

SWT Planning Committee

Thursday, 25th November, 2021,
1.00 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh at the bottom right.

The John Meikle Room - The Deane
House

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 12)

Temporary measures during the Coronavirus Pandemic

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

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|---|------------------------|
| <p>5. 3/39/20/003</p> <p>Outline application (with all matters reserved) for the erection of up to 350 dwellings (comprising a mix of dwelling sizes and types and affordable housing), approximately 1,000sqm of flexible uses within Use class E (limited to offices, R&D and light industrial), vehicle access, public open space, sports and recreational facilities, footpaths, cycle ways, enhancements to the Barrows scheduled monument including information boards, landscaping and associated works: land to the West of Williton, off Priest Street, Williton.</p> | <p>(Pages 13 - 56)</p> |
| <p>6. 3/05/20/001</p> <p>Application for Outline Planning permission with some matters reserved (except access) for the erection of 5 No. Dwellings. Land off Withycombe Lane, Carhampton</p> | <p>(Pages 57 - 66)</p> |
| <p>7. 26/21/0005</p> <p>Erection of security fencing and change of use of yard areas for external storage for a period of 12 months at Unit 6 Poole Industrial Estate, East Nynehead Road, Nynehead</p> | <p>(Pages 67 - 74)</p> |
| <p>8. 38/21/0013</p> <p>Approval of Reserved Matters, following outline permission 38/12/0203, for the landscaping and specification of the</p> | <p>(Pages 75 - 84)</p> |

Local Equipped Area for Play (LEAP) within Phase 2, on land at Killams Drive, Taunton

9. 48/21/0055

(Pages 85 - 96)

Notification for prior approval for the installation of 1 No. 15 metre high monopole supporting 6 No. antennas, 4 No. equipment cabinets and development works ancillary thereto at Land at Yallands Hill, Monkton Heathfield

10. 10/21/0016

(Pages 97 - 110)

Replacement of bungalow with a two-storey detached dwelling at The Beeches, Taunton Road, Churchinford

11. Latest appeals decisions received

(Pages 111 - 114)



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. At the start of the meeting the Chair will confirm if all or part of the meeting is being recorded and webcast. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

SWT Planning Committee - 4 November 2021

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Roger Habgood, John Hassall, Mark Lithgow, Janet Lloyd (substitute for Cllr Blaker), Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Alison Blom-Cooper, Martin Evans (Shape Legal Partnership), Jeremy Guise (Planning Specialist), Briony Waterman (Planning Specialist) and Tracey Meadows (Governance and Democracy Case Manager)

(The meeting commenced at 1.00 pm)

61. **Apologies**

Apologies were received from Councillor Mark Blaker

62. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 14 October 2021 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 14 October be confirmed as a correct record.

Proposed by Councillor Lithgow seconded by Councillor Hill

The **Motion** was carried.

63. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr I Aldridge	3/39/20/003	Williton resident. Comments on flooding from the wider group of the community	Personal	Spoke and Voted
Cllr J Lloyd	Appeals	Appeals, 8	Personal	Spoke and Voted

		Worthy Drive, Wellington. Worked with the appellant, also Chair of Wellington Planning Committee when this application was refused permission		
Cllr C Morgan	3/32/21/007	Predetermination of the application	Chair of Stogursey of Parish Council	Spoke and did not voted on the application
Cllr L Whetlor	3/39/20/003	Ward Member for Williton and Watchet. Know to public speaker on application.	Personal	Spoke and Voted

64. **Public Participation**

Application No.	Name	Position	Stance
3/01/21/005	Mr K Martin	Local Resident	Objection
	Mr J Anderson	Local Resident	Objection
	Mr S Dowding	Bicknoller PC	Objection
3/39/20/003	Ms K Jones	Local Resident	Objection
	Mr M Terret	Local Resident	Objection
	Cllr L Naylor	(statement read out) Williton PC	Objection
	Mr P Grubb	Agent	In favour
3/32/21/007	Mr S Wardle	Local Resident	Objection
	Mr R Wand	Stogursey PC	Objection
	Mr R Williams	(statement read out) Agent	In favour

65. **3/01/21/005**

Application for approval of reserved matters following Outline Application 3/01/20/016 for the appearance, landscaping, layout and scale for the erection of 1 No. dwelling and garage. Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller

Comments from members of the public included;

(summarised)

- The proposal for a large Georgian style house would be totally out of keeping for the village and the AONB and would not compliment the adjacent Chilcombe House;
- Concerns with the disruption to water services that would be covered by the concrete;
- Concerns that no mention of permission for a culvert, or proposals for re-routing services was noted in the application;
- The proposed driveway was perilously close to a telegraph pole at the base of which serviced the internet for nearby properties;
- Highway concerns;
- The application was incongruous;
- Concerns with the likely damage to the peripheral trees and watercourse;
- Concerns with the loss of the hedgerow;
- A smaller house should be with the point of access moved. This would minimise the environmental damage to this sensitive area and the ANOB;
- The proposed access was on a dangerous blind bend only 20 metres from an existing access in the ownership of the applicant and would be less obtrusive access to the site;

Comments from Members included;

(summarised)

- The application was different and innovative;
- No real vernacular in the village;
- The development falls within the parameters of planning;
- The existing entrance should be used rather than create a new one;
- Concerns that this development was an infill and over development;
- Concerns with the loss of trees and hedges;
- Concerns with the removal of the telegraph pole and disruption to services;
- Concerns with the visual impact, design and scale of the development on the surrounding area;
- The development would create additional car journeys due to its rural area;
- Concerns that the development would not be carbon neutral;
- Concerns with the Culvert and flooding;
- A difference entrance was needed;
- Concerns with the effects on the AONB
- Concerns with where this development fitted in with the Design Guide;

Councillor Hill proposed and Councillor Lithgow seconded a motion that Reserved Matters be **APPROVED** subject to Conditions.

The motion **FAILED**

Councillor Lloyd proposed and Councillor Habgood seconded a motion for the application to be **REFUSED**

The **motion** was carried.

Reasons - Design, scale, and appearance of the dwelling contrary to Policy NH13. A more sustainable form of development linked to the Climate change emergency and the NPPF. Officers delegated to working on the wording for refusal and agreeing with Chair / Vice Chair.

66. **3/39/20/003**

Outline application (with all matters reserved) for the erection of up to 350 dwellings (comprising a mix of dwelling sizes and types and affordable housing), approximately 1,000sqm of flexible uses within Use class E (limited to offices, R&D and light industrial), vehicle access, public open space, sports and recreational facilities, footpaths, cycle ways, enhancements to the Barrows scheduled monument including information boards, landscaping and associated works. Land to the west of Williton, off Priest Street, Williton

Comments from members of the public included;
(summarised)

- Concerns with the impact of the development on the listed buildings and the town of Williton;
- Concerns with the loss of amenity space;
- The development would change the character of the area;
- The planting of trees on the site would mitigate car fumes and sound and light pollution and flood risk;
- Concerns with the viability impact on the High Street;
- We should be protecting our pasture lands so that we can produce more food for our population not cementing over it;
- We should be looking to develop brownfield sites and convert redundant retail outlets in the high street to meet housing needs. This would protect the environment and the precious green spaces;
- The development would add pressure to the already struggling local surgeries, dentist and schools;
- Traffic concerns on the A39 with the pollution and congestion that this development would cause during the summer months;
- Flooding concerns;
- A traffic and road policy were needed for the area;
- Concerns with access to the businesses for current and future pedestrians;
- The number of homes could comfortably be delivered on site;
- The site was sustainable;
- No concerns from Highways;

Comments from Members included;
(summarised)

- Concerns that there was no flood alleviation plan for Williton;
- Land should be set aside for flooding;
- Traffic concerns with the proposed 4 roundabouts in Williton and the A39;
- Concerns with the remoteness of this application;
- Landscaping issues;
- A safe pedestrian route was needed from the development to make it safer for pedestrians to get into Williton;
- Concerns with flooding on the A39;
- Infrastructure needed to be implemented before this development was commenced;
- Green fields should not be built on;
- Concerns that the aggregate number of houses proposed in the Local Plan would be pushed up by the 350 dwellings proposed;
- Concerns with the statement from the developer in the report stating that adaptations to the homes for use for people with disabilities was only an expectation;
- The site was not sustainable;
- Concerns with the lack of a Housing Needs Assessment;

Councillor Habgood proposed and Councillor Morgan seconded a motion for the application to be **DEFERRED** for a month.

Reason - For more information on the impact of the development on the Environmental Agency flood alleviation management plan;

The **motion** was carried

At this point in the meeting a 15-minute break was proposed.

Cllr Hassell left the meeting.

67. **3/32/21/007**

At this point in the meeting a half hour extension was proposed by Cllr Coles and seconded by Cllr Hill

**Erection of 5 No. dwellings with parking, car ports and access there to.
Land south of High Street, Stogursey**

Comments from members of the public included;
(summarised)

- Concerns that the plans for the garage and car parking areas were changed in October reducing the number of spaces from 18 to 12 without being given the opportunity to make any comment;

- The national and county Council Highways and parking design standards needed to be met for this development;
- There was no regular bus service to Stogursey so the application conflicted with Policy TR2, to reduce the reliance on the private car;
- Concerns with the lack of available parking and the addition of more dwellings with inadequate parking would have the potential to aggravate existing problems;
- Concerns with developing a green field site which was a viable amenity site for the villagers of Stogumber;
- Concerns with the proposed footpath;
- Development, not needed in the village;
- Lack of sustainability;
- The development brought high quality homes and was a sustainable development;
- No objections from Consultees;
- The development did not have any amenity to the community;
- As there was no public access to the site a new footpath would be created;

Comments from Members included;
(summarised)

- The development was not sustainable and a step to far;
- Unwanted and unneeded development;
- A local housing assessment survey was needed to ascertain local need;
- A S106 for play provision was not needed in the village;

At this point in the meeting a further 30-minute extension was proposed. Councillor Hill proposed and seconded by Councillor Lloyd.

- Concerns with the loss of amenity land;
- Concerns with increased parking;
- Concerns that this development was in a Conservation area and the style of homes did not fit with the area;
- Concerns with the number of houses proposed in this small village despite the Executive gave assurances that only 13 houses would be built in the village in any one year;

Councillor Lithgow left at this point in the meeting

- This was a classic infill and back land development;
- Concerns with the access being used for further development in the field;
- Concerns with green fields being built on;

Councillor Hill proposed and Councillor Wakefield seconded a motion for Conditional approval to be **APPROVED** subject to a S106 Legal Agreement to secure the Pedestrian Link.

The **motion** was carried.

68. **Latest appeals and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 5.10 pm)

Update report Ref. 3/39/20/003

Outline application (with all matters reserved) for the erection of up to 350 dwellings (comprising a mix of dwelling sizes and types and affordable housing), approximately 1,000sqm of flexible uses within Use class E (limited to offices, R&D and light industrial), vehicle access, public open space, sports and recreational facilities, footpaths, cycle ways, enhancements to the Barrows scheduled monument including information boards, landscaping and associated works: land to the West of Williton, off Priest Street, Williton.

Members will recall that this application was deferred on 4 November 2021 by the Planning Committee for further consultation with the Environment Agency in relation to how the development might affect their future flood alleviation plans. The Williton Flood Risk Management Options Appraisal 18/01/2018 document was circulated to Members shortly before the start of the meeting, which gave rise to concerns by Committee members that the issue had not been fully considered.

Following the committee meeting Planning Officers contacted the Environment Agency about the matter and the following response has been received:

The Environment Agency's position is as set out under earlier correspondence to the LPA dated 17th March 2020, and 4th and 27th August 2021, where we had no objection to the outline application. We asked for clarification on several points and we received a response from Stantec dated 13th August 2021. We look forward to further flood risk information being forthcoming at reserved matters stage.

This is an acceptable development in Flood Zone 1 at low flood risk, although the LLFA should be consulted and will have comments to make on surface water drainage.

We have plans to undertake a flood alleviation scheme upstream at some point in the future, and we are pleased that the applicants have confirmed they would be prepared to work with the Agency in its delivery. At this stage it remains aspirational.

As the Environment Agency have confirmed that the flood alleviation scheme is currently aspirational only, that they are aware of the proposed development and its implications for future flood alleviation schemes, and maintain that they have no objections, the report and officer recommendation remains as before (set out in appendix 1).

Application No:	3/39/20/003
Parish	Williton
Application Type	Outline Planning Permission
Case Officer:	Jeremy Guise
Grid Ref	Easting: 307257 Northing: 141177
Applicant	-
Proposal	Outline application (with all matters reserved) for the erection of up to 350 dwellings (comprising a mix of dwelling sizes and types and affordable housing), approximately 1,000sqm of flexible uses within Use class E (limited to offices, R&D and light industrial), vehicle access, public open space, sports and recreational facilities, footpaths, cycle ways, enhancements to the Barrows scheduled monument including information boards, landscaping and associated works
Location	Land to the west of Williton, off Priest Street, Williton

Recommendation

Recommended decision: Granted subject to

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans Site Location Plan Rev. A.

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

- 3 The development hereby permitted shall have regard to: the Concept Masterplan (ref. SAVI170901 CMP-06 Rev. E).

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

- 4 Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological investigation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme

Reason: To enable the remains of archaeological interest which may exist within the site to be appropriately recorded.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

- 5 The development hereby approved shall not exceed 350 dwellings.

Reason: To ensure that the development is sustainable and does not exceed the capacity of infrastructure in the area.

- 6 The development shall include the provision of allotments. They shall be laid out, provided with some parking, secure fencing, water supply and made available for use, prior to the first occupation of the 200th dwelling on this development site.

Reason: To ensure that the allotments are provided in an appropriate and timely way in conjunction with the development.

- 7 The Use Class E development hereby approved shall be limited to offices, research and development and light industrial and shall not change to other uses, including changes with Use Class E, without a specific planning permission.

Reason: The Local Planning Authority wishes to ensure that any future change of use, including changes with use class E, do not adversely affect the viability and vitality of the village centre, with reference to Policy SH/3, Retail Development Outside Minehead Town Centre, of the West Somerset District Local Plan 2006 (Saved Policies).

- 8 The Use Class E development hereby approved shall be completed and made ready for occupation prior to the first occupation of the 200th dwelling hereby approved.

Reason: To ensure that the Commercial, business and service unit(s) are provided in an appropriate and timely way in conjunction with the development with reference to Policies SC5, Self-Containment of Settlements; WI1 Wiliton Development WI2, Key Strategic Development Allocations at Wiliton and EC1, Widening and Strengthening the Local Economy of the West Somerset Local Plan to 2032.

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

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2021) and the Technical Guidance to the National Planning Policy Framework.

Reason for pre-commencement- To ensure that the development does not inadvertently result in flooding that results in disruption to the highway network.

- 10 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;

- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contactors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network, if required.

Reason: In the interests of highway and amenity of neighbouring residential areas.

During construction the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry, or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained, and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the construction phase of the site discontinues.

Reason: In the interests of highway and amenity of neighbouring residential areas.

Reason for pre-commencement- To ensure that the Construction Environmental Management Plan measures are agreed and in place prior to the commencement of construction works, and to minimise the impact of the development upon the amenities of neighbours.

- 11 During construction the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry, or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained, and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the construction phase of the site discontinues.

Reason: In the interests of highway and amenity of neighbouring residential areas.

- 12 Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.

Reason: In the interests of highway and amenity of neighbouring residential areas.

Reason for pre-commencement- To ensure that the construction access and contractors' parking/compound is provided prior to the commencement of construction works, and minimise the impact of the development upon the amenities of neighbours.

- 13 A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: To ensure that if the highway is damaged during the course of construction the developer is responsible for its' restoration.

Reason for pre-commencement- To ensure that there is a common baseline position in relation to the state of the public highway in the immediate area prior to the commencement of construction works, and reduce the potential for future dispute.

- 14 No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). The development shall include measures to prevent flooding and control and attenuate surface water. Once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

Reason for pre-commencement: The drainage details need to be submitted and agreed before development starts.

- 15 No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 16 The development shall include 10% of dwellings built to a standard where they are capable of easy adaptation to meet Lifetime Homes Standards. If the site is developed in phases, each residential phase shall include some provision, proportionate to its size, of dwellings that meet this criteria, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate mix of house types is provided in accordance with Policy SC3.

- 17 No development hereby approved which shall interfere with or compromise the use of footpath WL 28/24 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To maintain the functional use of the footpath during the duration of the construction period and thereafter.

- 18 Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to Local Planning Authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with policy NH6 of the West Somerset Local Plan.

- 19 The works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 20 Works will not in any circumstances commence until:
- a) Construction operatives have been inducted by a licensed dormouse ecologist to make them aware of the possible presence of dormice, their legal protection and of working practices to avoid harming dormice. Written confirmation of the induction will be submitted to the

Local Planning Authority by the licensed dormouse ecologist within one week of the toolbox talk.

- b) A copy of the mitigation strategy will be submitted to the Local Planning Authority.
- c) Works potentially affecting dormice will then proceed under the supervision of the licensed dormouse ecologist.

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

21 Works associated with the watercourses on site shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to the Wildlife and Countryside Act 1981 (as amended) authorising the development to go ahead; or
- b) A statement in writing from an experienced water vole ecologist to the effect that he/she does not consider that the specified development will require a licence

Reason: A pre-commencement condition in the interest of the strict protection of UK protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

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

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

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

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the presence of legally protected species.

23 No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:

(a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

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

(c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux . Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

24 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

a) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on species and habitats (may be provided as a set of method statements), including retained hedgerows, trees and field edges, watercourses, badgers, bats,

birds, dormice, otters, reptiles and water voles followed by appropriate mitigation, as required.

- b) The location and timing of sensitive works to avoid harm to biodiversity features.
- c) The times during construction when specialist ecologists need to be present on site to oversee works.
- d) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- e) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- f) Use of protective fences, exclusion barriers and warning signs.
- g) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 25 A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected /priority species and habitats are safeguarded in accordance with the CEMP and West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

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

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 27 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Himalayan balsam is included within this schedule. All Himalayan balsam waste is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 28 Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the

measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy NH6 of the West Somerset Local Plan.

- 29 To mitigate incidences of chemical spillages on the watercourses on site, prior to any vehicles being stored on the commercial storage area, a scheme outlining appropriate filling, storage and disposal methods for hazardous chemicals (in accordance to COSHH regulations and Environment Agency pollution prevention measures) must be submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition in the interests of UK protected and priority species and in accordance with policy West Somerset Local Plan to 2032: Policy NH6.

