatoes for example—create a very impervious surface. High water levels have occurred on several occasions in the last 50 years, so much so that some of the nearby gardens, including the church car park, have constructed bunds adjacent to the Brook.

We question why the Internal Drainage Board has not been asked for a comment on the application. Further downstream they have requested a number of conditions that ensure dredging access at any time.

A concern for this development is that an exceedence situation could arise where the planned underground storage retention tanks are filled, and their outflow blocked by the non-return valve triggered by a full Bower Hinton Brook.

The last time Bower Hinton Brook was in spate and near the top of its banks was in 2013. The FRA anticipates an exceedence flow onto the highway; this cannot happen because of protective bunds in many gardens; the flow will tend to be towards the development houses and to the north and east, as indeed we see in the existing fields where water tends to accumulate in the eastern boundary eventually entering the ditch on the south west corner of the Recreation Ground.

Andrew Clegg, 26/2/23

Planning Application - 21/03285/FUL

1. The surface water drainage plan indicates that the route for the surface water from the proposed site intends to use Bower Hinton Brook, which flows to Western Brook, then Hurst Brook and Hinton Meads Brook to the River Parrett. Bower Hinton Brook and the proposed site are managed by the LLFA, and Western Brook is managed by the IDB, (Internal Drainage Board). Hurst Brook together with Hinton Meads Brook and the River Parrett are managed by the Environment Agency. . The LLFA, IDB & EA have yet to comment.

With the Sparrows Works application,(22/03254/FUL), and this one, if planning is granted for both it will mean that the surface water from an additional 19 properties will drain in to a section of 'main river' susceptible to flooding, (i.e. Water Street).

2. In relation to surface water drainage I would request that a gravity operated system be investigated which could connect to the existing surface water drainage system situated under the highway in Bower Hinton.? I ask this question because the proposed route will mean that the surface water and exceedance events flood water from the site will flow in to 'main river' at Water Street, Martock, which is susceptible to flooding, and is the main reason for the implementation of the 1970's Martock Flood Alleviation Scheme. If the suggested alternative route is viable, the surface water from the site would enter 'main river' downstream from the vulnerable location of Water Street, and further reduce the risk of flooding .which occurred on a regular basis to over 20 properties on Water Street. The last occasion that Water Street flooded was in 1993.

3. Any new development should have a lifespan of 100 years. The proposed attenuation tanks for surface water storage have a reported average lifespan of 60 years. It is understood that the proposals regarding replacement and maintenance will be borne by the residents through a proposed management company with the cost shared between residents on the annual maintenance charge for the site.

4. Documents submitted with this application have errors which provide the impression that they have been compiled in haste, and this does not instil confidence in the accuracy of the information contained in some of the documents;

The Soils document dated August 2021, is clearly out of date when reference is made to the proposed construction of **5 properties, relating to a plan submitted by the applicant**, (Para 1.5 & Appendix 'A' Plan of the Site refers).

The RH Town Planning document, dated December 2022, states, " The topography can be described as mainly flat, although there is a **slight slope towards the southern end of the site with approximately 2 metres difference between the north and south boundaries of the site.**" (Para 2.2).

The above RH Town Planning statement contrasts with the Soils document, and the Advance FRA document which state," The surrounding area is generally flat with a **very shallow slope down to the north.**" (Table 2.2), and "**Existing levels fall from south to north, the land falls from around 25m AOD in the south to 22m AOD in the north.** The site is considered relatively flat with gradients around 1:50.", (Para 3.1.4.), respectively.

The RH Towning Planning document also incorrectly states, “ There is adequate room within the site for the surface water to be attenuated before being discharged into **the water course to the east of the site** at a controlled rate, and this forms the basis of the drainage strategy at the site”.(Para 7.42).

The Soils document **correctly states** with regard to the location of Bower Hinton Brook, (referred to as ‘the unnamed water course’), “Surface Water Features - The nearest surface watercourse is an **unnamed stream located along the western boundary of the site**. Flood Risk from **Rivers or Seas Flooding and extreme flooding from rivers and seas indicated along the western boundary of the site.**”(Table 3.1) .

The Advance FRA document states, “The application site is currently an agricultural field, the field is anticipated to for the most part drain naturally, via **the ditch on the western boundary**”,(Para 3.4.1.), but later states, “ From the UK Centre for Ecology and Hydrology FEH web service, the upstream catchment entering the site cannot be extracted – this is due to the catchment area being less than 0.5km² , in addition the upstream catchment is the area to the east and south, which is FLAT and predominantly rural. These parameters lead to a very low flow rate **within the ditch on the eastern boundary of the site.**”, (Para 5.4.1.). These two extracts obviously conflict and create doubt in the accuracy of the details in the document.

It is interesting to note that a previous planning application, (94/00144/FUL), to build a propert on land ith access from Dimmocks Lane went to Appeal when the application was refused by the District Council. The Appeal was rejected on the grounds that the proposed site was, “located beyond the defined development limit for Bower Hinton”, which is still the case now.

Dimmocks Lane is a Restricted Byway.

Section 34 of the Road Traffic Act 1988 provides the offence of driving a mechanically propelled vehicle without lawful authority on common land, moorland or land not forming part of a road, or on any road which is a footpath, bridleway or restricted byway. he is guilty of an offence.

The two Statements of Truth contained in the Advance Highways Technical Note document make reference to the information below with regard to the use of a mechanically propelled vehicle on Dimmocks Lane in the past;

It is not an offence under this section for a person with an interest in land, or a visitor to any land, to drive a mechanically propelled vehicle on a road if, immediately before the commencement of section 47(2) of the Countryside and Rights of Way Act 2000, the road was—

(a) shown in a definitive map and statement as a road used as a public path and

(b) in use for obtaining access to the land by the driving of mechanically propelled vehicles by a person with an interest in the land or by visitors to the land.

It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

The visibility splays of 43 metres, (Advance Highways Technical Note Para 5.2.3.), when emerging from the junction of Dimmocks Lane with Bower Hinton, are for light vehicles. The visibility displays were taken from a point 2 metres set back from the Bower Hinton carriageway. I understand that the Highway Authority use a distance of 2.4 metres set back from the carriageway, which in this case would provide a more restricted view along the Bower Hinton road. A minimum distance of 47 metres is required for HGVs and this has not been commented on.

The width of Dimmocks Lane may also be a deciding factor for access to the proposed site, which is commented on together with the visibility splay issue in the Somerset County Council Highways letter dated 07.12.21.

The Highway Authority will be required to make a decision as to whether the applicant will have a lawful right of access with a mechanically propelled vehicle to the proposed development, together with whether Dimmocks Lane is a suitable highway for motor vehicles.

Gordon Swindells
Flood Warden Coordinator
Martock