

Officer: Darren Roberts Date: 13 April 2022
Report agreed (PPO/APM): Date:
Chair/Vice Chair – (If Applicable): Agree to delegation: Date:

Application Number: 30/21/0022
Committee Date: 28 April 2022
Expiry Date: 06 July 2021
Extended Expiry Date: 31 March 2022
Earliest Decision Date: 15 March 2022
Final Decision Level: **Committee**
Decision Type: CA

Somerset West and Taunton

Planning Officer's Report and Recommendations

Applicant: WEST OF ENGLAND DEVELOPMENTS (TAUNTON) NO 2 LTD

Description of Development

Erection of 1 No. detached bungalow with detached double garage and alteration to access arrangement, on land adjacent to Matthews Farm, Blagdon Hill Road, Blagdon Hill

Recommendation

Recommended decision: Conditional Approval subject to prior completion of a Section 106 legal agreement to ensure nutrient neutrality

Recommended Conditions

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A2) DrNo 21.10.05 Elevations and Sections
(A3) DrNo 21.10.04 Floor Plans
(A2) DrNo 21.10.03 Site Plan
(A3) DrNo 21.10.02ABlock Plan
(A3) DrNo 21.10.01C Site Location Plan
(A3) DrNo 21.10.06 Access Elevations
(A3) DrNo 21.10.08 Landscape Plan

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

3. Prior to the commencement of construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and

thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

4. Prior to occupation, a lighting design for bats, following Guidance Note 8 - Bats and Artificial Lighting (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 or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the approved 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 Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment

5. The development hereby approved shall not be occupied or the use commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan(s) for the parking, and turning of vehicles, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

6. No works shall be undertaken on site unless details for the provision of parking and servicing of vehicles during the construction phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans for the:

(i) parking of vehicles of site personnel, operatives and visitors;

(ii) loading and unloading of plant and materials; and

(iii) storage of plant and materials used in constructing the development

The parking/servicing area(s) shall be provided in accordance with the approved details prior to any other works being undertaken on site. The parking/servicing area(s) shall be retained for the duration of the site clearance and construction phase.

Reason: To ensure that the development does not prejudice the free flow of traffic or highway safety nor cause inconvenience to other highway users.

Reason for pre-commencement: This matter is critical to the safe operation of development at the site, given the acknowledged limitations of the site access and the local road network.

7. The parking spaces in the garage hereby approved shall at all times be kept available for the parking of vehicles and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety and to ensure that the garage is not used for habitable accommodation given its proximity to the boundary of neighbouring properties..

8. Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing sustainable development.

9. (i) The landscaping/planting scheme shown on the submitted drawing number 21.10.08 and specified within the landscape schedule submitted by Clark Landscape Design and dated December 2021 shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure shall be added to the building or erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that additional accommodation will not be created which would add to the phosphorous load calculated for the dwelling, and to ensure that the proposed development does not harm the character and appearance of the area.

11. The dwelling hereby approved shall not be occupied until:
- i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
 - ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 and CP8 and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

12. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles or amphibians that may be present and to encourage their movement onto land retained in the eastern section of the site. This work may only be undertaken during the period between March and October under the supervision of a competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

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 amphibians, reptiles and badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

13. Any rubble piles should be dismantled by hand during April to October inclusive under the supervision of competent ecologist. Any reptiles or amphibians found will be left to disperse of their own accord onto land retained in the eastern section of the site. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: Protection of amphibians and reptiles in accordance with the Wildlife and Countryside Act 1981 (as amended) and Policy DM1c of the Taunton

14. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences 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: Protection of nesting birds in accordance with the Wildlife and Countryside Act 1981 (as amended) and Policy DM1c and CP8 of the Taunton Deane Core Strategy.

15. No lighting during construction and operation of the site will be directed towards the site boundaries.

Reason: For the protection of bats in accordance with Schedule 2 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Wildlife and Countryside Act 1981 (as amended) and Policy DM1c of the Taunton Deane Core Strategy 2011-2028.

16. The following will be integrated into the design of the proposal

- A) The new hedgerows are to be planted up with native species in accordance with the "landscape plan" drawing number 21.10.08 dated December 2021.
- B) All new trees planted on site should ideally be from local native stock and planted in accordance with the "landscape plan" drawing number 21.10.08 dated December 2021.
- C) 1x Schwegler 1B and 1x Schwegler 2H bird boxes will be installed on retained trees at the site boundary and maintained thereafter.
- D) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter.
- E) 1x reptile/amphibian hibernacula will be constructed along the north boundary and maintained thereafter.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation.