- 30 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority to commencement of construction works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BMEP shall include the following:

- a) A cluster of 4x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 50 Plots and maintained thereafter.
- b) Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the walls, and with the provision of artificial two artificial nest cups within on 25 Plots and maintained thereafter.
- c) 2x Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation of 25 Plots and maintained thereafter.
- d) 1x bee brick will be built into the wall about 1 metre above ground level on the south or southeast elevation of 40 Plots and maintained thereafter.
 - e) 3x reptile hibernacula will be created in the retained grassland.
 - f) Any new hedgerow/s should be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. The hedgerow will be coppiced and laid on reaching maturity and cut on a 3-year rotation thereafter.
 - g) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for

Pollinators, www.rhs.org.uk/perfectforpollinators” provides a list of suitable plants both native and non-native.

- h) Where the landscaping scheme allows new trees should be planted in suitable locations. The new trees planted on site should ideally be from local native stock, such as field maple, hornbeam, small-leaved lime, pedunculate oak, silver birch and beech.
- i) Designated areas will be planted with additional wildflower planting, specific to retained hedgerow conditions and soil type such as Emorsgate special general-purpose meadow mixture (EM3) and Emorsgate EH1F Wildflowers for Hedgerow mix, or similar.
- j) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 31 Prior to or concurrent with the submission of the first of the reserved matters applications for the development, a Design Code shall be submitted to and approved in writing by the Local Planning Authority.

The Design Code shall include all pertinent matters associated with the following subject areas:

- a. The overall vision and character of the development and its setting;
- b. The creation of character areas and neighbourhoods addressing the principles of the mix of uses;
- c. The conceptual design and approach to the public realm, including enclosure, natural surveillance, public art, materials, street furniture and signage, the incorporation of utilities and landscaping;
- d. The principles of, the street and public spaces hierarchy to address, movement and permeability, mobility and visually impaired users and traffic calming measures and making reference to the phasing of land parcels;
- e. The establishment of development parcel boundaries incorporating streets wholly within development parcels and boundaries drawn along the rear of property boundaries and establishing the approach to addressing consistency of design on either side of primary streets and the dedicated busway;
- f. The design of the transport network hierarchy, streets, cycle routes, footpaths and public spaces, providing typical street cross-sections, which should include details of tree planting and tree species, underground utility/service trench routes type and specification, and on street parking, including construction design details;

- g. The principles and structure of the blocks addressing key groupings or individual buildings, building form, massing, heights, scale and legibility, building typologies, density and use. This shall include the design principles addressing primary frontages, fronts and backs, pedestrian and vehicular access points, on plot car and cycle parking, threshold definition and surveillance of public realm areas, building materials and performance standards and design features;
- h. Approach to incorporation of ancillary infrastructure/buildings such as substations, pumping stations, waste and recycling provision for all building types. Approach to the provision of electric vehicle charging points/infrastructure, pipes, flues, vents, meter boxes, external letterboxes, fibres, wires and cables required by statutory undertakers as part of building design;
- i. Details of the approach to vehicular parking across the entire site including the amount of parking, location and layout of parking for people with disabilities;
- j. Details of the approach to cycle parking for all uses, including the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles;
- k. The hard and soft landscape design principles for the Strategic Landscaping Elements, including approach to the character and treatment of each of the elements, landscape typologies, a palette of materials for hard and soft landscaping and furnishings;
- l. The approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter;
- m. Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features;
- n. Details of measures to minimise opportunities for crime;
- o. Details of the Design Code review procedure and of circumstances where a review shall be implemented,
- p. Statement of Community Safety. The Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply ,who should use the Design code,and how to use the Design Code.

All subsequent reserved matter applications shall accord with the details of the approved design code, and be accompanied by a statement which demonstrates compliance with the code.

Reason: To facilitate the delivery of high quality development.

- 32 Prior to the submission of any reserved matters application on this site a comprehensive Health Impact Assessment shall be submitted to and approved by the

Local Planning Authority. The Health Impact Assessment shall set out in detail exactly how the proposal will address the impact of the development under the following headings:

Community Inclusion – will the proposal prevent community severance, assess the capacity, location and accessibility of social infrastructure, provide local employment and training opportunities, enhance access to the public transport network and allow people with mobility problems to access buildings and places. -Healthy Neighbourhoods - does the proposal facilitate the supply of healthy food e.g from gardens and allotments; Reducing Environmental Impacts on health – does the proposal provide open and natural spaces , provide opportunities for active play, encourage walking and cycling routes away from busy roads and is it designed to minimise noise and air pollution; Housing Mix – does the proposal include a range of housing types and sizes and meet at least the minimum requirements in the Nationally Described Space Standards.

Reason: In order to ensure that the development has a positive outcome for the health of future and existing village residents in accordance with Policy CF2: Planning for Healthy Communities.

- 33 'Within 6 (six) months of any new vehicular access off the A39 first being brought into use the listed Milestone shall have been restored to a prominent position within the verge, visible from the roadside, or arrangements shall have been made, and approved in writing by the Local Planning Authority, for the siting of a quality modern facsimile to be sited instead.

Reason:- The Milestone is an important feature associated with the history of the area. It needs to be restored to a prominent position close to the A39 frontage to the site where it can inform and delight current and future generations.

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 The applicant/developer is advised to contact the Highway Authority at earliest opportunity prior to making a TRO application to agree visibility splays and the extent of the extended speed limit.
- 3 The applicant will be required to secure a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary associated to this development. Please ensure that an advisory note is attached requesting that the

developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

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

- 5 The LLFA will expect to see in the following information order to discharge conditions 14 and 15.
 - Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
 - Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - o Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - o Where relevant, calculations should consider the use of surcharged outfall conditions.
 - o Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - o Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - o Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
 - Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
 - Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to

the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.

- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.

- With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required

- Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.

- A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

- 6 Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
- 7 Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
- 8 The applicant is encouraged to engage with the Council's Quality Review Panel at an early stage in the design process as set out in the emerging design guide SPD and supported by National guidance in the NPPF.
- 9 At reserved matters stage The Local Planning Authority will expect to see detailed plans relating to line, level and layout of the access road junction including a potential ghost island right turn lane and its means of construction and surface water drainage. The approved access road junction shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.

Section 106 Heads of terms

- 35% affordable housing mixed sizes mix of social rent intermediate tenure
- Transport

(a) Urban realm works to Fore Street. (c £50k)

Minor alterations outside of the main running carriageway to generally make the environment more comfortable / safe for pedestrians. This will include a range of minor interventions from amendments to kerb lines to provide widened footways and more efficient vehicle tracking, improved delineation of the existing signalised pedestrian crossing, a new raised table crossing, and minor reconfiguration of parking bays to allow wider footways to be provided.

(b) Financial contributions towards public transport improvements. (c £400k - £500k)

Two key service enhancements have been agreed with SCC:

- Service 15 to operate on Monday to Friday throughout the year, not just during college terms.
- Service 28 to be enhanced with additional evening journeys, Monday – Saturday.

(c) Delivery of circa 1,500m cycle path on land within Applicant's control (to form part of the Steam Coast Trail). (c. > £200k)

- Specifications of cycle path to be agreed with SCC.

(d) On-site Travel Plan (c. £200k - £300k)

Includes a range of "hard" measures such as site design and infrastructure, with "soft" measures such as information provision, marketing and raising awareness.

(e) Provision of Toucan crossing at Five Bells. (c. £100k - £200k)

- To provide safe pedestrian and cycle access to the local school.

(f) Walking and cycling linkages between the site and Williton. (c. £300k - £500k)

- Open space to be delivered on-site as follows:

- (a) NEAPs and LEAPs within the development site to serve the new homes.
 - (b) Community orchard.
 - (c) Community allotments.
 - (d) Battlegore Barrows cemetery – public access enabled through management of land, interpretation boards, foot/cycle paths.
- Contribution to Somerset Clinical Commissioning Group towards expansion of the existing doctors' surgery £119, 410
 - Contribution towards education of £3,664,761. Comprising: Early Years £574,112; First School £1,453,221; Middle School £1,112,852 and SEN schools £524,576. (Note that no upper school contribution is sought as at present they have capacity)

Proposal

Outline Planning permission is sought, with all matters reserved, for the erection of up to 350 dwellings and approximately 1,000sqm of flexible use within the Class E (Limited to offices, Research and Development [R&D] and light industrial [formerly Use Class B1a,b,&c]), vehicle access, public open space, sports and recreational facilities, footpaths, cycle way, enhancements to the Battlegore Barrow Cemetery Archaeological site (Scheduled Ancient Monument [SAM]), including information boards, landscaping and associated works. As originally submitted the proposal included a new doctors' surgery, but following discussions with the Somerset Clinical Commissioning Group (CCG) and the existing doctors' practice this element has been removed and replaced with a financial contribution towards the expansion of the existing GP practice.

The total site area, within the red line, is 28.4ha (approximately 70 acres). This includes all of the Policy WI2 strategic mixed use element of the Allocation, on the 'Land west of Williton site, and part of the Battlegore SAM.

The application is accompanied with an illustrative masterplan. It shows various different land uses and design concepts, illustrating how the development might be undertaken. In the accompanying Design and Access Statement (DAS) the applicant's architects and agents explain that the purpose of masterplan is to establish *'a set of parameters which can be used to control development at the reserved matters stage.'* Whilst this is helpful, it is worth keeping in mind that masterplan is only illustrative, and that it has been prepared for the current landowners, who are likely to sell the site on to the final developers. Details may well change, should it reach reserved matters stage.

A single vehicle access point is proposed off the A39 for the whole development. The existing superior farm access would be upgraded to a spine road running from south to north through the developable part of the site with distributor and secondary roads running off it.

- The junction with the A39 would be improved to provide better sight lines,
- A right priority turn lane for vehicles approaching from the east (Williton),
- Various measures to offset the impact of the additional traffic generated by the development upon the centre of the village (Urban realm works to Fore Street,
- Contributions towards public transport enhancements,
- Provision of land which is within Orchard Wyndham Estate control to support the delivery of the Williton to Watchet Cycle Route which is being developed by the Steam Coast Trail (STC))
- Contribution towards the delivery, of an on-site Travel Plan, provision of a new Toucan crossing at Five Bells providing a safe walk / cycle route between the development and the local school and new walking and cycling linkages between the site and existing built areas).

Pedestrian and cycle connections are proposed to the east and north. The original masterplan showed two pedestrian / cycle linkages running eastwards from the mixed use part of the site through the Battlegore Archaeological Protection area to link up with existing paths to the centre of the village, and a path snaking north eastwards through the barrows to emerge on North Road, opposite the Danesfield Church of England Middle School. Existing Public Rights of Way (PROW), WL28/19 and WL28/23, lead from this point respectively eastwards to St Peter's First School and northwards, over the hill, to Watchet. With the revival of the supermarket and associated retail plan for the former Glidden's site (see ref. 3/39/20/008) the applicant has, at officer's request, amended their plan to provide a pedestrian /cycle link to the eastern edge of their red lined application site. This will facilitate a future route along what is anticipated to be a 'desire line' to the supermarket and on to the village centre, should that development materialise.

The largest single element is the 11.8ha of 'developable' land upon which the applicant seeks permission to build up to 350 dwellings, of which 122.5 (35%) would be affordable, secured through a Section 106 legal agreement. The size and type of housing proposed is not specified, at this outline stage, beyond a commitment to *'incorporate a mix of development block sizes'* and its' division into four character areas: central spine, housing fronting green open spaces, rural edge housing and secondary streets.

The central spine road is shown running from the entrance, off the A39 in the southern part of the site, northwards through the middle of the developable part of the site. It is envisaged as a street with a continuous frontage of housing interspersed with small squares and limited vehicle access. A large green area is shown in the centre of the site with smaller 'green fingers' spoking off to the east and north west. These, and other green areas adjacent to the frontage, would have larger detached and semi-detached houses fronting them. The

greenspaces themselves would be used for *'host features such as swales, attenuation features, tree planting, equipped play spaces, footpaths* etc. Secondary streets containing parking and loop roads are shown in the middle, behind the spine road, and there's a rural edge of lower density housing proposed around the periphery. The rural edge intended to soften the impact of the development upon the wider countryside.

The application includes approximately 0.42ha of commercial space now shown located in the southern part of the site, close to the entrance and A39. As originally submitted, the D1, community use (surgery) and B1, commercial uses, were shown outside the site Allocation area in the centre east part of the larger red lined site area. The applicant considered that this better managed the transition between the existing built up area of the village and the developable part of the site. However, following removal of the proposed new surgery from the plans, expressions of concern about the development extending outside the Allocated site area and commercial traffic coming into the centre of the site to access the commercial units, this area was relocated to the southern part of the site, close to the entrance.

The area to the east of the Allocated site, between it and the western edge of the village, contributes to the setting of the Battlegore Cemetery Scheduled Ancient Monument (SAM), and is, at least in part, prone to flooding from the Monksilver stream (Flood Zone 3b). It was considered unsuitable for development by Strategic Planners preparing the Somerset West Local Plan to 2032, and not included in the site Allocation. The submitted plans show this area, and a small part of the Allocated site, used to provide an enhanced setting for the Battlegore SAM (interpretation boards paths), to provide playing fields (cricket, rugby, football and tennis), allotments (20 full sized) and a community orchard (50-80 fruit trees).

The application is accompanied by a comprehensive suite of supporting documents

- Design and Access Statement (DAS)
- Flood Risk Assessment
- Landscape Strategy
- Heritage Statement
- Planning Statement
- Residential dwelling units supplemental
- Statement of Community Involvement
- Transport Statement Parts 1-9
- Travel Plan 1-4
- Utilities & foul drainage appraisal
- Traffic impact and sustainable travel measures
- Health Impact Assessment (HIA)

The DAS explains the applicant's intentions:-

'To deliver a well-designed, high quality and healthy new community within the established village of Williton. A place that provides a wide range of housing to meet all local needs, a place that is accessible from, and well connected to the established village, supporting and enhancing the range of services and facilities, and somewhere that provides a network of public open spaces and places for residents to enjoy'

Site Description

The application site comprises a group of irregular shaped fields (approximately 28.4ha [70 acres]) located to the west of the village of Williton. It is divided into four fields and part fields by mature, well established, hedges. It is relatively flat, sitting within a natural 'bowl' within the landscape, but there is a slope of approximately 10m from south to north across the site. The site sits at a low point within rolling countryside within the Central West Somerset character area and is framed by Exmoor, to the southwest, and the Quantock Hills, to the north.

The site is currently accessed via a superior farm track off Priest Street (A39), the first section of which is also a Public Right of Way (PROW), WL28/24. This PROW makes an incursion into the site going from the existing site entrance at Mamsey Bridge, in the south, to the north before switching around nearly 160 degrees south east and returning to the Priest Road (A39), opposite PROW WL28/7, which continues to the south. Another PROW, WL28/6 runs along the western side of the village, to the rear of modern residential development in Shutgate Meadow to link up with a route to the community hospital and village centre. In the wider area, PROW 38/23 runs northwards from the B3191 towards Watchet. The southernmost section is hard surfaced with street lighting.

The red line of the application site includes part of the designated Archaeological Protection area associated with the Battlegore cemetery Scheduled Ancient Monument (SAM) and is located to the north east of the developable part of the site. It comprises five round barrows, three earthworks and two ring ditches all dating from the late Neolithic or Bronze age periods.

The application site is surrounded by agricultural land, to the south on the opposite side of the A39, to the west and north with Outmoor Wood, a Local Wildlife Site (LWS), to the north west. Further to the north west, beyond the wood, is Five Bells a linear hamlet of large houses stretched along the B3191 between Williton and Watchet.

The site is located approximately 230m from the centre of the village and separated from it by other agricultural fields. These are located within the floodplain of the Monksilver stream and are not suitable for development. Williton is a designated local service centre in the West Somerset Local Plan to 2032. It provides a range of shops and services including: community hospital, bank, police station, library, local government offices, doctors' surgery (Killick Way), primary and middle schools and a station on the West Somerset Railway, tourist line.

The A39 was formally an Eighteenth Century Turnpike Road, between Minehead to Nether Stowey. A Grade II Listed milestone is reputed to be located in the area at ST 0722 4082 west of Williton. The listing states that it is sandstone and cast iron, unusual in that the lettering is raised rather than incised.

Relevant Planning History

- Ref. 3/39/10/021 – Three temporary trial pits for the purposes of geotechnical investigation granted 21/10/2010
- Ref. 3/39/76/013 Domestic dwellings – withdrawn 22/04/1977

Relevant History on other planning sites in Williton

North East Williton Doniford Road (Part of Williton allocation site)

Ref. 3/39/18/009 Outline planning application with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access provision of open space and other associated works. Land to the East of Aller Mead, Doniford Road.

Ref.3/39/20/005 Application for approval of reserved matters pursuant to the grant of section 73 application 3/39/19/035 amending original outline application 3/39/18/009 for residential development comprising of 90 No. dwellings with associated infrastructure, public open space and play area: Land to the east of Aller Mead Way, Williton: granted 29/05/2020

Land at Bank Street / Fore Street: (Former J Gliddon & Sons Ltd. - supermarket site)

Ref. 3/39/14/010 Redevelopment of the site to provide a food store (A1) professional and financial services (A2), food and drink uses (A3), health services D1 residential dwellings (C3) vehicle and pedestrian access and associated car parking and landscaping (resubmission of 3/39/11/002: Land at Bank Street / Fore Street: Refused by West Somerset District Council 09/12/2015 Conditional planning permission subject to a Section 106 legal agreement allowed at a conjoined appeal (Planning Inspectorate reference APP/H3320/W/16/3151392 , 04/07/2017)

Ref. 3/39/14/024 Outline application (with all matters but access reserved) for the erection of up to 480sqm gross of flexible Class A1/ A2 floor space linked to proposed redevelopment of land associated with application ref. 3/39/14/010 to include vehicle and pedestrian access and landscaping: J Gliddon & Sons Ltd., Bank Street; Refused by West Somerset District Council 09/12/2015 Conditional planning permission subject to a Section 106 legal agreement allowed at a conjoined appeal (Planning Inspectorate reference APP/H3320/W/16/3151393, 04/07/2017)

Ref. 3/39/17/027 Partial demolition of 21A/ 21B Fore Street with formation of covered pedestrian route, alterations to front elevations and formation of pedestrian route on land to the rear: 21 & 23 Fore Street Conditional Planning Permission granted 13/04/2018

Ref. 3/39/20/008 - Outline application with all matters reserved, except for access, for the redevelopment of the site to provide a food store (A1) professional and financial services (A2), food and drink uses (A3), health services D1 residential dwellings (C3) vehicle and pedestrian access and associated car parking and landscaping. Undetermined - reported elsewhere on this agenda.

Consultation Responses

Williton Parish Council - OBJECT to the proposal on the following grounds:

- Excessive amount of housing- The 90 houses approved at Aller Mead plus 350 proposed on this site and potentially 150 on the site adjacent to Dransfield School equals 590. The allocation is for 'approximately 406'
- Adverse impact of extra housing upon infrastructure particularly schools and doctors' surgery
- The increase in traffic using the road network not adequately modelled or mitigated
- Poor connections – the spine road is a cul-de-sac which does not link to the B3191. Pedestrian and cycle links do not lead into the village centre.
- The masterplan lacks detail. It is not possible to tell what impact the development will have on Williton and the surrounding area.
- A housing needs survey is required – could evidence that less than 35% affordable housing is required.
- Footpath cycle links are in flood zones 2 and 3. Note the A39 sometimes floods.

Further comments received on amended plans 05/08/2021

- Still no footpath links to the centre of the village
- Very concerned insufficient and inadequate traffic plan
- Adverse impact on village vitality
- Vehicle link to Five Bells (B3191) requested to ease congestion on A39
- The proposed bus stop could be a road blockage

Highways Development Control - Based on the submission as it currently stands and the latest package of mitigation measures proposed by the applicant it is on balance considered that the proposed development broadly meets the highway policy requirements set out within the NPPF as well as those set out within Local Plan Policies MI1, TR1 and TR2.

It is accepted that sufficient information is available to be able to have a reasonable understanding of the likely traffic impact of the development. Whilst the Highway Authority acknowledges that the development will add incrementally to the known pressure points on the local highway network, it is difficult to argue that such impacts will be 'severe'. The mitigation measures proposed, along with an acceptable travel

plan, offer genuine opportunities to promote and improve sustainable means of travel in the locality with the potential of a longer term modal shift for future residents.

With these comments in mind and should the LPA be minded to approve the application then the Highway Authority would seek that the following matters be secured by an appropriate S106 agreement and planning conditions:

Section 106 Agreement –

- To commit to providing an appropriate NMU access into the adjacent site to the east (application 3/39/20/008) to optimise NMU permeability to and from local amenities, subject to both schemes being granted planning consent.
- To provide an appropriate Travel Plan, detail to agreed and finalised at S106 stage.
- To submit and secure a TRO to extend the existing posted speed limit, to an extent that is compatible with the necessary visibility splays, to be agreed in writing with the Highway Authority.

The Highway Authority also recommend that pre-commencement conditions are attached

- Line, level and layout of access details to be submitted and approved
- Discharge of surface water scheme to be submitted and approved
- Submission and approval of a Construction Environmental Management Plan (CEMP)
- Construction vehicle cleaning before leaving the site
- Construction access and contractors' parking to be provided before commencement
- Condition Survey of the existing public highway before commencement

Environment Agency - The Environment Agency has No objections.

Somerset Ecology Services (SES) – No objection to this application subject to conditions to ensure compliance with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain.

Recommended conditions relate to: badgers; dormice licence; water vole licence; reptiles; lighting (bats); Construction Environmental Management Plan (CEMP); mitigation compliance; landscape & ecological management plan; invasive species; water pollution protection and Biodiversity enhancement (net gain)

The site is dominated by intensively farmed arable land. Species-poor semi-improved Grassland. It is bound and divided by hedge banks with the majority of hedgerows are situated on earth banks. Mature trees within the hedge banks are limited to three

mature oak trees. Under the current proposal it is assumed that all hedgerows except two hedgerows will be retained. A number of water features present on site, ruderal vegetation has colonised the banks of ditches and field margins across the site.

Local Wildlife Site (LWS), Outmoor Wood, immediately adjacent to the north-western boundary of the site.

The application site lies within Band B of the Bat Consultation Zone for the Exmoor and Quantocks Oak Woodlands SAC. No bat roosts were found or recorded on site, although bats were found to use the site. All mature trees are to be retained on site, if this alters further assessment of individual trees for the potential to support bats will be required.

Natural England - The proposal does not trigger any Impact Risk Zones for designated sites and landscapes.

Natural England accept the HRA findings and concur with the conclusion that the development would not have a likely significant effect on the Exmoor and Quantocks Oak Woodlands SAC.

NHS - GP Practices - The development of 350 dwellings would increase the number of patients registered at the West Somerset Healthcare practice by approximately 1,000. This development together with other development planned in the area between now and 2032 could mean that the GP surgery could reach capacity. The CCG will therefore be seeking an off-site contribution towards the expansion of the existing GP surgery.

Somerset County Council - Lead Local Flood Authority (LLFA) - The proposed development is considered acceptable, subject to planning conditions. The conditions relate to :-

- Submission and approval of details of a sustainable surface water drainage scheme for the site, and
- Submission and approval of details of a plan for the future responsibility of the surface water drainage system

Somerset County Council Public Rights of Way (PROW) - There are public rights of way (PROW) recorded on the Definitive Map that run through the site at the present time (public footpaths WL 28/24, WL 28/6) and a PROW that runs adjacent to the site (public footpath WL 28/7). But there are no objections to the proposal, subject to inclusion of conditions and informatives

Housing Enabling Officer -Seeks 35% affordable housing (123 out of 350 dwellings) comprising a mixture of house sizes, mostly 2-3 bed sought, and tenures: affordable rent 50% and low cost home ownership 50%. Some housing to be provided which accords with Policy CF2, Planning for Healthy Communities. There are currently 4 households on Homefinder Somerset with need for an adapted property. Affordable housing to be secured through a registered provider and secured by a Section 106 legal agreement. Service charges to reflect affordability.

Comments on play and open space

West Somerset Local Plan POLICY CF1 requires the appropriate provision of formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development.

On site play areas LEAPS and NEAPS should be centrally located and overlooked by front facing dwellings to promote natural surveillance.

All areas of child play space (casual areas, LEAPS and NEAPS) must be located and designed so as not to cause noise problems to nearby dwellings, in accordance with relevant environmental health standards. Buffer zones, perhaps including roads, buildings and landscaping, are likely to be needed. The buffer zone provided on this site is an area of bramble and small trees.

As the public open space is to be provided as part of a development, conditions will be imposed requiring the developer to arrange for its future maintenance. The developer may negotiate a commuted sum to discharge this liability to the Local Authority District or Parish Council.

Tree Officer - Most of the significant existing trees on this site are within boundary hedges, so the outline plan shows that it should be possible to retain these trees and to allow them plenty of space to continue as mature trees. The outline concept indicates a reasonable number of open spaces and verges that will allow for the planting of good-sized trees that can be managed so that they attain their natural mature size.

Conservation Officer - The historic record shows a grade II listed Milestone. Late C18 Sandstone and cast iron. Monolithic slab, cambered head, set

into bank at roadside, about 400 mm high with attached cast iron plaque, semi-circular headed top central section and raised lettering: '8 Miles to Minehead'.

Unusual in that the lettering is raised rather than incised.

SOUTH WEST HERITAGE TRUST (SWHT)- 33 trial trenches have been dug, the site has been visited by the County Archaeologist . No remains found.

HISTORIC ENGLAND - has no objection to the application on heritage grounds provided the harm caused to the significance of the heritage assets by development within their setting can be offset enabling the application to meet the requirements of the NPPF paragraph 190, 193,194 and 196.

The proposed development site is located close to the cemetery. It provides the opportunity to remove the site from Historic England at Risk register by taking the site out of plough permanently. A management plan to be agreed with Historic England and South West Heritage Trust will be required to enable ways to conserve and enhance the barrow site

Somerset County Council Education -

350 dwellings in this location would generate the following number of pupils for each school type below

- 32 early years (pre-school)
- 81 First years
- 52 Middle years
- 30 upper years
- 04 Special Educational Needs (SEN)

Contributions are sought for early years, first, middle, and SEN schools totalling £3,664,761.00. A contribution is not required for upper schools and the school in the area has capacity.

Wales & West Utilities - Have confirmed that they have apparatus located in the area which may be directly affected by these proposals.

Representations Received

Four site notices were posted and neighbours consulted about the application in accordance with the Council's consultation policy. This has resulted in 30 initial consultation responses: 1 representation in support; 27 objections and 2 neutral comments on the application. Some letters have more than one signature.

Support

- It is good news for younger people with affordable housing

Neutral Comments – comments on the application

- The Milestone Society, and one other correspondent, seek information about the grade II listed milestone located close to the proposed entrance to the new site.

The grounds of objection can be summarised as follows:-

- Numbers of houses is excessive
- Insufficient doctor's surgeries Infrastructure doctors / schools
- Few job opportunities
- Loss of good agricultural land
- Better sites elsewhere
- Unaffordable Housing
- Increase in commuting/ in traffic
- Impact on landscape & tourism
- Exacerbate existing flooding /Land is prone to flooding
- Health Impact Assessment is a tick box exercise

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

Policy SD1 Presumption in favour of sustainable development

Policy SC1 Hierarchy of settlements

Policy SC2 Housing Provision

Policy SC3 Appropriate mix of Housing types and tenure

Policy SC4 Affordable housing

Policy SC5 Self-containment of settlement

Policy WI1 Williton Development

Policy WI2 Key Strategic development allocations Williton

Policy EC1 Widening and strengthening the local economy

Policy TR1 Access to and from West Somerset
Policy TR2 Reducing reliance of the private car
Policy CF1 Maximising access to health, sport, recreation and cultural activities
Policy CF2 Planning for Healthy Communities
Policy CC2 Flood Risk Management
Policy CC5 Water Efficiency
Policy NH1 Historic Environment
Policy NH3 Areas of High archaeological potential
Policy NH4 Archaeological sites of local significance
Policy NH6 Nature conservation and the protection and enhancement of biodiversity
Policy NH7 Green Infrastructure
Policy NH11 Bat Consultation Zone
Policy NH13 Securing High Standards of Design
Policy ID1 Infrastructure Delivery

Retained saved policies of the West Somerset Local Plan (2006)

TW/1 Trees & Woodland Protection
TW/2 Hedgerows
R/7 Amenity Open Space
R/8 Allotments
R/12 Informal Recreation Facilities
T/8 Residential Car parking
T/9 Existing Footpaths
UN/2 Undergrounding of Service Lines & New Development

Other relevant policies

Affordable Housing SPD
Emerging Districtwide Design Guide SPD

Determining issues and considerations

The key issues to be considered in assessing this application are:-

1. The principle of mixed use residential development
2. The amount of development
3. Compatible non-residential uses
4. Highways impact, access and parking provision
5. Flood risk considerations
6. Ecology and biodiversity considerations
7. Health Impact Considerations
8. Affordable Housing
9. Specialised Housing
10. Design considerations
11. Heritage considerations, and
12. Section 106

1. The principle of residential development

National and local planning policy supports a plan led system where the locations of major new residential development are, for the most part, determined through an site allocation process. The process identifies the most suitable sites for new development within the council area (in this case the former West Somerset Council area) and sets them out in an adopted local plan. The general expectation is that allocations within the local plan will be substantially realised within the plan period. Of course, changes in circumstances, unforeseen 'windfall' sites, etc., can alter delivery plans, but a failure to bring forward new development on allocated sites may have consequences for the Local Planning Authority in meeting the 5 Year Housing Land Supply and Housing Delivery Test.

Strengthening Minehead, Watchet and Williton is a strategic objective of the West Somerset Local Plan to 2032. Its' Spatial Policy SC1, Hierarchy of Settlements, seeks to concentrate new development in Minehead/ Alcombe and the rural centres of Watchet and Williton 'on a scale generally proportionate to the respective roles and functions to their own communities and those in the surrounding settlements...' Policies WI1 and WI2 relate to Williton. They state:-

POLICY WI1: WILLITON DEVELOPMENT *Development proposals at Williton must:*

- *Support and strengthen the settlements role as a local service, administrative and employment centre for the north eastern part of West Somerset district, particularly in terms of the range and quality of its services and facilities, and;*
- *Contribute to the improvement of traffic and transport management within the village, and;*
- *Complement the provision of employment opportunities, services and facilities in neighbouring Watchet*
- *Where appropriate, development must contribute towards resolving the flood risk issues*

which affect the settlement.

POLICY WI2: KEY STRATEGIC DEVELOPMENT ALLOCATIONS AT WILLITON *Within the areas identified on the policies map to the west and north of Williton, mixed development will be delivered subject to an indicative masterplan incorporating:*

- *approximately 406 dwellings, and;*
- *approximately 3 hectares of appropriate and compatible, non-residential uses.*
- *enhancement of the designated heritage asset Battlegore Barrow Cemetery and its setting should take place. The site should be enhanced to ensure its use as a communal asset and contribute positively to the community. This should be achieved through landscaping, public access, appropriate use of the site and the implementation of a management plan agreed with Historic England. The development must be facilitated by the appropriate integrated provision of transport, community and flood risk management infrastructure to include walking and cycling links connecting the new development with the village centre.*

This proposed development is on an allocated site within the West Somerset Local Plan and the principle of development on this site is therefore supported subject to the proposed development according with other policies within the Core Strategy.

2.The amount of development

There is a significant difference between the Policy WI2 Allocation figure for new dwellings in Williton (approximately 406) and the likely numbers of new dwellings that will be delivered, if all three parcels of land identified in the policy allocation are built out.

The Williton Policy WI2 Allocation comprises of three parcels of land. The land West Of Williton, which forms the current outline application site, is at 18.3ha the largest parcel of land within the Allocation. If approved, the site would deliver up to 350 dwellings. Combined with the 90 dwellings delivered at Doniford Road these two parcels would deliver 440 dwellings, nearly 10% more than the Policy Allocation.

The North of Danesfield School site is, at 8ha., the medium sized parcel within the Allocation. No concrete figures have been produced for the numbers of dwellings this site might provide. It is, to some extent, dependent on whether Danesfield School uses some of the allocated land for its' expansion, and, if so, how much. The applicant's agent suggests another 100-150 houses, although given the low densities and the government's exhortations (NPPF para. 124) to make efficient use of land and avoid low density development 150 is more likely, and 200 is plausible.

What this means for Williton is the prospect of 550-600 new dwellings on the three parcels of land within the Policy WI2 Allocation. This figure is nearly 50% more than the indicative figure. In terms of population numbers, the 2011 Census recorded Williton as having a population of 2,602. The average household size in Somerset West and Taunton is below

the National average at 2.2 persons per household. Multiplying from this figure gives a bold park figure for the increase in the size of the village of 1,220-1,300 people during the plan period, compared to the planned growth figure of 900.

The Planning Policy team have reviewed this planning application and have not raised any concerns in relation to the increased number of dwellings on the grounds that Policy SC2, Housing Provision envisages 2,900 new dwellings being completed across the former West Somerset area in the plan period with a significant contribution coming from unallocated, 'windfall' sites. As the justification section to Policy SC2 states, past patterns show that: *Historically approximately 80% of new development within the Local Plan area has taken place at the area's main service centre of Minehead/ Alcombe, and the secondary service centres of Watchet and Williton.*

The additional housing provision proposed aligns with Local Plan expectations as to where windfall sites are most likely to come forward. Locations where there are shops and services are most concentrated to serve them, such as the application site, are optimum locations.

3. Compatible non-residential uses

The West Somerset Local Plan to 2032 contains general Policy SC5, Self-Containment of Settlements, which seeks to encourage a balance of land uses within a settlement in terms of minimising overall transport use. The supporting text explains the purpose of the policy is to *'bring about a better balance in the provision of employment, services, housing and transport infrastructure so as to minimise transport demand insofar as is practical in West Somerset'*.

The two Williton related policies in the Local Plan, Policy WI1, Williton Development, and Policy WI2, Key Strategic Development Allocated at Williton, both support these objectives with specific references. WI1 requires development to *'support and strengthen the settlement's role as a local service, administrative and employment centre for the north eastern part of the West Somerset district particularly in terms of the range and quality of its services and facilities'*. Whilst Policy WI2 requires the provision of *'approximately 3ha. of appropriate and compatible non-residential uses.'*

The application proposes approximately 0.42ha. (1,000sqm) of 'E' class development. Use Class 'E' was brought in by the government last year to replace a very wide range of different planning use classes which were formally separate: shops, financial and professional services, restaurants and cafes, non-residential institutions, assembly and leisure, offices, light industrial uses and research and development (R&D). Its' intention was to allow much greater business flexibility.

The issues are whether the amount of development satisfies the policy requirements, whether it is appropriately located within the development site and whether the proposed E

class uses are acceptable in relation to the proposed new residential development and their impact upon the village.

The WI2 Policy does not define exactly what constitutes “*appropriate and compatible non-residential uses*” – although Local Plan as a whole and the supporting text is supportive of employment uses. The concept masterplan shows 1.75ha of non-residential uses (0.42ha Use Class E, 0.57ha non-residential including orchard, and 0.76 non-residential including allotment/food hub).

The amended concept masterplan shows the location of Use Class E changed from the central eastern position outside the site Allocation, where it was originally shown, to the south eastern corner of the Allocated site. This is close to the entrance removing the need for commercial vehicles associated with the E class use to travel into the residential parts of the site and allowing a wayfinding signage.

Some of the uses in the new use class ‘E’, particularly retail, have the potential to undermine the viability and vitality of the existing village centre. Point (iv) of Saved Policy SH/3, Retail Development outside Minehead Town Centre, requires that development: - *‘by its nature and scale, will not adversely affect the viability and vitality of Minehead Town Centre or the shopping centres of Watchet or Williton’*.

In this case the applicant has volunteered that the ‘E’ class uses will be restricted to offices, R&D and light industrial uses. These uses are synonymous with the old B1(a) office, B1(b) research and development, and B1(c) light industrial uses and are considered to be compatible with the proposed residential development and the maintenance of the village’s viability and vitality. To ensure that the approved uses remains limited within the ‘E’ class it is considered necessary to append a condition restricting change of use within the class, and this is recommended.

4. Highways impact, access and parking issues

Despite being listed as a reserved matter, the site’s only road frontage is onto the A39, to the south, where there is an existing superior field access. Vehicular access to the red lined site is only possible from this frontage. The concept masterplan shows the existing superior field access upgraded, with improved visibility sightlines and a right turning lane to provide the sole vehicular access to the site. There is no objection, in principle, to this arrangement.

As the applicants have extensive landholdings around the site, and an earlier version of the concept masterplan indicated a potential future link from the spine road northwards to the B3191 south east of Five Bells, your officers have, in conjunction with the Highway Authority and the applicants’ transport consultants, explored the possibility of providing a secondary vehicular access from the north. There would be some advantages to providing such a link: the spine road would become a purposeful thoroughfare, rather than a feature in a giant cul-de-sac, improving

connectivity and it would provide an alternate route through the site to the north without going through the centre of the village or using the Washford Cross junction. However, the proposal is not supported by the applicants or their highway consultants. In their view it would provide only strictly limited relief to traffic congestion in the village and may have an adverse impact upon the setting of the Battelegore SAM.

After careful deliberations it is accepted by the Highway Authority and your officers that the case for seeking the provision of a secondary vehicular link to the north is not sufficiently strong to insist upon its' provision. In this context it should be noted that the Policy WI2, Key Strategic Development Allocations at Williton, makes no mention of the need for a link road to the north and the more general Policy WI1, Williton Development, has only a generic requirement that proposals *Contribute to the improvement of traffic and transport management within the village.*

Instead the applicants have agreed with the Highway Authority to a series of traffic mitigation measures to offset the impacts of additional traffic from the development upon the local highway network. These are: urban realm works; contributions towards public transport enhancements; provision of land in applicant's control to support the delivery of the Williton to Watchet Cycle Route that is being developed by the Steam Coast Trail (STC); contribution towards its' delivery; on-site Travel Plan delivery; provision of a new 'Toucan' crossing at Five Bells providing a safe walk / cycle route between the development and the local school and new walking and cycling linkages between the site and existing built areas. Subject to these being secured via Section 106 legal agreement clauses, no objection is raised to the development on highway impact grounds.

The need to avoid construction on Monksilver floodplain results in the proposed development being slightly detached from the centre of the village. Nevertheless the centre of the village, with its' facilities and transport connections (bus stops) along with the schools to the north, are obvious 'desire' lines for pedestrian and cycle routes. The proposal includes the provision of a number of footpaths and cycle routes, linking up with existing connections and creating a potential new link through the 'Gliddens' supermarket site to the village centre, in the event that that proposal is implemented. Connecting the development to the village centre and schools will provide residents with an alternative to the private car for local journeys with corresponding benefits in terms of sustainability and individual health.

The internal road layout, parking and garaging arrangements would all be matters for detailed consideration at Reserved Matters stage, in the event that outline planning permission is granted. What can be stated is that the broad design concepts referenced in the illustrative masterplan: loop roads varied character zones, road narrowing and turns to conceal and reveal vistas and reduce the dominance of the car in the street scene provide a positive place from which to start the design process.

West Somerset remains relatively remote with a limited public transport network. For the foreseeable future private motor vehicles are likely to remain the dominant mode of transport consequently adequate provision must be made for their parking. The development would be expected to comply with the parking standards set out in the

Saved policies of the West Somerset Local Plan to 2006: Policies T/8, Residential Car Parking and, in respect of the ' Class E and community uses, T/7 Non-residential car parking, including the provision requirements for people with disabilities. The Council will seek to ensure that all households have access to electric vehicle charging points (EVCs) and fast Broadband. Although not specifically required by West Somerset policies, they are included in the emerging Districtwide Design Guide SPD and are becoming necessities of modern life for many.

Objections have been raised about the impact of the proposed development on the local road network and road safety. It should be noted that the Highway Authority has not objected to the proposal subject to a new vehicular access.

5. Flood Risk Considerations

The Environment Agency 'Flood Map for Planning' shows the site lies predominantly within Flood Zone 1 and partly within Flood Zone 3b as defined in the Planning Practice Guidance (PPG) 'Flood Risk and Coastal Change'. Areas in Flood Zone 1 are considered to have a low probability of flooding, whereas Flood Zone 3b is a functional floodplain, where water has to flow or be stored during flood events.

The developable part of the site, on which it is proposed to situate the more vulnerable residential uses, is located entirely within Flood Zone 1. This means that it is unlikely to flood and, with suitable surface water attenuation, should not contribute to flooding elsewhere. The area comprising the 'gap' between the existing western wedge of the settlement and the developable part of the site, as shown on the Allocation and reflected in the concept masterplan, is floodplain in Flood Zone 3b. It is proposed that this part of the site is restricted to amenity uses only. The proposed removal of obstructions and use of storage ponds will increase the floodplain storage capacity in this area, and contribute towards addressing the flood plain risk issues which affect the settlement, in compliance with the requirements of Policy WI1 and Policy CC2, Flood Risk Management .

The conditions recommended by the LLFA in relation to submission and approval of surface water details are endorsed and included in the recommendation.

6. Ecology and biodiversity considerations

The site is arable improved grassland and ruderal vegetation of low ecological value. The highest ecological value is in the field hedgerows and floodplain ponds which, for the most part, the proposal seeks to retain or improve. This accords with Saved policies TW/1 Trees and Woodland Protection and TW/2 Hedgerows. Nevertheless as the PEA has detected the presence of a number of protected species (badger, dormice; water vole reptile [grass snake] and bats) conditions to ensure that the construction minimises disturbance to them and their habitats are recommended by Somerset Ecology service and are endorsed.

The proposed concept masterplan shows the inclusion of significant areas of public open space (POS) and green buffers around the development. These have the potential, if judiciously planted with native species, to actually enhance it and provide a measure of

biodiversity net gain in accordance with the provisions of policies NH6, Nature Conservation and protection and enhancement of biodiversity, and Policy NH7 Green infrastructure.

Private gardens, the proposed allotments and community orchard all offer a more bio-diverse environment than the existing arable improved grassland and would contribute towards biodiversity net gain.

Conditions to ensure submission and approval of a landscape and ecological management plan and a Construction Environmental Management Plan (CEMP) are considered necessary.

7. Health Impact considerations

The Health Impact Assessment that has been submitted in support of the application has been prepared by a suitably qualified professional. It explains how the proposed development will achieve a positive outcome against 12 criteria themes from housing quality and design through to health inequalities. The outline application indicates that features such as public open space, play areas, pedestrian and cycle linkages to the centre of the village and schools and a community orchard will be provided and makes contributions towards health and education infrastructure. It is considered to provide a satisfactory level of detail for the purposes of the outline application but will need further detail when the reserved matters are considered. In order to embed health considerations into the detailed design it is therefore considered necessary to append a condition requiring submission of a detailed health impact assessment(s) with the reserved matters application, or each phase, if the reserved matters are submitted in parts.

8. Affordable Housing

The proposal exceeds the 11 dwelling size threshold set out in WSLP to 2032 Policy SC4, Affordable housing, and generates a requirement for 123 (122.5) affordable dwellings in accordance with the 35/100 (35%) ratio set out in the policy. As a greenfield site with few constraints the expectation is that affordable housing will be delivered in accordance with policy.

The applicant's proposal, to provide 35% affordable housing, is in full compliance with policy, and is welcomed. This will need to be secured via a S.106 or similar legal agreement which will also include clauses relating to the split in affordable housing tenure, between social rent and intermediate ownership, a local letting clause and to ensure that the delivery of the affordable housing is front loaded or at least delivered in parallel with that of the market housing.

The specifics of ensuring compliance with Policy SC4 (3) points A-B, like for like housing size and type, minimum community agency standards etc. would fall to be determined at the reserved matters stage, should permission be granted.

9. Specialised housing

The Local Plan does not have a specific requirement for a percentage of homes to be built to a standard where they can easily adapted to accommodate the needs of people with disabilities (level entrances, wide hallways/ door openings, bungalows, straight stair runs etc - the 16 point 'Lifetime Homes' criteria checklist promoted by TCPA Foundation). There is a general commitment to providing for inclusive communities in the supporting text to Policy SC3, Appropriate Mix of House Types and Tenures. Under the purpose of the policy it states:-

To encourage the provision of lifetime homes and a proportion of bungalows etc. this is particularly important in view of the demographic changes occurring in the District and particularly the imbalance in the proportion of old/young people.

Given the older demographics of the population in the area there is an expectation that the development will include dwellings capable of adaptation for use by people with disabilities. A guide suggestion is that a minimum of 10% (35 dwellings) comply with Lifetime Homes criteria. A condition to ensure that housing provision for people with disabilities is not overlooked at reserved matters stage is recommended.

10. Design considerations

The application has been submitted in outline only with all matters reserved. The illustrative plan, which accompanies the application, shows how the amount of development for which permission is sought might be accommodated. In as far as it goes, it introduces a number of important design concepts – commercial and residential segregation, a road hierarchy, variable housing densities, green swathes, retained hedges and trees, green buffers, tree lined streets and overlooked public open space all of which, if judiciously deployed could form the basis of an attractive and sustainable environment for future residents and their visitors. However, in this case the applicant is the landowner. It is very likely that the development will be undertaken by another developer whose architect and designers will contribute their own ideas into a worked up reserved matters application/s, should permission be granted. The Local Planning Authority should expect to receive reserved matters application/s providing details of appearance: means of access (see comments below); landscaping; layout and scale . At this stage there will be further opportunity to consider these matters in detail and approve or seek changes as necessary.

A condition requiring submission and approval of a Design Code prior to the submission of the first reserved matters application and use of the Quality Review Panel is required in accordance with the guidance set out in the emerging Design Guide SPD.

The provision of extensive areas of public open space (POS) around the development including equipped play space (NEAP and LEAPs), allotments and a community orchard, secured in Section 106 legal agreement clauses is welcomed. This will need to be augmented with details of the ongoing management and maintenance of the public open space / public realm and community facilities.

11. Heritage considerations

The Battlegore cemetery SAM is located to the north east of the application site, with part of it overlapping with the non-developable part of the site.

The SAM is currently on the 'Heritage at risk Register'. English Heritage and South West Heritage have welcomed the applicant's proposal to commit to a management plan for the site, which they anticipate will allow it to move off the 'at risk' register. This adheres to the provisions of Policy NH2, Management of Heritage Assets, which requires that proposals which :-

A). Are likely to affect the significance of a heritage asset, including the contribution made to its setting should demonstrate an appropriately evidenced understanding of the significance in sufficient detail to allow the potential impacts to be adequately assessed. ...And, particularly

B). Will help to secure a sustainable future for West Somerset's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.

The Battledore site covers land outside the application site, but within the applicant's ownership. A Grampian style pre-commencement condition is considered necessary to secure submission and approval in writing by the Local Planning Authority, in conjunction with English Heritage and SW Heritage, of a Management Plan for the Battlegore Cemetery site. The management plan would be expected to include provision for the managed public access and interpretation of the site, such as low key finger boards fulfilling one of the requirements of Policy W12.

The developable part of the site is located outside the area of High Archaeological Potential identified for Wiliton (Inset Map 21 of the Local Plan). Nevertheless, given its close proximity to the Battlegore Cemetery site. The County Archaeologist considered it to have a potential impact on archaeology requiring field evaluation before determination as well as a desk based study. This is provided for in Policy NH3, Areas of High Archaeological Potential, (section in brackets) which states:-

Proposals within areas of high archaeological potential, as shown on the policies map, (or elsewhere with the potential to impact on heritage assets with archaeological interest) should be accompanied with a statement describing the significance of the heritage asset and the likely impacts on the asset. This is likely to require a desk-based assessment incorporating a settings assessment where designated assets are likely to be impacted and where appropriate a field evaluation.

The applicants have undertaken 33 Trenches. Whilst the field evaluation has not identified any significant remains relating to the Barrow cemetery, it is still possible that discoveries will be made during excavation or landscaping works. For this reason a condition is required to ensure full recording of any archaeology encountered during development. The nature of the archaeological mitigation is likely to be a combination of watching briefs (monitoring) and the requirement to strip topsoil under archaeological supervision in certain areas. The details of

this mitigation should be agreed with the Council's archaeological advisor (SWHT) before the submission of an archaeological Written Scheme of Investigation (WSI).

There are no listed buildings on site or within the immediate vicinity. The only listed structure recorded is the unusually incised milestone (grade II) associated with the original Turnpike Road. This is referenced by Historic England, The Milestone Society and the Somerset branch of that society. It is believed to be / have been located close to the A39 frontage in the southern part of the site. Unfortunately, to date, the applicants have not been able to establish its' current location, or whereabouts if removed for safekeeping, or otherwise.

As the Milestone is an important feature associated with the history of the area it needs to be restored to a prominent position close to the new entrance to the site, where it can inform and delight current and future generations. Ideally, the original milestone should be re-sited, but a contingency needs to be put in place to require a quality modern facsimile to be commissioned and placed instead, if the original can't be found. A condition to secure this within 2 years of the new access being developed is recommended.

12. Section 106 affordable housing and infrastructure

Section 106 provisions securing on site benefits or contributions towards off-site infrastructure are justified by three policies.

Site specific Policy WI2 which seeks enhancements to Battlegore Barrow Cemetery and 3ha of appropriate and compatible non-residential uses of which the proposed community orchard and allotments contribute.

Policy SC4 Affordable housing 35% affordable housing mixed sizes mix of social rent intermediate tenure. This would be secured by a Section 106 legal agreement which would be included a local lettings policy and provision to ensure delivery concomitant with the market housing

Policy ID1, Infrastructure Delivery, which states:-

'The planning and delivery of development should ensure efficient and effective use of existing infrastructure and should provide for the delivery of an appropriate level of justified new or improved transport, education, health, cultural, sport, recreation and green infrastructure in relation to the development proposed.'

A package of transport measures is sought to promote sustainable transport options such as walking and cycling, public transport as an alternative to private car use particularly for shorter journeys.

With the exception of the recently extended West Somerset College (Upper School) the existing schools in the area do not have the capacity to accommodate the increase in pupil numbers likely to be generated by the development. In the absence of other funding, the county Education Authority is seeking significant contribution sums from the developers.

An expansion of the existing surgery in Williton is required to cope with an increase in patients associated with this development, and other planned development in the area. It is considered appropriate to seek a contribution from this development towards the cost of that provision Policy ID1 justifies contributions towards health provision from development proposals, where required.

The outline masterplan shows extensive areas of public open space, centrally located play areas and new linkages to ensure connections to the village centre and schools together with facilitating access to the Battelegore Barrow Cemetery site, with the potential that it becomes a minor tourist attraction. The section 106 legal agreement will include provisions that these developments and their future management regime are provided.

Conclusion

The 'Land to the west of Williton' site forms the largest part of the strategic development allocations for the village in the current plan period, up to 2032. There is a longstanding expectation, arising from the local plan Allocation, that the site will be developed.

Consideration has been given that, when viewed together with the other identified strategic allocation sites in Williton, the total amount of new residential development proposed for the village in the plan period, is set to exceed the overall allocations. This raises issues about the impact of the proposed development upon local roads, schools and healthcare facilities etc. Consultation with key stakeholders: SCC Highways, SCC Education and CCG has indicated that, subject to the proposed section 106 provisions, the existing village infrastructure can be adapted and enhanced to accommodate the proposed new residents.

The application site has been submitted in outline with all matters reserved for latter consideration, should outline consent be granted. Nevertheless, it is clear from the supporting information supplied with the application, especially the indicative layout drawings, that the developable part of the site is capable of accommodating the 350 houses proposed. The proposed residential density is fairly low and the site has relatively few constraints, either on it or in the immediate area. Those working on a more detailed design, at reserved matters stage, would have plenty of scope to provide an attractive urban extension, that satisfies council policies in relation to living conditions, recreation and amenity space, green infrastructure and sustainability. To facilitate this it is recommended that a masterplan / design code is developed to support a reserved matters application and that this is considered at an early stage by the Council's Quality Review Panel in line with guidance in the emerging Districtwide Design Guide SPD.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Application No:	3/05/20/001
Parish	Carhampton
Application Type	Outline Planning Permission
Case Officer:	Abigail James
Grid Ref	
Applicant	Mr R Sherrin
Proposal	Application for outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings
Location	Land off Withycombe Lane, Carhampton, TA24 6RF

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 It has not been possible to secure recreation/community infrastructure contributions and as such it is considered the implementation of the development would have adverse impacts upon the local area. As such the proposal is contrary to Policy ID1 of the West Somerset Local Plan 2032 and Planning Obligations SPD 2009.

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings.

Site Description

The application site is a parcel of agricultural land located south of the A39, east of Hill Lane and north of Withycombe Lane in Carhampton. To the west is residential development, and to the south and east of the site lies further agricultural land.

The application site has a total area of 3400sqm. It is located and accessed from Hill Lane. The site has a concrete drive with metal field gates and contains a flat roof, unfinished blockwork structure.

Relevant Planning History

3/05/17/016 - Outline application with all matters reserved except for means of access for the erection of 5 dwellings and associated works. Refused on 30/1/18. An appeal was allowed on 31 May 2018. **The inspector considered that the development would not generate an unacceptable level of highway risk and subject to a condition concerning attenuation the development would not be at an increased risk of surface water flooding nor would it increase the risk to adjoining properties or to the road.**

3/05/18/009 - Outline planning permission with some matters reserved, except for access, for the erection of 3 dwellings. Granted on 23/07/19.

Consultation Responses

Carhampton Parish Council – Firstly points out the following inaccuracies in the application form:

Q6 The agent states the current use of the land is 'agricultural land'.

Q6 - the agent states that there is no suspicion of land contamination.

Q10 the agent states that he does not know how foul sewage is to be disposed of when the site is adjacent to a main highway.

Q11 the agent states that the site is not within 20 metres of a watercourse and that surface water disposal through soakaway will not increase the flood risk elsewhere.

Q12 the agent states that trees and shrubs are on the site. The application also indicates that a footpath will be provided along the east side of

Withycombe Lane from the A39 to the development site. This will involve removing the existing mature hedge.

Q15 the agent is unable to say how many bedrooms each of the proposed dwellings will have but that they will all be for open market sale.

Q16 the agent states that there will be no loss on non-residential floorspace.

Q17 whilst it is obvious that no employees are on this site for more than a few minutes at any one time, given the nature of the current use, it is incorrect of the agent to state that there are none.

All Members are agreed that this application should be objected to on the following grounds:

- Highways
- Nature, biodiversity or trees the destruction of mature trees
- Drainage
- Account must be taken of the sewage generated by the approved

development south of this site along Withycombe Lane (Garlands 3/05/17/016 and 3/05/18/006) to ensure a complete picture of the effect on the village is established.

Wessex Water Authority – no objections- advice to be added as informative.

Highways Development Control - It is noted that part of their proposal is to create a 1.8m footway linking to the bus stop on the A39, which involves cutting back a bank and installing a reinforced earth retaining structure.

This will be a Category 0 structure to CG300. An AIP will not be required but a design and check certificate will which shall contain the information set out in Appendix I if CG300 plus a copy of the calculations including the design assumptions, surcharge loads (10kN/m² min), soil parameters, allowance for overdig in front of the wall and protection from falling material.

All works within or adjacent to the highway will also require an agreement under s278 Highways Act 1980. If the access road is to be offered for adoption a separate agreement will also be required under s38 Highways Act 1980.

In the event of permission being granted, conditions have been recommended.

SCC - Ecologist - The application site is not hydrologically connected to the Somerset Levels and Moors Ramsar or in a Bat Consultation Zone. Should planning permission be granted, a number of conditions are required.

Habitats Regulations Assessment

Not required.

Representations Received

4 objections were received which raised concerns regarding:

- Traffic
- Flooding
- Soak away not efficient
- Ecology
- Need for housing
- Type of housing
- Precedent
- Noise and light pollution
- Existing building on site
- Character
- Lack of highways compliant footpath

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC4	Affordable Housing
SV1	Development at primary and secondary villages
ID1	Infrastructure delivery
NH1	Historic Environment
NH13	Securing high standards of design
TR2	Reducing reliance on the private car
CC6	Water Management

Other relevant policy guidance:

Emerging District wide design guide SPD 2021
Interim Guidance Statement on Planning for the Climate Emergency February 2021
Planning Obligations SPD 2009.

Determining issues and considerations

The key material planning considerations in determining this application are:

- a) Principle of development
- b) Impact on the character and appearance of the area
- c) Flooding and drainage
- d) Highways
- e) Landscaping
- f) The provision of recreation/community infrastructure

These matters are considered below

Principle of development

Carhampton is a 'Primary Village' where policies SD1, SV1 and SC1 are applicable. Policy SD1, advises that there should be a presumption in favour of sustainable development and that proposals should be considered on economic, social historic and natural environmental conditions in the area. The proposed development will contribute to the settlement and the wider area.

Policy SV1, advises that development in primary and secondary villages should be

designed to form an integral, harmonious addition to the settlements character and to help maintain or enhance their existing level of service provision and also help to create balanced communities at a level appropriate to their role and function. It is considered that the addition of these five dwellings are a harmonious addition to Carhampton which reflect the existing character of the area and which will enhance service provision by contributing to the village in terms of economic and social roles.

Policy SC1 guides that limited development in such areas could be considered, so long as the development would contribute to the wider sustainable benefits of the area, it must be within or in close proximity to contiguous built up area, and it must demonstrate the following;

a) It is well related to existing essential services and social facilities:- The site is within walking distance of the village hall, a pub and small shop via existing pavements down to the centre of Carhampton and the local facilities of a Post Office, Village Hall and Public House.

b) There must be safe and easy pedestrian access to services and social facilities:- Hill Lane, does not have a designated pavement/footpath, however part of the proposal is to create a 1.8 metre footpath linking to the bus stop on the A39, which will create a safe route to the pavement leading to local amenities.

c) Development respects the historic environment and complements the character of the existing settlement:- It is considered that the proposed detached dwellings could be designed to be in keeping with built development in the area which comprises of a mix of both semi-detached and terraced two storey housing in the area.

d) Development does not generate significant additional traffic movements over minor roads to and from National Primary and County Highway network:- An increase of vehicle movements on Hill Lane is inevitable and this is discussed further in the report. Access is proposed via an existing access point currently serving the field.

e) The development does not harm the amenity of the area and of adjoining land uses:- This application is for Outline permission and the submitted indicative layout of the five new dwellings would be an extension in close proximity (50m) to the contiguous built-up area of Carhampton which is classed as a Primary Village in the new local plan.

The definitions to policy SC1 makes clear that "limited development" in the context of Primary Villages means individual schemes of up to ten dwellings providing about a 10% increase in a settlements total dwelling numbers during the local plan period (to a maximum of 30% in any 5 year period). The Local Plan defines "limited development" as individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period. As the Development Plan should be read as a whole, the acceptability of any development is also with regard to all other relevant policies in the Local Plan. This proposal is for 5 dwellings and so fits within the definition of this policy requirement.

For all of these reasons, the proposed development is not considered to be contrary to the policy requirements of the West Somerset Local Plan and is acceptable in principle.

Impacts on the character and appearance of the area

This proposed development is on partially undeveloped agricultural land which appears to be used as a dumping ground. There is a small block building on the site. The surrounding local vernacular consists of mostly bungalows. The indicative design suggests the 5 dwellings would be chalet type which would be consistent with the other dwelling styles in the vicinity.

At this stage only the principle of development and the access to the site is being considered. Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

Flooding and drainage

The site is identified on the Environment Agency website as being located in Flood Risk Zone 1. This is the lowest flood risk area and is defined as being land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (that is less than 0.1%).

As the site is located within Flood Zone 1 and designated as having an extremely low risk of flooding by the Environment Agency, a Flood Risk Assessment is not required.

The Inspector's consideration of the site known as Garlands (ref 3/05/17/016), located south of this site concluded that there was no reason why the site could not be developed without increasing flood risk on the site or adjoining areas.

Comments returned from Wessex Water are noted, and should planning permission be granted an informative would be added to draw them to the applicant's attention.

Similarly a condition recommended by Highways could be added in regards to the provision of surface water to prevent discharge onto the highway.

Highways

The Highway Authority has not raised an objection to the principle of five dwellings on the site and is satisfied that the indicative layout does seem to provide sufficient parking and turning for vehicles.

It is proposed to improve the visibility to the north and south by cutting back the existing hedge and reforming the existing grass bank. To the south of the access it is proposed to erect a low level stone retaining wall to accommodate the change in ground levels.

The Parish Council have drawn attention to the hedgerow. It is unlikely that cutting back of a section of hedgerow would require planning permission. If the hedgerow is protected the applicant would be required to submit a notification to the Council.

The Planning Inspector in the appeal decision at Garlands (3/05/17/016), which adjoins the same road, considered that that the development did not conflict with local policies SC1 (4D) and TR2 with regard to an increase in traffic movements over a minor road and would not generate an unacceptable level of highway risk.

The proposed development is therefore considered acceptable on highways grounds, subject to conditions as suggested by the Highway Authority.

Landscaping

The indicative layout appears to accord with local policies NH5 and NH13 of the West Somerset Local Plan to 2032 and the District Wide Design Guide. It is considered that further future information provided at the reserved matters stage would fully consider the impacts on the site and the wider area.

Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

Planning Obligations

As only 5 dwellings are proposed, off site contributions are not required as noted in the NPPF and as such a contribution for affordable housing as outlined in Policy SC4 can not be requested.

Recreation/community infrastructure contributions are however required as outlined in guidance contained within Policy ID1: Infrastructure Delivery of the Local Plan, and also via adopted Council policy (Planning Obligations SPD, 2009). These are based on a contribution of £2,000 - £5,000 per dwelling, starting at the upper end of the range, depending on evidence being provided on the viability of the scheme and the level of contribution that can be paid. This should be provided for 2 or more dwellings in Carhampton.

The Agent initially indicated that the applicant would provide a unilateral agreement of £5,000 per dwelling. However, Ann Higgings, the LPA's consultant Lawyer emailed the solicitor for the applicant on 24 March 2021 advising that she would agree to them drafting the Unilateral Undertaking and again requesting an undertaking for payment of fees. To date no response has been received.

Conclusion

It has not been possible for the Council's Lawyer to contact the applicant's solicitor and therefore the unilateral agreement of £5000 per dwelling has not been possible to secure. The proposed development is therefore contrary to the Council's SPD and

Policy ID1 and it is recommended for refusal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.



26/21/0005

DUNNS MOTORS LTD

Erection of security fencing and change of use of yard areas for external storage for a period of 12 months at Unit 6 Poole Industrial Estate, East Nynehead Road, Nynehead

Location: UNIT 6, POOLE INDUSTRIAL ESTATE, EAST NYNEHEAD ROAD,
NYNEHEAD, WELLINGTON, TA21 9HW

Grid Reference: 314994.121882 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be completed within three months of the date of this permission and maintained as such thereafter.

Reason: In the interests of local amenity.

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

(A4) DrNo 2444-PL-01A Location Plan

(A3) DrNo 2444-PL-02F Proposed Block Plan

(A3) DrNo 02120-HYD-XX-XX-DR-TP-0001 - Visibility Splays

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

3. There shall be no activity within the yard area edged in green on the approved plan no. 2444-PL-02A outside 7.00am and 6.30pm Monday to Saturday (incl) and not at all on Sundays, Bank or Public Holidays, other than the arrival and departure of vehicles used in connection with the use hereby approved.

Reason: In the interests of residential amenity.

4. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan (Drawing No 20120-HYD-XX-XX-DR-TP-0001 Rev P01). Such visibility shall be fully provided prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

5. The areas allocated for access, parking and turning on the submitted plan (Drawing No 2444-PL-02 Rev F), shall be kept clear of obstruction and shall not be used other than for the purpose of access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

6. Secure and covered spaces for not less than 3 staff and visitors' bicycles shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission and maintained as such thereafter.

Reason: In the interests of highway amenity.

7. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 25 November 2022 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out. (NB – An agreed note showing the condition of the site before works begin should be attached to a permission granted subject to this condition).

Reason: In order to re-assess the situation after 12 month's have passed, in the best interests of resident amenity.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

Erection of security fencing and regularisation of use of yard areas for external storage.

Units 5 and 7 are existing commercial units. The unit between those properties, Unit 6, was destroyed by fire in recent years and the area has been remodelled as external yard area.

There have been recent tensions between the applicant, TLU Contracts and neighbouring residents at Higher Poole Cottages over the use of the yard area east of Unit 7 for commercial storage. In seeking to resolve these issues, it is proposed that:

- The yard area within the old Unit 6 would be used for external storage of materials, to maximum height 5 metres (etched in purple).
- The area south from Units 5, 6 and 7 would be used for further storage, but to a maximum height of 2.5 metres (etched in orange).
- Vehicle parking would be available south of Unit 7.
- In order to make the area proposed for storage to be secure, a fence would be erected across the yard between Unit 5 and the roadside boundary. This would be a 2.4 metre high palisade fence in grey finish, incorporating 2, 4 metre wide side hung metal palisade gates.
- The yard area edged in green shall be subject to a restricted hours condition stating as follows: "There shall be no activity within the yard area edged in green on the approved plan no. 2444-PL-02A outside 7.00am and 6.30pm Monday to Saturday (incl) and not at all on Sundays, Bank or Public Holidays, other than the arrival and departure of vehicles used in connection with the use hereby approved." This is the same wording as on the extant consent, but extends the area with restricted working further west, away from the residential properties.
- A condition will be added to ensure the works and time restrictions will be put in place within 3 months of the permission.
- The use will be temporary, for a period of 12 months from the date of any planning approval.

Site Description

The application site comprises 3 of 7 units arranged along the northern boundary of Poole Industrial Estate. To the south and west of the units is a large yard area used for storage and parking.

The industrial estate has had various planning permissions for a mixture of B1, B2 and B8 uses (see planning history below).

There are a number of residential properties located in close proximity to the application site boundary, to the south and east, known as Higher Poole Cottages.

Relevant Planning History

26/17/0003 – Variation of Condition No's. 02 (approved plans) and 03 (working hours) of application 26/16/0019 at Unit 7 – CA – 17/05/2017.

26/16/0019 - Planning permission was granted in March this year for a change of use of warehouse premises at Unit 7 to light industry (Class B1 (c)) and storage and Distribution (Class B8). This included the use of the yard area for external storage and vehicle parking. Two designated lorry spaces were to be provided leaving the

remainder of the yard either for open storage and/or parking. This application sought to establish a definitive planning use for unit 7, which was vacant at the time.

In 2002 permission was granted for B1, B2 and B8 use in Unit 6 for a parcel delivery, sorting and dispatching depot.

Permission granted in 1999 for units 1, 2, and 3 to be used for a mix of B1, B2 and B8 uses.

4/46/77/006 - permission was granted in April 1977 for the erection of the new building and conversion of said building for warehouse purposes with integral office space and light industrial use (Class B1). This permission restricted the warehousing area as an ancillary use (Storage (B8) for wholesale/warehouse purposes of not more than 15,000 square feet. The offices were only to be used for light industrial and ancillary purposes.

Consultation Responses

NYNEHEAD PARISH COUNCIL – 1st consultation - The information provided for the amendments to this application is insufficient. A map alone does not provide any clarity. Consequently, Nynehead Parish Council still does not support this application due to this site and its current use being incompatible with adjacent residential amenity. The decision regarding security fencing and the change of use of the yard areas should be delayed until the on-going environmental issues regarding working hours, noise and the dust and dirt created by the current occupant are resolved with local residents. A full environmental impact study should be undertaken before any decision is made. In addition, there should be restrictions on external lighting. The following condition is requested "National Planning Policy Framework (NPPF) Clause 180 (c) and Taunton Deane Adopted Core Strategy 2011-2028 Clause 6.46, both recognise the importance of limiting the impact of light pollution from artificial light on local/residential amenity, dark landscapes and dark night skies. In order to minimise light pollution, it is recommended that any outdoor lights associated with this proposed development.

2nd Consultation – **have confirmed they shall send comments following their meeting on the 16 November 2021 and these will be provided in an update report to members.**

SCC - ECOLOGY – No objection.

ENVIRONMENTAL HEALTH OFFICER - I note the suggested restrictions below. Extending the area with time restrictions to include the area in front of Unit 7 should ensure that no night time working can be carried out close to the houses. When Environmental Health investigated complaints about Unit 7 one of the main issues was the siting of the aggregate bays close to the houses; if this proposal allows them to be moved to Unit 6 (which is further from the houses and between two other units) then it should reduce the noisy activities taking place close to the houses.

Ideally there would be time restrictions on the rest of the site, however I understand the site has an existing commercial/industrial uses with no restriction on hours of

operation, and so if this application was refused this type of unrestricted uses could continue on the site.

Also, I note that the proposal is for a temporary use, and so this would allow the changes to be implemented and carried out for a year, which should give an idea of whether they have resulted in any changes to the amenity of nearby residents

Therefore, I can see no reason for Environmental Health to be able to object to this application.

SCC - TRANSPORT DEVELOPMENT GROUP – 1st consultation:

Insufficient information has been provided to demonstrate that an appropriate level of visibility can be maintained for vehicles exiting the site on to the public highway and that there will be adequate space for vehicles, in particular HGV's, to turn within the industrial estate so that they can enter and leave the public highway in forward gear, which is essential to highway safety. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF).

2nd consultation - The amended details seek to address a number of concerns raised in my initial comments.

It is noted that a speed survey has been undertaken in support of the proposal and that based on the 85th percentile vehicle speeds in both directions passing the site would appear to be slightly over 25mph. Based on such speeds visibility splays of 34m in either direction, measured to the nearside carriageway edge, would be acceptable.

Visibility splay drawings have been provided indicating splays of 34m however these have been drawn to a point 0.5m off the carriageway edge which is slightly below the expected standard. Bearing in mind that there do not appear to be any restrictions at present over how the areas immediately either side of the access, and which sit within the visibility splays, are used this is considered to be an improvement to the current situation and can in this instance be accepted.

Details have now been provided that demonstrate how HGV's will be able to successfully manoeuvre within the site so as to enter and leave the public highway in forward gear.

It is disappointing to see that the applicant has chosen not to revisit the parking layout however it is accepted that these proposals are not so poor as to be a reason to object, especially when taking into consideration the existing ad hoc parking arrangements and use of the forecourt areas.

The submitted Technical Note makes reference to cycle storage for up to 3 bicycles, which is in line with the requirements of SCC's Parking Strategy subject to such facilities being safe, secure, covered and convenient to use. This is acceptable in principle however, despite their assertion that these details have been included on the amended layout plan it is not clear where they are proposed to be accommodated or to what standard. It is accepted however that such details can be addressed by an appropriate condition.

Habitats Regulations Assessment

Not required.

Representations Received

In total 16 representations have been received (some were identical) and raised concerns regarding:

- Noise & disturbance
- The use of the site
- The hours of operation
- Mental health
- Privacy
- Dust

Cllr Wren initially registered an objection which raised concerns regarding:

- Noise and nuisance
- Hours of operation

Further comments have not been received from Cllr Wren following the amended plans and the proposed conditions imposed.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements

A1 - Parking Requirements

Local finance considerations

Community Infrastructure Levy

Not applicable.

Determining issues and considerations

The site concerns Units 5, 6 and 7 and land surrounding on an established industrial estate.

Units 5, 6 and 7 are rented from the present applicant by TLU Contracts Ltd., a Groundworks Contractor working on behalf of BT Openreach, working on the Carillion Telent BAU Contract in Somerset and Devon. This involves providing superfast broadband, new service connections, upgrades and repairs to the existing network. The use of the premises is primarily for storage of materials, equipment

and vehicles used in connection with this business, together with repair and maintenance of these items as required. As such, the units need to be accessible at certain times hence the need to split the site into areas with different hours of operation to find a harmonious solution for both the existing use and the adjoining residents.

The use of the yard to the front and east of Unit 7 was established as part of planning permission 26/16/0019. The use of Units 5 and 7 will not change from their extant lawful use under previous planning approvals and will have no restricted hours which will facilitate occasional night working when vehicles need to be loaded in order to respond to an emergency call-out. As such, it is the use of Unit 6, its yard area and the yard area of Unit 5 for B8 use which needs to be regularised. A B8 use is considered to be synonymous with the established use of the site and is therefore considered to be acceptable. Furthermore, Unit 6 was previously operating as B8 use when it was a parcel delivery, sorting and dispatching depot.

The approval of this application would allow the yard area east of Unit 7 to be available for vehicle parking and lower levels of storage than is the case at present, which would lead to less noise and disturbance for residents. In addition, the condition proposed regarding hours of operation (mentioned in the proposal section) would ensure that this area would not be used outside certain hours which would be beneficial to the existing situation.

Furthermore, the use of Unit 6 for the storage of loose aggregate would ensure no loose aggregate could be stored in the yard area to the east of Unit 7 which again, would be better for the residents of Higher Poole Cottages.

The 2.4 metre fence proposed between Unit 5 and 6 and the roadside boundary is considered to be necessary for security purposes. The appearance of the fence is considered to be appropriate in this established industrial estate. The LPA appreciate that the fence may not harmonise with the appearance of the housing but its presence will lead to fewer amenity impacts for the residents of the housing in terms of noise and disturbance and it is therefore considered on balance to be acceptable.

As shown on the plan (ref. 2444-PL-02) the proposal maintains parking provision for 2 lorries, 15 cars, and 1 cycle space which is considered sufficient. The Highways Officer has confirmed that the situation is acceptable subject to appropriate conditions.

In regard to lighting, no lighting is proposed as part of this application and therefore cannot be controlled. However, if lighting has been erected without planning permission or the applicant is in breach of a lighting condition as part of the previous planning permission, then this will be investigated by Planning Enforcement.

In relation to the concerns raised in the representations, the LPA has duly noted these concerns during the course of this application and has worked proactively with the agent in order to come up with a sensible solution in the best interests of resident amenity.

By allowing the yard areas to the front of Units 5, 6 and 7 and the former Unit 6 to be used for storage, this alleviates the yard area that is immediately to the rear of the

houses. Furthermore, a planning condition will be imposed that prohibits the use of the area closest to the houses, outside of the hours of 7.00am to 6.30pm Monday to Saturday (incl) and not at all on Sundays, Bank or Public Holidays, other than the arrival and departure of vehicles used in connection with the use hereby approved. If this application is not approved, the situation will continue to be as approved by the 26/16/0019 permission.

In order to re-assess the situation after 12 months have passed and in the best interests of residents amenity a condition will be added to ensure the applicant will need to re-apply for planning permission. At this time, an assessment can be made as to whether the changes have been beneficial to the residents or if any further changes are required.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Abigail James

38/21/0013

SUMMERFIELD DEVELOPMENTS SW LTD

Approval of reserved matters, following outline permission 38/12/0203, for the landscaping and specification of the Local Equipped Area for Play (LEAP) within Phase 2, on land at Killams Drive, Taunton

Location: LAND OFF KILLAMS DRIVE, TAUNTON

Grid Reference: 323455.123142

Reserved Matters

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be carried out in accordance with the approved plans listed Drawing Numbers: DrNo.L.02 & DrNo 2105.29541

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

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Proposal

Approval of reserved matters, following outline application 32/12/0203, for the landscaping of the Local Equipped Area for Play (LEAP) within Phase 2 off Killiams

Drive.

The five pieces of equipment consist of:

- 1) Multi play unit
- 2) Apple Springer
- 3) Toddler Swing Metal posts
- 4) Low platform roundabout
- 5) Quatro Springer

In addition there is a bench and litter bin all enclosed by a 1m high powder coated fencing on grassmat.

As originally submitted reserved matters approval was sought for a Neighbourhood Equipped Area for Play (NEAP) within Phase 2 which included a Multiple Use Games Area (MUGA) and 11 pieces of equipment in the schedule, but following receipt of 18 letters of representation (LOR's) objecting to the proposal and a 55 signature petition addressed to the applicants, Summerfield, amended plans were received showing a LEAP instead. It is believed that the applicant's intend to provide a NEAP in the unbuilt Phase 3 of their development, at the southern end.

Site Description

The site is located at the northern end in the centre of the public open space with the community orchard to the north west and Blackbrook Stream and balancing pond to the south east.

Relevant Planning History

- Ref. 38/12/0203 Outline planning permission with some matters reserved for the formation of access from Killams Drive and Avenue and for the development of up to 315 dwellings, up to 5 live work units, 2 commercial start units (up to 50sqm each) provision of land (up to 1.2ha) for a primary school together with associated areas of open space (formal and informal), cycle ways, footpaths and infrastructure at land of Killams Taunton. Conditional Approval with Section 106, 23/12/2013.
- Ref. 38/18/0001 Application for approval of reserved matters following outline application 38/12/0203 for the erection of 125 No dwellings, and 1 commercial plot with associated open space, cycleway, footpaths and infrastructure on land at Killams Drive, Taunton Conditional approval 04/06/2018
- Ref. 38/20/0109 Application for approval of reserved matters following outline application 38/12/0203 for the main access road at Phase 3 on land off Killams Drive, Taunton: Status currently Granted conditional approval 17/11/2020.
- Ref.38/20/0110 Application for approval of reserved matters following outline application 38/12/0203 for the layout, scale, appearance and landscaping for the erection of 101 No. dwellings with associated works and amenity space at Phase 3 on land off Killams Drive Taunton. Undetermined (HRA & Access issues)

Consultation Responses

SCC - *ECOLOGY* - Are satisfied there is limited ecological value on the site given its current condition but seek an informative about badgers if the permission is granted.

SCC - *TRANSPORT DEVELOPMENT GROUP* - No observations on this planning application.

DRAINAGE ENGINEER - Seeks clarification on whether the application proposes to amend the surface water drainage scheme, or impermeable area of the site.

CRIME PREVENTION OFFICER - Police advice regarding Play Areas, whether LAP, LEAP or NEAP, is as follows:

- Should be located in order to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Ideally, this should be all round surveillance.
- Boundaries between public and private spaces should be clearly defined and include features to prevent unauthorised vehicle access.
- Care taken that such spaces do not immediately abut residential buildings which would be adversely affected by such play spaces. Normally, should be a minimum of 30 metres away.
- Designed so that they can be secured at night to reduce damage, graffiti etc. after dark. In this regard, the type of fencing and security measures will vary to suit the type of play area and location.
- Single, dedicated entry/exit point to enable parental or guardian control/supervision.
- Fencing and gate, minimum height 1.2 metres, can discourage casual entry, provide a clean, safe area and reduce damage to equipment.
- Suitable on-going maintenance arrangements provided.

Habitats Regulations Assessment

This application has no direct HRA implications – although it should be noted that the approval of Phase 3, where it is proposed to provide a re-located NEAP is currently delayed by unresolved HRA issues and the impact on the Somerset Moors and Levels RAMSAR site.

Representations Received

Neighbours have been notified of the amended application (Date: 06/07/2021), but no comments have been received in connection with it.

Earlier consultation, on the NEAP proposal, resulted in receipt of 18 letters of representation and a 55 signature petition addressed to Summerfield. The letters of representation and the petition all raised objection to the proposal. The reasons for objection can be summarised as follows:

Mis-sold in order to boost sales and hit quotas

I live in one of the new houses opposite the site. We feel that our property was sold to us under false pretences. Summerfield were not transparent about any future planning proposals. It was sold on the basis it would be an orchard full of wildflowers. We were never informed of the location of the NEAP when our house was purchased. Had I known about the proposal I would not have bought a house here. Residents have invested hundreds of thousands to live in a quiet and pretty area. We will have to consider selling up and moving, if this is approved. Will detract

from re-sale values.

Questions the need for a MUGA/NEAP - Other sites

Questions the need for a NEAP and MUGA, as residents already have access to the Wyvern Club. No need for another area ready to be vandalised. There are plenty of other areas for youths to use: Bishop Foxes school fields Wyvern Club. The NEAP is designed to entice children from the surrounding area. There are plenty of other areas to facilitate the option Phase 3 Killams where no one has bought houses yet. The money could be used to fund the modernisation of nearby parks instead.

Already under construction

This is already under construction and has been since before Christmas. We have not been consulted about any of the changes no signs have been put up. Concrete base already installed along with electricity and lighting cables. Starting before planning permission is granted shows the contempt the developer has for their residents and planning procedure. Request a Stop Notice is served.

Attract anti-social behaviour

The proposal will encourage anti-social behaviour as the target age group is teenagers who already cause a nuisance day and night and at week-ends. Teenagers will move from the school playing fields to this new development and make what is happening in the area worse. Large groups of teenagers are meeting on school playing fields near Wyvern Club drinking alcohol, lighting fires, leaving smashed glass, litter debris from fire, playing loud music into the night, driving cars in a reckless manner. If this development takes place this activity will move causing great stress and anxiety to local residents.

Fear that this development will attract youths from the surrounding area, not just the Summerfield development, with easy access from Mountfields Road. Communal areas have a high potential to generate crime. Residents will be picking up the bill for any repairs and dilapidations within our annual Killiams Park charge.

Result in noise nuisance

The MUGA, with its high metal fencing, will cause noise nuisance, pollution from the ball being kicked into the fencing and the ball hitting the backboard of the basketball hoop and related noise from people playing: 5 a side pitch unsightly, noisy at all times of day / night week-ends. It's ridiculously close to existing properties. Does not provide the required 30m buffer from the edge of the play area to the edge of the nearest home to prevent undue nuisance and noise.

Inadequate parking & access

Insufficient parking will cause a nuisance to residents and will block access to emergency vehicles. We do not have sufficient parking to facilitate NEAP or a MUGA. There are only two additional spaces in a layby at the northern end of the estate. Inadequate parking and access will cause danger to road users, pedestrians and local residents. No visitor parking will hinder public access especially discriminate against disabled people as there is no disabled parking. The proposal goes against developer advice not to park on roads and use driveways.

The surrounding roads will become congested with parked vehicles hindering access for emergency vehicles to surrounding homes. Stansell Road is the only vehicular access. It is not wide enough to take parked cars and emergency vehicles.

There will be an increase in vehicle emissions from visiting public.

Adverse appearance and size

The proposed MIUGA is unsightly with metal railings enclosing ball games It will be an eyesore not in keeping with quiet garden town development.

Causes overlooking

Neighbouring property will be overlooked from people using the play equipment.

Increases flood risk

The proposal is dangerously close to flood water pond and Blackbrook Stream which can both be deep in times of flood. More tarmac in the MUGA will increase the likelihood of flooding as it will not absorb water like green space.

Detrimental impact upon wildlife

Concerned that the development, especially lighting, will interfere with the flight path of the protected bat population in the immediate area. The proposal is directly contrary to the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations (2017).

Miscellaneous

Developers have not completed the footpath into Mountfields Road.

Prepared to compromise with Summerfield (the developer) and accept a suitably located NEAP.

Without a MUGA there would be more space for seating for parents and carers.

Amended Plans

Following receipt of amended plans showing a LEAP adjacent to Phase 2 and equipment specification 21 days re-consultation was undertaken with neighbours and all those who had commented on the original plans. However, no further comments were received.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

Core Strategy (CS)

Policy SD1 Presumption in favour of sustainable development

Policy CP1 Climate Change

Policy CP5 Inclusive Communities

Policy CP6 Transport & Accessibility

Policy CP7 Infrastructure

Policy CP8 Environment
Policy SP2 Realising the vision for Taunton
Policy DM1 General Requirement

Site Allocations & Development Management Plan (SADMP)

Policy C2 Provision of recreational open space (Cross referenced to Appendix D: Recreational Open Space Standards)
Policy A1 Parking requirements (Cross referenced to Appendix E)
Policy A5 Accessibility of development
Policy I4 Water Infrastructure
Policy ENV1 Protection of trees / woodlands and hedgerows
Policy ENV2 Tree planting within new development
Policy ENV5 Development in the vicinity of rivers and canals
Policy D7 Design Quality
Policy D8 Safety

References: 'Child Friendly Planning in the UK' – Jenny Wood, Dinah Bornat and Aude Biquelet Lock ZCD Architects, London 2019

CP8 - Environment,
CP8 - Environment,

Determining issues and considerations

The principle of providing play space within the development

The development of a new residential estate of up to 315 dwellings at Killams Park generates a policy requirement for the provision of recreational space which includes equipped play space.

Policy CP5, inclusive Communities, of the adopted Core Strategy (CS) lists 'young people' as a group characteristic whose interests need to be considered in terms of implementing development proposals. The policy goes on to state that:-

'Development proposals will make provision and access for all to:

- *Recreational Space – improving health and interaction through provision of formal and informal green space such as play spaces, allotments, playing pitches, sports facilities as well as promoting walking and cycling.'*

Policy CP5 is further supplemented by Policy C2, Provision of Recreational Open Space, and its' associated Appendix D of the adopted Site Allocations and Development Management Plan (SADMP). Policy C2 requires the Council to *'ensure that increased demand for recreational open space arising from new residential development responds to the relevant standards.'* This, in turn, is cross referenced to Appendix D, Recreational Space Standards of the SADMP which includes a section on the standards expected for children's play area. It states:

Across the Borough the Council is aiming for 0.8 hectare of children and teenager play space per 1000 persons. This constitutes a mixture of both informal play space and formal equipped play space. For new developments Children's Play: minimum 20 square metres of equipped children's playing area for all dwellings of two or more beds in the form of Local Equipped Play Area (LEAP) and Neighbourhood Equipped Play Area (NEAPS). A LEAP is for young children and is a minimum of 400m2 and must be within 400 metres of new dwellings. It must include a minimum 5 items of

play equipment, paths to equipment and landscaping. A NEAP is for younger and older children and is a minimum of 1,000m², and within 1km of new dwellings. It must include a minimum of 8 items of play equipment, paths to equipment and landscaping.

Developers will normally be expected to provide children's play areas and allotments on-site. In some cases, on-site provision may not be desirable or feasible due to the physical characteristics of the site or its small size. In such circumstances the additional demand for recreational open space arising from the development can be met in other ways. This may be through the improvement of existing facilities suitably located to meet the needs of the site, thus enabling them to accommodate additional usage, or it may involve the provision of new facilities. In either case, implementation is likely to be sought through financial contributions secured by planning obligations. New Children's Play Areas will normally be secured through Section 106 agreements. All other recreation space will be delivered through Community Infrastructure Levy.

The adopted local plan policy framework thus establishes a requirement for the provision of play space for all age groups within new residential development sites and expresses a strong preference, normally expected, for it to be provided on site.

Outline approval and approval of reserved matters

The outline planning permission, ref. 38/12/0203, is the substantive permission for the development. It does not specify the exact location of the combined LEAP /NEAP in the approved plans. The text in the accompanying Design and Access Statement (DAS) makes clear the intention to provide for formal play, and that it should be for all age groups. Relevant sections are:

Para. 6 .2.2 Major Open Space, states:- *'A range of facilities will be provided to serve the needs of all age groups. Play space opportunities are to be investigated in conjunction with the Local Planning Authority.'*

Para 6.7.4 Open Space and Play, which makes clear that:- *'Formal public open spaces incorporates a variety of children's play areas.'*

The accompanying Green Infrastructure Strategy promises provision of a *Play Strategy*.

Para. 3.4 A play strategy will be provided, which will comprise linked natural play activities within the open spaces of the site, and along the Black Brook, as an alternative to large formal play areas. The purpose of this is to provide play interest for the whole site, not just part of it. Play equipment will be robust and sculptural in form in order to provide visual interest and route markers. Bench seats will be provided adjacent to the play stations for parents and carers.

There is not very much information, at the outline stage, about the location of the play areas, but an accompanying indicative open space network plan Ref. D.2012.09.10 shows an approximate location marked with a red asterisk in the northern part of the site, within Phase 2.

Furthermore, the need to provide equipped play space and the northern location of the play space is acknowledged throughout the case officer's report to Planning

Committee. See *Community Leisure* comments relating to equipped and informal play areas and, in the 'Determining Issues and Considerations' section, Sub sections 2 and 6. Sub section 2, 'The Impact on the green wedge and visual amenity in general' states:

'Provide accessible formal and informal recreation, sport and play

*In its current state the green wedge contains walking routes that provide for informal recreation opportunities. These existing footpaths would not be affected by the proposed development (although it may lead to opportunities for cycleway provision linking Killams and Sherford, broadly along the line of the existing footpath – see section 3 below). The development would also provide further walking opportunities around the perimeter of the site within the new areas of perimeter landscaping and would provide areas of open space for informal recreation and play – **including specific children's play facilities**, a community woodland area and allotments. This would be in place of presently inaccessible farmland and it is, therefore, considered that this objective will continue to be met and in some ways would enhance its function in relation to this particular objective.'*

And in sub section 6,

The indicative form of development and its relationship with existing dwellings and the wider settlement

At the northern end of the site, public open space would provide a 'soft' edge to the existing dwellings on Mountfields Avenue, which back onto the site. This area would contain the main children's play area and community orchard in a new formal park. Pedestrian and cycle linkages would be made to Mountfields Avenue and Mountfields Road, linking into the existing cycle network along the western edge of the existing development, through the Local Nature Reserve. These linkages would also mean that good connectivity was provided to Mountfields and on to the existing cycle/pedestrian routes to the town centre.

A condition is appended to the outline permission in relation to the play space – condition 5, which states:-

5. Details of all areas of public open space and children's play equipment for each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the open space and play areas. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such.

Reason: To ensure the proper layout and delivery of the public open space and children's play facilities in accordance with retained Policy C4 of the Taunton Deane Local Plan.

Reserved matters were submitted first for Phase 1, under application ref. 38/15/0177. Looking through SWT electronic files there isn't a specific reference that details were submitted to discharge outline condition 5. The only references to play space in this application are in the 'Statement of Compliance' (Produced by Focus On Design 27/02/2015) where there is a master plan of the overall site, again with an orange asterisk in the northern part of the site indicating the approximate location of a combined LEAP/NEAP and a mention in the conclusion paragraph 3.1 where it states:-

'The green spaces within the development have responded to existing landscape features and will provide new areas of play and a focus for the new community.

They will also connect to the wider existing footpath networks and to the wider rural context.

As no play space is intended for Phase 1, the lack of details is, perhaps, understandable.

Nevertheless, reserved matters were submitted for Phase 2, under application ref. 38/18/0001, which did include the northern part of the site in which the proposed combined LEAP / NEAP were to be sited, but reference is scant and confined to comments in the Statement of Compliance.

Local residents, who have bought houses in Phase 2 of the development opposite the site of the proposed combined NEAP/LEAP, protested strongly to the Council and the developer when the current application was submitted, complaining that they were not made aware of its location when they bought their houses (see objections to the original application). Their reasons for objection were varied, but mainly centred on concerns that the NEAP and its MUGA would attract older teenagers, some of whom have, allegedly, congregated in groups and caused a nuisance during the Covid confinement crisis.

Adequate Alternative

The outline planning permission identified the optimum location for the distribution of play space across all three phases of the site: locating the combined NEAP and LEAP on the flatter, northern part associated with the earlier phases and the smaller LEAP in the later Phase 3 at the southern end. The arrangement now proposed is not quite as good in both locational and temporal terms. The NEAP site in Phase 3 is topographically more challenging with some size limitations on what can be achieved, although the Parks Department, who have responsibility for advising the Council on play space specification, have confirmed its' acceptability and prospective specification (it is the subject of another application). And, in temporal terms, it is weaker, because approval of Phase 3 has been, and continues to be, held up by unresolved phosphate issues - meaning that the play space is not available for use by the current generation of children and youth living on the estate. As originally planned in the outline approval the combined NEAP /LEAP should have been provided in Phase 2, ensuing its available for children and teenagers living in Phases 1 and 2 now.

A late start was made at implementing the combined LEAP / NEAP at the beginning of this year with a concrete base for a MUGA laid down in the outline approved Phase 2 location. This has subsequently been removed following a furore of objections from locals and the amended plans submitted.

Given the current situation the compromise solution of swapping the positions of the NEAP and LEAP is considered to provide a satisfactory resolution that aligns with the applicants wishes, addresses the main concern of most of the immediate residents and ensures play space provision is made for children and youth living on the estate.

Other Matters

The concrete base for the proposed MUGA would have added to the impermeable surface, but this has been removed from the scheme. The area affected by the siting of the equipment and grassmat surface, to prevent falls and injury, is small and not considered to have any significant effect on surface water drainage.

Conclusion

The play space arrangement is not as originally envisaged. Opportunities were missed to ensure stricter adherence to the original plans. If this had been more carefully implemented by the developer, and/or insisted upon by the Authority at reserved matters stage, the situation would be different. What is proposed now is a satisfactory compromise that respects the main wish of most of the immediate local community, not to see a MUGA located close to their houses, whilst still delivering adequate facilities in accordance with council policy for children and youth.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Including UN Convention on the Rights of the Child (UNCRC)

- Article 12 – The right to participate in decision –making
- Article 15 – The right to gather in a public space, and
- Article 31 – The right to play, rest leisure, and access to cultural life

Contact Officer: Jeremy Guise

Application Details	
Application Reference Number:	48/21/0055/CLA
Application Type:	Prior Approval
Description	Notification for prior approval for the installation of 1 No. 15 metre high monopole supporting 6 No. antennas, 4 No. equipment cabinets and development works ancillary thereto
Site Address:	Land at Yallands Hill, Monkton Heathfield
Parish:	West Monkton
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Name and Contact number Darren Roberts 01823 218769 Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: planning@somersetwestandtaunton.gov.uk.
Agent:	Sinclair Dalby Ltd
Applicant:	CK Hutchinson Networks (UK) Ltd
Reason for reporting application to Members:	Ward member, parish council and objections contrary to officer recommendation.

1. Recommendation

- 1.1 That prior approval be **GIVEN** subject to conditions

2. Executive Summary of key reasons for recommendation

- 2.1 This is an application for prior approval for siting and appearance of this 15 metre mast. It is considered that alternative sites have been considered and that this represents the most appropriate site to enable coverage within this residential area. The appearance of the mast is considered to be appropriate.

3. Planning Obligations and conditions and informatives

3.1 Obligations

None

3.2 Conditions

- Ecology
- Highways

3.3 Informatives

- Highways licence

4. Proposed development, Site and Surroundings

4.1 Details of proposal

The prior notification is for the erection of a 15m high monopole with four equipment cabinets and ancillary equipment.

4.2 Site and surroundings

The site is located on Yallands Hill within the area of Monkton Heathfield, close to the junction with Mead Way. The area is grassed with a tarmac footpath to the North, beyond which is a hedge and residential properties within Mead Way.

5. Planning (and enforcement) history

5.1 None

6. Environmental Impact Assessment

6.1 Not applicable.

7. Habitats Regulations Assessment

7.1 Not applicable

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website.

8.1 Date of Consultation: 24/08/21

8.2 Date of revised consultation (if applicable): 05/11/21

8.3 **Statutory Consultees** the following were consulted

Statutory consultee	Comments	Officer comments
Town / Parish Council	<p>The relative height of the mast in comparison with neighbouring house roofs and the adjacent traffic lights is too high. Bearing in mind the overbearing height of the proposed mast within a built environment, the Parish Council would recommend that an alternative location nearby is considered. Not far from the proposed site there are some three storey apartment blocks and the Parish Council would urge very strongly that the vicinity of the apartment blocks is considered for the installation of this mast. A screen shot to explain the proximity of the suggested site to the site in the proposal is included. The proposed site has no parking in the vicinity for service vehicles without causing significant obstruction to the very busy highway. The position suggested by the Parish Council would allow service vehicles to park beside the mast without causing obstruction to traffic.</p>	<p>Officer sought further details of alternative locations. The apartment blocks referred to are opposite the Secondary school which is not considered to be a good location for new masts.</p>
Highways Development Control	<p>This is a prior notification application for the installation of a 15m high monopole and associated equipment. The proposed equipment is to be sited on highway verge immediately to the northeast of the Meadway / Yallands Hill (A3259) junction. The A3259 is a busy main road that is subject to a 30mph speed limit. It is noted that there have been 2 recorded Personal Injury Accidents in the vicinity of this</p>	<p>Conditions would be added to the decision</p>

	<p>junction within the last five years. No visibility splay drawings for this junction have been provided as part of this submission, however, it is apparent from the site plan that the position of the proposed equipment will be set well behind the splays for the junction and as such should not pose any increased risk to highway safety.</p> <p>For the above reasons the Highway Authority has no objection to the proposed development subject to conditions.</p>	
SCC Ecologist	<p>Any trimming of trees required? If so, condition requiring it to be done outside the bird nesting season or if it's been checked for nests. Standard condition.</p>	<p>The applicant has confirmed that there is unlikely to be any need for tree trimming but will accept a condition</p>
Ward Member- Councillor Pritchard	<p>I have examined the plans and I have visited the site. I wish to object as a ward councillor to plans submitted in this location. Environmental and Nature Conservation - I cannot see any ecology impact assessment has been yet carried out. This is near trees and in an area where we know bats are present and the height of the proposed object, and unknown impact of its technology on local wildlife and ecology is not well understood.</p> <p>There is also a question of traffic and highway access, on a busy highway by a crossing and near to a junction that is already considered difficult due to parking problems I cannot see how any maintenance can be safely carried out.</p> <p>Visual impact - this is a significant overbearing height and visual</p>	<p>The ecologist was further consulted because of this concern</p> <p>Highways have been consulted</p>

	<p>change to the local area and will impact on residents. It is also an overpowering sight and incongruent with the local residential area.</p> <p>I also note a large number of local residents concerns that I do not feel have been addressed in any of the submissions documentation and would feel that there is real need for wider consultation with the community before such a new technology is imposed on the community.</p>	<p>These matters are addressed in the report</p>
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8.4 Internal Consultees

Environmental Health	No comments received	
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8.5 Local representation

8.5.1 This application was publicised by 8 letters of notification to immediate properties

8.5.2 The following issues were raised in representation. Those that are material to the determination of the applications are addressed in substance in the material planning considerations sections of this report.

Material Planning Considerations	
Objections	Officer Comment
Not in keeping with the residential area	Appearance is covered in para 11.3 of this report
Ugly and obtrusive	Appearance is covered in para 11.3 of this report
5G is a proven health risk	Health is covered in para 11.4 of this report
Not insurable	Not a planning consideration
Technology is not needed	Not a planning consideration

Area is surrounded by homes and close to the village hall	Siting is covered in para 11.2 of this report
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8.5.3 There were no letters in support

9. Relevant planning policies and Guidance

9.1 The application requires an assessment of whether the proposal is permitted development. Accordingly, an assessment against the development Plan is not required.

9.2 The National Planning Policy Framework (para 115) is a relevant consideration.

9.3 Legislative context:

Whether the proposal complies with the relevant sections of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015. Part A.3 states that, for masts no higher than 15 metres tall, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

9.4 Relevant policies within the development plan are:

Taunton Deane Core Strategy- Policy DM1 – General Requirements

Taunton Deane Adopted Site Allocations and Development

Management Plan – Policy I2 – Telecommunications

10. Local Finance Considerations

10.1 Community Infrastructure Levy

Not applicable

11. Material Planning Considerations

11.1 Schedule 2, Part 16, Class A of the GPDO refers to electronic communications code operators and sets out the permitted development allowed under this class.

11.2 Central Government planning guidance is generally supportive of telecommunications development, particularly in Section 10 ‘Supporting high quality communications’ of the NPPF.

- 11.3 Policy DM1 'General Requirements' of the Taunton Deane Core Strategy 2011-2028 states that 'telecommunication installations must be sensitively designed and sited to minimise impact on the environment and amenity, and alternative sites or solutions with less impact must be demonstrated not to exist. Satisfactory evidence must be submitted to demonstrate that facilities cannot be shared, and removal of the installation will be required as soon as reasonably practical as long as it is no longer required.
- 11.4 Policy I2 'Telecommunications' of the Council's Site Allocations and Development Management Plan also states that applicants must demonstrate that they have sought to use sites or solutions to minimise environmental and visual impact and aim to keep the number of masts to a minimum. Where possible, existing masts, buildings and structures should be utilised. If a new site or structure is required, sound justification must be provided. Consideration should be given to the sympathetic design and sensitive siting of communications infrastructure, particularly in areas where pedestrian and disability access could be compromised.
- 11.5 The applicant has highlighted that the site is required to provide new infill coverage for the H3G network (known as 'Three'). This is required because the surrounding area has inadequate coverage levels and also has areas which are 'not spots' (i.e., areas that have no coverage at all).
- 11.6 The site is therefore proposed to deliver improved coverage to the area to ensure that it benefits from adequate coverage levels as well as new 5G coverage. 5G coverage is currently being rolled out by all Operators across the country and is supported and encouraged at government level. The Code of Best Practice on Mobile Phone Network Development for Wales (there is no equivalent guidance for England) states that "the initial deployment of 5G will seek a search area which, in many cases, will be much more defined around the existing network and localised to cover a specific coverage gap. In turn this may limit siting options and design options...Consequently there will be a requirement for greater numbers of antennas than before, as well as new radio equipment cabinets and taller structures."

12 Assessment of proposal

- 12.1 The main issues relevant in the assessment of this proposal are as follows:
- 12.2.1 The siting of the mast

- 12.2.2 Appearance
- 12.2.3 Health Matters
- 12.2.4 Highway Matters
- 12.2.5 Ecology
- 12.2.6 Siting

The application supporting information provides details of alternative sites which have been considered. This has included sites put forward by the operator, at Monkton Elms, other parts of Yallands Hill, Procters Farm, West Monkton School, Heathfield Community College and Bridgwater Road commercial buildings. In addition, the case officer has requested the operator to consider a further site at the junction of Yallands Hill with the new A3259 Road. These sites have all been discounted, either because there are overhead powerlines in the location, the site is adjacent to a school building which is not good practice, or they are too far away from the cell nominal to provide the required levels of coverage. In respect of this last consideration, the operator was asked to submit further technical information. This shows that areas within the vicinity of the proposed mast location have no or poor coverage at present. The alternative locations which have been considered are 800 metres from this location and would be too far to reach the target area, due to the more intensive levels of coverage required by 5G.

- 12.2.7 Appearance

The proposed mast is a monopole and therefore less visually intrusive than a lattice mast. Whilst the proposed mast height would exceed the surrounding tree heights and therefore potentially be visible from the houses to the rear, the majority of the pole would be screened and seen in context with other street paraphernalia such as streetlights, telegraph poles and traffic signals. The additional cabinets would be sited at ground level and would have an acceptable impact on the appearance of the area. There would be a small loss of grassed area due to the introduction of the pole and cabinets, however this is not an amenity area and the introduction of furniture does not impact on the

footpath connecting Mead Way to the Pelican crossing. No objections have been received from the highways authority.

The wider benefits of improved mobile communications in the area are also taken into account. Having regard to the above it is considered that the proposal would be acceptable in relation to siting and appearance.

12.2.8 Health

Concern has been raised about the potential effects on the proposal on health. However, the operator has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. Specifically, para 118 of the NPPF states that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

12.2.9 Highway Matters

Concern has been raised regarding the proximity of the proposed mast to the highway and the difficulty of maintaining the mast. The highway authority would require a licence to be submitted to undertake works in this location and have not objected to the proposal subject to conditions requiring visibility splays and the mast being more than 450mm from the carriageway, which is achievable.

12.2.10 Ecology

Concern has been raised that an ecology impact assessment has not been submitted. This is not required with a prior approval application. The ecologist has been consulted and has queried whether the location of the mast is close enough to the trees to require them to be trimmed. It is not considered that

this will be the case, nonetheless the applicant is willing to agree to a condition which restricts any trimming to outside of the bird nesting season.

13 Planning Balance and Conclusion

- 13.1 This is an application for prior approval where the planning authority can only consider matters of siting and appearance. For the reasons outlined above it is considered that the proposal is acceptable and, subject to conditions suggested by the highway authority and ecologist, that prior approval should be granted.
- 13.2 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives

1. The development hereby permitted shall be begun within five years of the date of this permission.

Reason: In accordance with the provisions of Schedule 2, Part 16 of the General Permitted Development Order 2015 (as amended).

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

(A3) DrNo TAD18576_PLANNING_REV_B 002 Site Location Plan
(A3) DrNo TAD18576_PLANNING_REV_B 215 Proposed Site Plan
(A3) DrNo TAD18576_PLANNING_REV_B 265 Proposed Site Elevation

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

3. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres in either direction. Such visibility shall be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy D9 of the Taunton Deane Adopted Site Allocations and Development Management Plan

4. No part of any structure including the foundations shall be erected closer than 450mm to the carriageway edge.

Reason: In the interests of highway safety in accordance with Policy D9 of the Taunton Deane Adopted Site Allocations and Development Management Plan

5. Any work to trees within or adjoining the site required to maintain the operation of the development hereby approved shall take place outside of the bird breeding season (March to September inclusive) unless supervised by a qualified ecologist. If works do take place outside of this period, details of the reason for the works and the name of the qualified ecologist must be submitted to the local planning authority prior to the works taking place and approved in writing.

Reason: In order to protect wildlife in accordance with Policy DM1 of the Taunton Deane Core Strategy

Informatives:

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1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

2. The applicant should contact the Highway Authority's Area Team (countyroadstdeane@somerset.gov.uk) well in advance of any works needing to be carried out to ascertain the appropriate licence for such works.

10/21/0016

MISS R RIFATH

Replacement of bungalow with a two storey detached dwelling at The Beeches, Taunton Road, Churchinford

Location: THE BEECHES, TAUNTON ROAD, CHURCHINFORD, TAUNTON,
TA3 7DW

Grid Reference: 321141.114401

Full Planning Permission

Proposal

The application proposes the demolition of a bungalow and construction of a detached, two storey replacement dwelling. The proposed dwelling would be located in a similar position to the existing dwelling although rotated slightly. The proposed dwelling would be an increase in size in accordance with the following:

	Footprint	Total floor area (ground and first floor)	Height
Existing	159 sq m	159 sqm	6 m
Proposed	194 sqm	358 sq m (minus first floor void)	7.5 m

The proposed dwelling would be clad in a plastisol coated metal cladding to the walls and roof. It would contain 6 rooms which could potentially be bedrooms. Of these 4 are suggested as bedrooms with a further 2 rooms suggested to be used as 'offices'. The ground floor would contain an open plan kitchen/dining room/lounge, two offices and a bedroom. The first floor would contain three bedrooms, a further lounge area and study/play area.

Site Description

The site is located in the Blackdown Hills AONB and consists of a detached bungalow located in a triangular shaped plot at a fork in two roads. There is an adjacent dwelling to the south, Beechcroft.

The site is bordered by mature trees to the east and west boundaries.

Relevant Planning History

None relevant.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL – Support the application.

SCC - ECOLOGY –

First response:

A Bat and Protected Species Survey of the application site was carried out on 5th May 2021 by Ecology.

Bat droppings, most likely from long-eared bats were found in the house. There

were also several areas where crevice dwelling bats could potentially roost unseen in the building. Further surveys have been recommended within the report.

I note that the submitted Arboricultural Method Statement indicates the removal of a beech tree, however, I can see no assessment of this tree being included within ecology survey under taken, and therefore recommend the report is updated with the adequate assessment.

The proposals would result in the disturbance of a bat roost and potentially result in bats being disturbed, injured or killed. The proposed work would therefore require a European protected species licence (EPSL) from Natural England. In order to categorise the roost and inform the appropriate mitigation for the licence, it is recommended that bat emergence surveys be undertaken between May and August in accordance with Bat Conservation Trust (BCT) guidelines (Collins, 2016) and Natural England standing advice.

Surveys cannot be conditioned for the following reasons:

- Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'
- Natural England advice requires that all developments likely to affect European Protected Species should have surveys carried out to inform the planning decision. They cannot be conditioned. This was confirmed in case law through *Woolley v Cheshire East Borough Council and Millennium Estates Limited* in 2009.

Second response:

Ecologic performed bat surveys at the application site throughout 2021. There are no statutory designated sites for bats within 1km. Emergence surveys recorded no bat roosts within the existing dwelling. However, brown-long eared bat droppings were recorded, and the existing dwelling is considered a roost site for this species, albeit of low numbers. No active or former bird nests were identified in association with the surveyed building.

Recommendations:

Bats

As a bat roost will be destroyed and bats potentially harmed; the following is required to be conditioned in order that Somerset West and Taunton Council fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998):

The works to the existing dwelling shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

A. A copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead.

B. A copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence.

C. A statement in writing from the licensed bat ecologist to the effect that he/she/they does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

The following condition is also required to ensure that the Local Planning Authority fulfils its legal duty of 'strict protection' of European protected species: Works will not in any circumstances commence until:

A. Construction and demolition operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the talk.

B. To accommodate any discovered bat(s) a bat box (specification and quantity will be agreed with a licenced bat ecologist) will be hung on to a suitable tree on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing the installation will be submitted to the Local Planning Authority.

C. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition to ensure the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Long term mitigation, including integrated roosting mitigation as per Bat and Protected Species Survey & Bat Emergence Survey (Ecologic, 2021), will be included in the design. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme and maintained for the exclusive use of bats thereafter.

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Lighting

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Trees / Vegetation

All trees and hedgerows will be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012 and Arboricultural Method Statement (Artworth Arboriculture Ltd, 2021).

Reason: In accordance with BS 5837:2012, NPPF 2021 and in the interest of protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Birds

No vegetation removal or demolition of the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given. Biodiversity Enhancements The National Planning Policy Framework (174d) requires biodiversity enhancement to be provided within development. I recommend that the following is conditioned:

- A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling. Please note bee bricks attract solitary bees which do not sting. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- Installation of 3 X standard bird boxes, purchased or built, on to a mature tree on site, facing east or north, at a height above 3m.
- Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the

dwelling. The agreed scheme will thereafter be implemented.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

Third response:

NE would only grant a licence if the development has a planning consent. Additionally, the impact of the development on bats is relatively low and therefore NE are highly likely to grant a licence. Likelihood of grant dependent on acceptability of mitigation proposed.

BLACKDOWN HILLS AONB SERVICE –

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy. In support of this, the Blackdown Hills AONB Management Plan 2019-2024 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to development proposals:

Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by: · Respecting landscape character, settlement patterns and local character of the built environment, · Being sensitively sited and of appropriate scale, · Reinforcing local distinctiveness, and · Seeking to protect and enhance natural features and biodiversity.

The AONB Management Plan also provides a valuable reference for guiding development in the AONB, in particular describing special qualities, a planning chapter that sets out principles for development in the AONB, and in the appendices a checklist for development. It notes that the layout, form and density of all new developments need to reflect the historic rural grain of the AONB. It is important that all new development, especially housing development, is of a scale and layout that conserves and enhances the distinctive pattern of built form found across the Blackdown Hills. The special qualities of the Blackdown Hills landscape are inextricably connected to the built heritage and farming traditions of the area, one of the key reasons for designation being that it is a landscape of architectural appeal.

Additionally, in support of the Management Plan the Blackdown Hills AONB design guide for houses provides guidance on how by reference to materials and built form residential development can be designed to conserve and enhance the distinctive built character of the Blackdown Hills.

In this instance, the introduction of a two storey dwelling is acceptable in principle – noting that the height would be relatively low and aligned with the neighbouring property. The use of non traditional materials for the dwelling is also an acceptable design approach in principle, however I do not believe that the design and appearance of the proposed dwelling successfully reflects either the residential or agricultural vernacular; rather it is more urban and industrial and as such it is not

considered to conserve or enhance the character and special qualities of the AONB. In due course, should the planning authority be minded to approve this application we would note that matters relating to the domestic curtilage, including the protection, retention and enhancement of the boundary trees and hedge, new planting, access arrangements, surfacing materials and external lighting, should be a key part of considerations in respect of the AONB.

WESSEX WATER – No objections. Comments made in relation to new drainage and water supply connections. There are no foul sewers within the vicinity of the site.

TREE OFFICER –

I'd say this one looks OK with regards existing trees, and will just need the usual conditions for protective fencing around the edge of the RPAs, and adherence to the submitted Arb Method Statement. If you feel a site visit is necessary, let me know.

Second response (in relation to T1):

Kretzschmaria is a root and butt-rotting fungus that is known to be potentially hazardous so I think removal of that tree is sensible, given its location.

Habitats Regulations Assessment

The application is located outside the catchment of the Somerset Levels and Moors Ramsar site and accordingly there would be no impact on phosphate levels within the Ramsar site. There are no other protected sites within sufficiently close proximity to conclude any other likely significant impacts. It can therefore be determined that as there would be no likely significant impacts on protected sites, a Habitats Regulations Assessment is not required.

Representations Received

Following consultation, one representation has been received from the occupiers of the adjacent dwelling, Beechcroft in support of the application. The following comments are made:

- We have been consulted by the applicant throughout the pre planning process
- The applicant has taken on board feedback and amended their plans accordingly.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

The National Planning Policy Framework (the NPPF) is a material consideration.

Relevant policies of the development plan are listed below.

CP8 - Environment,
CP1 - Climate change,
DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
A1 - Parking Requirements,

The Blackdown Hills AONB Management Plan is a material consideration. Policy PD2 is of relevance.

Other relevant policy guidance:

Emerging District wide design guide SPD 2021
Interim Guidance Statement on Planning for the Climate Emergency February 2021

Local finance considerations

Community Infrastructure Levy

Proposed development measures approx. 330sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £41,250.00. With index linking this increases to approximately £58,500.00.

Determining issues and considerations

The key material planning considerations in determining this application are:

- a) Principle of development
- b) Visual amenity/landscape character/design
- c) Residential amenity
- d) Ecology
- e) Trees
- f) Highway safety

These matters are considered below

Principle of development:

The site is located in the open countryside, Policy DM2 is therefore relevant. It sets out various categories of development that will be supported in principle in the open countryside. This includes replacement dwellings. It states that replacement dwellings will be supported:

'only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a

one-for-one replacement and is not substantially larger than the existing dwelling’.

The residential use of the existing dwelling has not been abandoned. The applicant states that the dwelling was constructed in the 1960s and that it requires extensive renovation including the replacement of the asbestos tiles roof, removal of asbestos within the building, removal of black mould, provision of ventilation, upgrade of fabric, plumbing, electricity and other services. In terms of costs the design and access statement estimates approximately £25,000 to upgrade the property to improve it from an E to a C rating on the EPC report. This includes items such as cavity wall insulation, floor insulation, boiler replacement, solar panels. The application further calculates a renovation cost of £477,000 which it states is more expensive than replacing the dwelling. The submission further states that the new dwelling would be a significant improvement in energy use terms. Although the policy suggests that an applicant should demonstrate that the retention option is uneconomic to bring up to an ‘acceptable state of repair’, it would be a reasonable argument that a householder would wish to achieve a building regulations compliant renovation in respect to insulation and other aspects. On the basis of the information provided and the general condition of the existing dwelling, it is considered that a case for replacement in principle can be accepted.

In terms of scale the proposed dwelling would be approximately 1.5 metres taller than the existing dwelling. The footprint would increase by 35 square metres from 159 to 194 square metres. The total floor area would increase from approximately 159 to approximately 358 square metres (taking into account the void area in the first floor). Whilst the height increase on its own is not significant, the increase in floor area of more than double the existing would be a substantial increase. The resulting dwelling would be of a different character and impact as a result of the increase in scale. Notably it would be both longer and wider than the adjacent dwelling, Beechcroft. The increase in scale would also result in a greater visual prominence which is considered in greater detail below.

Having regard to the above it is considered that the increase in scale of the proposal would be substantial and would therefore not comply with Policy DM2.

Visual amenity/Landscape character/design:

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and within the ‘Blackdown Hills Plateau’ character area as defined in the emerging Districtwide Design Guide SPD. This is a nationally protected landscape and there is a statutory duty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW 200) to ‘have regard to the purpose of conserving or enhancing the natural beauty’ of AONBs when taking decisions.

Furthermore, Chapter 15 relating to the Natural Environment of the National Planning Policy Framework is a relevant material consideration.

Paragraph 176 states:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated

areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

Policy DM1 requires that the appearance and character of any affected landscape would not be unacceptably harmed. Policy DM2 states that development must amongst other criteria:

“be of a scale, design and layout compatible with the rural character of the area and must:

not harm the residential amenity of neighbouring properties, landscape and ecology of the local area or highway safety, and adequate arrangements can be made for the provision of services;”

In addition Policy CP8 is relevant and CP8 requires amongst other criteria that the natural environment will be protected, conserved and enhanced, development will be appropriate in terms of scale, siting and design, will provide for any necessary mitigation measures.

The supporting text of Policy CP8 refers to the AONB Management Plans which are adopted by the relevant AONB partnerships every 5 years and has been produced by the AONB on behalf of the relevant local authorities. As explained above, the aim of this document is to provide additional guidance to the Council on matters relating to the AONB.

Within the AONB Management Plan, Policy PD2 is relevant and is a material consideration in this decision.

Policy PD2 of the AONB Management Plan states that development will conserve and enhance natural beauty and special qualities by respecting landscape character, being sensitively sited and of appropriate scale, reinforcing local distinctiveness and seeking to protect natural features and biodiversity.

The design and access statement explains the rationale for the siting, orientation and design of the dwelling. The proposed dwelling would contrast with the existing traditional vernacular for residential properties in the area in terms of the form and materials proposed.

The dwelling would be clad in grey plasticote covered steel cladding to the walls and roof. The application states that there is precedent for such cladding in the form of nearby agricultural buildings. The form of the proposed dwelling also takes some cues from some of these buildings which are identified as being in the area.

These agricultural buildings however are modern metal clad buildings which whilst in existence locally their form, mix of materials, style are not locally distinctive as they are functional buildings that can be found anywhere in agricultural or commercial contexts. Timber cladding in the form of Yorkshire boarding or similar is a commonly used material for modern agricultural buildings which is more uniquely associated with agricultural buildings. Traditional barns on the Blackdown Hills which are uniquely characteristic of the area will typically use materials such as cob, chert stone and timber. The gables will typically be narrower and roof pitches steeper. In addition, the pattern, size and style of openings are very distinctive in a traditional agricultural building and contrasts to the style proposed in this application.

The use of metal cladding along with the overall visual impression of the fenestration on the proposed dwelling is considered to be more of commercial /industrial as opposed to agricultural character. Of note, the Taunton Deane Landscape Character assessment identifies a number of issues adversely affecting this part of the AONB. These issues are listed and include the presence of large agricultural sheds having an 'industrial unit' character. The Blackdown Hills AONB Partnership have been consulted and have commented that the design and appearance does not successfully reflect either the residential or agricultural vernacular, rather that it is more urban and industrial. They conclude that it therefore does not conserve or enhance the character and special qualities of the AONB.

The policies set out above seek to ensure that any proposed development is of a design that is appropriate to the rural character of the area and protects, conserves or enhances landscape character. It is considered that the scale, form of the dwelling along with the design treatment, particularly the fenestration and materials are not locally distinctive to the area or to a residential or agricultural vernacular. The site is reasonably well enclosed by trees, however these are deciduous and therefore in the winter the building would be less well screened. In addition, the dwelling would have a permanence that is not as certain for the existing trees surrounding the site. The substantial increase in scale would amplify the visual presence of the building exacerbating the impacts and harm outlined above.

Having regard to the above, it is considered that the proposed dwelling would appear incongruous in its surroundings and would not conserve the distinctive landscape character of the AONB. Accordingly the proposal is contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy, Policy PD2 of the AONB Management Plan, the guidance within the emerging Districtwide Design Guide SPD and Chapters 12 and 15 of the NPPF.

Residential Amenity:

Policy DM2 requires that development must not harm the residential amenity of neighbouring properties. The principal consideration is the impact on the adjacent dwelling to the south, Beechcroft. At its nearest point, the proposed dwelling would be 7.1 metres from the shared boundary. The dwelling would be angled towards Beechcroft so that the rear elevation of the proposed dwelling would be visible from the private area to the rear of the neighbouring dwelling. The furthest corner of the proposed dwelling would be 15.2 metres from the shared boundary. The first floor would contain two 'family lounge' windows, a bathroom window and a bedroom window.

Whilst at varying distances from the shared boundary these windows would overlook and provide substantial views across the neighbours garden. This is in contrast to the more common gable to gable relationship which would not allow views of the garden in the areas directly outside the adjacent property.

The applicant has indicated that they would be happy for these windows to be obscure glazed. Obscure glazing would still result in a degree of perceived overlooking, however given the distance of the proposed windows to the shared boundary this would be at an acceptable level.

Subject to a planning condition to secure obscure glazing to the first floor windows

on the south elevation, along with the method of opening, it is considered that the proposal would not have an unacceptable impact on the amenities of these adjoining occupiers. As such the proposal would accord with Policy DM2 of the Taunton Deane Core Strategy.

Ecology:

In relation to ecology, Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy are of relevance. Policy CP8 requires amongst other criteria that development must protect habitats and species, including those listed in the UK and Local Biodiversity Action Plans and must be in accordance with national, regional and local policies within rural areas (including those for protected Natura and Ramsar sites). Policy DM1 requires that development must not lead to harm to protected wildlife species or their habitats. Policy DM2 states that all development in the countryside must be compliant with the Habitats Regulations.

The applicant submitted a bat and protected species survey with the application. This found evidence of bats roosting within the property which was later confirmed by an emergence survey. Accordingly the impacts of the development on this protected species would be the destruction of a bat roost and potentially causing disturbance and or injury to any roosting bats at the commencement of the development. As such, a Natural England licence is needed to destroy the bat roost. This licence can only be granted if planning permission is granted and would secure compensatory measures and mitigation to ensure potential harm is kept to a minimum. In addition, measures to secure biodiversity net gain are recommended within the submitted ecology report such as one nest box, one bee brick and external lighting to be designed with bat friendly specifications.

The County Ecologist has reviewed the additional report and does not object to the scheme subject to conditions relating to securing the Natural England Licence, mitigation as per the emergence survey to be submitted and approved, external lighting to be approved, tree protection measures, supervised vegetation removal if removed in nesting season and biodiversity enhancements. These conditions are considered necessary to ensure that the risk of harm to protected species is kept to a minimum acceptable level. In addition to the above conditions, an assessment of the proposal is required against the 'derogation regulations' as required by the Habitats Directive to establish the acceptability of the bat roost destruction. In determining an application for a licence, Natural England must consider the following tests have been met:

- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
- (b) There is no satisfactory alternative; and
- (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires the Local Planning Authority to have regard to the Habitats Directive including the derogation regulations in making a determination, which requires an assessment of whether a licence is likely or not to be granted. The County Ecologist has confirmed that as the potential impact is relatively low, it would be very unlikely that a licence from Natural England would be refused, although they would only grant a licence in the event of planning permission being granted for the works.

Given the above it is considered that there are insufficient reasons for refusing the application on the derogation tests alone if it is unlikely that Natural England would refuse a licence for a development of this scale. In relation to the second test, it appears likely that because of the condition of the property, relatively substantial remodelling will be required to bring the property up to an acceptable condition, including substantial works to the roof which are likely to impact on any roosting bats. There are no other options within the site other than extensive renovation or replacement of the dwelling. In relation to the third test, the licence approval from Natural England along with any mitigation can be secured via planning condition to ensure there would be no harm to the interests of maintaining the species at a favourable conservation status. The third test would therefore be met.

Having regard to the above, subject to conditions, the proposal would ensure an acceptable impact on protected species in accordance with the relevant sections of the Habitats Directive and Regulations, Chapter 15 of the NPPF and Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy.

Trees:

Policy ENV1 requires that development should seek to minimise impact on trees, woodlands and orchards. Where loss is unavoidable, the development should be timed to avoid disturbance to protected species. Adequate provision must be made to compensate for this loss.

The applicant has submitted a tree survey and arboricultural method statement and implications statement (AMS). The tree survey identifies 5 category B trees and 2 category C trees on the roadside boundaries. It sets out the root protection areas and a designated area for the storage of materials outside these areas.

The AMS identifies that tree 1, a large mature Beech tree has the fungal infection at the base and should be felled as it is unsafe. This tree was not illustrated on the tree survey plan or the block plan and accordingly updated plans were requested and received. In relation to the felling of this tree, the Tree Officer commented that the removal of this tree is reasonable for safety reasons. The Tree Officer has further commented that subject to the measures outlined in the AMS being secured via a condition, there would be no adverse impact on the health of the trees. Subject to the above planning condition the proposal would comply with Policy ENV1 of the Taunton Deane Site Allocations and Development Management Plan.

Highway safety:

Policy DM1 of the Taunton Deane Core Strategy requires that additional traffic arising from development must not lead to overloading of access roads or road safety problems. Policy DM2 requires that all development in the countryside must not harm highway safety.

The Highway Authority have commented that standing advice applies. In this instance the existing access would be utilised on the northern boundary of the site. The road at the site entrance is de restricted, however vehicle speeds are likely to be relatively slow and within 30 mph due to the proximity to the junction.

The application does not illustrate the existing visibility splays, however visibility is relatively good due to the depth of the roadside verge. As this is an existing access

serving an existing residential property, it is considered that the additional vehicular movements serving a larger dwelling would be relatively minimal. There would therefore be no harm in relation to highway safety.

In relation to parking, there are currently 3 spaces and no changes are proposed to the parking area. The existing parking area is relatively tight, however the applicant has submitted a plan indicating how vehicles can park and exit the site in forward direction. This detail is considered to be acceptable.

Planning conditions can be imposed to retain the parking and turning area clear of obstruction and to ensure that gates are hung a minimum of 5 metres from the carriageway edge and to open inwards.

Subject to the above conditions, the proposal would have an acceptable impact on highway safety.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mike Hicks

APPEAL DECISIONS – 25 NOVEMBER 2021

Site: 9 STATHAM CLOSE, TAUNTON, TA1 5AF

Proposal: Erection of a two storey extension to the side, single storey extension to the rear and cladding of first floor front elevation at 9 Statham Close, Taunton

Application number: 52/21/00-3

Reason for refusal: Dismissed

Original Decision: Chair Decision



The Planning Inspectorate

Appeal Decision

Site visit made on 14 September 2021 by A Coombes **Decision by K Taylor BSc**

(Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/W3330/D/21/3277521 Site Address 9 Statham Close, Taunton TA1 5AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Eleanor Smith against the decision of Somerset West and Taunton Council.
- The application Ref 52/21/0003, dated 29 January 2021, was refused by notice dated 1 April 2021.
- The development proposed is a two-storey side extension and single storey rear extension. Cladding to front elevation of existing house.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural matters

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to this as a material consideration however, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. The main parties

were provided an opportunity to comment on the updated Framework and the comments received have been taken into account.

4. Planning permission has recently been granted at the appeal site for a two-storey side extension and single-storey rear extension. Although similar to the appeal scheme, differences include a lower ridge height and no cladding proposed to the front. I have had regard to this recent planning history.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host dwelling and surrounding area; and
 - the living conditions of the neighbouring occupiers.

Reasons for the Recommendation

5. The appeal site is situated in a cul-de-sac within a highly residential area. Statham Close is characterised by two-storey semi-detached properties with white rendered finishes. Though some properties have been extended, the appearance of the houses remains largely uniform. The application proposes a two-storey side extension and single-storey rear extension, as well as the addition of cladding to the front elevation of the existing house.

Character and Appearance

7. The proposal seeks to extend the dwelling up to the shared boundary with 11 Statham Close. This would mimic the two-storey side extension of the attached 7 Statham Close and create a sense of balance between the two semi-detached properties. However, the building line for 11 and 13 Statham Close is stepped back and the front elevation is angled toward the appeal site, which appears dominant. Although the development would be subservient to the host dwelling, in some respects, and balance with the adjoining property, it would appear dominant in the wider setting. This would be specifically in relation to the neighbouring property at 11 Statham Close, with a full height ridgeline extending the full width of the plot. This would exacerbate the existing relationship and cause harm to the character and appearance of the area.
8. On the site visit it was observed that a small minority of properties on the nearby Galmington Drive have introduced cladding. However, there is a degree of variation in finishing materials used on properties along this road. Although the appeal site is not within a Conservation Area, rendered facades are integral to the character of Statham Close, and the introduction of cladding would be an incongruous addition to this enclave of properties.
9. Although, in isolation, the development would not cause harm to the host dwelling, this does not outweigh the harm found to the character and appearance of the area. Therefore, the proposal does not comply with Policy DM1 of the Taunton Deane Borough Council Core Strategy 2011 – 2028, adopted 2012 (CS), which resists unacceptable harm to street scenes. The development would not respond well to the locality and would also conflict with the Framework.

Living Conditions

10. In terms of siting, the appeal site already has a close relationship with 11 Statham Close. Due to this relationship, the appeal site is highly visible from habitable windows in the neighbouring property. As the development would extend the property to the shared boundary, and retain the existing ridge height, it would increase the dominance of the appeal site and exacerbate the existing sense of overbearing. Outlook from habitable rooms would also be reduced and this would be detrimental to the living conditions of the occupiers. Furthermore, although the development may meet the 45-degree rule, due to the siting of the two properties, there would be an overbearing effect to 11 Statham Close.
11. For the reasons given above, the development would be detrimental to the living conditions of neighbouring occupiers. Therefore, it would not comply with Policy DM1 of the CS or Policy D5 of the Taunton Deane Borough Council, Site Allocations and Development Management Plan, adopted 2016. Together these Policies require that development does not cause unacceptable harm to residential amenity.

Other Matters

12. It is understood that the appellant has expanding accommodation needs There would also be modest economic benefits during the construction phase. However, for the reasons outlined above, the proposed development would cause significant harm that would not be outweighed by the personal circumstances of the appellant, the economic benefits, the absence of objections or the support from the Parish Council.

Conclusion and Recommendation

13. Although no harm would result to the character and appearance of the host dwelling in itself, this would not mitigate or outweigh the other harms that would arise. The proposal would not accord with the Development Plan when it is considered as a whole. For the reasons given above, I recommend the appeal should be dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR