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.

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

Reason: In the interests of highway safety

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
3. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). During construction works, any trenches/ holes left exposed overnight should be provided with a means of escape, such as a shallow sloped edge or angled board (minimum 30cm width), positioned at a maximum angle of 30 degrees
4. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.

Committee Update

The application was deferred at the Planning Committee on the 17 March 2022. The reason for the deferment was to seek clarity from the Highway Authority on highway safety and access issues for an additional dwelling. Comments have now been received and are as follows:

"This application is seeking full planning permission for the erection of a detached dwelling on land to the rear of Shangri-La. The application was originally referred to the Highway Authority's Standing Advice, however, following a deferral by Committee it has been requested that the HA provide full comments, which are provided below.

It is noted that this application follows two previous applications for a dwelling on this site, both of which were refused for highway safety reasons associated with the substandard access arrangements.

Since the above applications were refused planning permission (30/18/0018) has

been granted on an adjoining site (Pixie Lawn and Shangri-La) for alterations and conversion of the existing dwellings into a single dwelling and the erection of detached dwelling. This permission is relevant as these properties share the same access with the current application site and as part of that consent improvements were secured for the access. These alterations included significant improvements to the northerly visibility as well as improvements to the northerly radii of the access. Such works have now been carried out and are secured in perpetuity through a condition attached to the planning consent.

Despite these improvements the proposed site access remains substandard with visibility to the north falling approximately 10m short of the 43m required by Manual for Streets and the splay to the south is obstructed by the garden wall belonging to Matthews Farmhouse. The access is also substandard in its width.

Looking at the available road safety records it is noted that there have been no recorded Personal Injury Accidents associated with the site access within the last 5 years.

It is understood that the current extant use of the application site is agricultural which itself would generate some traffic. The proposed new dwelling is likely to lead to additional trips over and above that generated by the extant use and to therefore lead to an intensification in use of this substandard access. Whilst this may be the case, when viewed in the context of the existing overall use of the access, i.e. by three separate dwellings, the degree of intensification will be proportionately modest.

Paragraph 111 of the NPPF states that development proposals should only be prevented or refused for highway reasons if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The amount of traffic generated by the proposed development, a single dwelling, will not in the view of the Highway Authority have a severe impact on the operational capacity of the local highway network.

In the light of the above observations, the modest increase in traffic resulting from the proposed development, the lack of any recorded accidents associated with the access and the recent improvements made (and secured in perpetuity) to the access, the Highway Authority is of the view that any increased risk to highway safety is low and as such to object on these grounds would be unreasonable.

Further to the above, it is noted that the applicant has offered to lower the front boundary wall at Matthews Farmhouse which would allow significant improvements to the southern visibility splay. The Highway Authority supports such alterations and would encourage them to be incorporated within the scheme if possible, although it is understood that there may be heritage objections which may prevent this.

For the reasons set out above, the Highway Authority does not object to the proposed development. Should the LPA be minded to approve the application the following conditions are recommended:

- The area allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.*
- Provision shall be made within the site for the disposal of surface water so as to*

prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

• The garage hereby permitted shall be retained for the parking of vehicles at all times."

Taking on board the above comments, the recommendation to approve remains the same, as a refusal on highway safety grounds would not be supported. Proposed Conditions 5, 7 and 17 incorporate the recommendations made by the Highway Authority. The above response makes it clear why the situation has changed since the previous refusal reason.

Proposal

The proposed development is for a new dwelling on land at the rear of existing housing, accessed along an existing driveway between properties. Adjacent to the curtilage to the east, it is proposed to plant an orchard on the remaining part of the field, which would be accessed via a gate. It is also proposed to plant a hedgerow around the boundaries of the site, and to plant a number of trees within the curtilage.

Site Description

The site proposed for development is a field to the rear of existing properties in the small village of Blagdon Hill. Access to the site is onto the classified road between the properties of Pixie Lawn and Matthews Farmhouse.

Relevant Planning History

30/14/0051 - ERECTION OF A DETACHED DWELLING WITH ATTACHED SINGLE GARAGE AND DOUBLE CAR PORT - Refused 08/06/15

30/15/0051 - ERECTION OF A DETACHED DWELLING WITH DETACHED DOUBLE GARAGE (AMENDED SCHEME TO 30/14/0051) - Refused 03/12/15

The more recent application for this current site was refused for one reason - "The proposal would be served by an existing substandard access that is narrow and does not provide visibility splays that would allow vehicles to enter and leave the site safely. As such no ability to provide safe access has been demonstrated and as such the proposal would be detrimental to highway safety. The proposal is therefore contrary to Policy DM1b of the Taunton Deane Core Strategy".

An additional reason was included for application 30/14/0051, this referred to the position of the proposed dwelling to the rear of existing properties.

Since these decisions, an application was submitted ref 30/18/0018 for the erection of a single dwelling and conversion of existing dwellings and extensions etc, and improvements to the entrance and visibility splays at Pixie Lawn and Shangri-La, an adjacent site. This is relevant because of the proposal to improve the entrance onto Blagdon Hill Road, which is shared with Matthews Farm.

The access works have been undertaken and completed at the entrance.

Reference has been made to two other applications within the village of Blagdon Hill by objectors. 30/18/0035 is an application for two bungalows at Curdleigh Lane, about half a mile to the south. An appeal decision was issued in October 2021, with the application being dismissed on grounds of potential harm to the Ramsar site. The Inspector in that instance considered that the development would make a positive contribution to the local housing supply and would be acceptable in terms of its effect on the character and appearance of the area.

The other application referred to, 30/20/0016, is for an approval of reserved matters of an application for 2 dwellings at Nutbeam Farmhouse, again about half a mile to the south. The principle of development has been established by the granting of the outline permission (30/18/0001), however the current reserved matters application has yet to be determined.

Consultation Responses

PITMINSTER PARISH COUNCIL - The Parish Council object to the application for the following reasons:

1. The application site is outside the village envelope (Taunton Deane Local Plan November 2004).
2. The application refers to land outside the development curtilage.
3. Contravenes Planning Policy DM2 - of which this Parish upholds and supports in every application of this type.
4. Proposed building on agricultural land.
5. The Parish Council is not convinced that safety of the access is controlled only by visibility splays. The entrance to the site and its entire length is very narrow and there is insufficient width for cars to pass so may cause an obstruction which causes cars to back up on the highway whilst safe passage for cars exiting takes place.
6. The proposal would bring a significant increase in the number of vehicles to leave and enter the traffic stream at a point where visibility is not great as seen when approaching in low slung vehicles. The pillar tops of the wall to the north restrict clear visibility. This may cause interference with the flow of traffic and consequent danger on this stretch of road. There have been many vehicle accidents at the junction with Howleigh Lane.
7. The access is very poor. Historically, this access track has only been used by vehicles accessing Matthews Farmhouse, the agricultural land, Pixie Lawn and Shangri-La. This latest proposed development will bring potentially two more vehicles. Because the owner of Pixie Lawn owns the land on the corner of the access vehicles turning left into the access track from the main road must swing out crossing the central white line to gain access. If another vehicle is proceeding out, then one or other must give way. It may be necessary for the inbound vehicle to remain for some time in the centre of the carriageway causing a hazard on this particularly bad stretch of road with a dangerous road junction.
8. The access track is inaccessible for emergency vehicles.
9. The application has not proved due diligence in establishing the ability to access site nor or to gain permission to use proposed access routes
10. There will be intensification of use of this very narrow and bad access.
11. Application refers to fences of a certain height around the house that is out of keeping with a rural area
12. Exit from track not solely owner by applicant and has no right of way across a corner of the exit. i.e. applicant does not have a legal right to use the splay that they rely upon to exit the lane.

13. Splay not sufficient for domestic use.

14. Highways have stated refer to 'Standing Advice', Highways has not stated that the Splay and exit is satisfactory as suggested by the applicant - nor have any proposed changes to the exit been agreed to satisfy exit requirements - either agricultural or domestic. Section 1 of the Highways act covers Access, Parking and turning This application does not satisfy this criteria as the exit is on a dangerous corner with limited visibility and it does have a detrimental impact on the adjoining highway (Refusal on that point alone). Additionally, there is no provision for turning or passing in the lane they do not own. Furthermore, the 'Advice ' covers domestic exits but states that they must own all the exit - the applicant does not.

15. Previous applications refused because of splay and outside the village curtilage (not just because of the exit as the Applicant's agent would have the planning department to believe)

16. No provision for safe collection of domestic waste

17. Not carbon neutral as suggested in supporting documentation - in fact their documentation highlights that there is an increase - Phosphate report vague - no specific location of tests - furthermore, test conclusions cannot be made until post the installation of the PTP.

18. Application states already in a residential area - factually incorrect and misleading... use of PTPs and discharge locations not identified

19. Nature report is not conclusive but selective - bat migration routes not covered. At least x2 locations in the immediate vicinity have had to make provision for bats with heated loft hatches as part of their planning applications; any proposed building in any form on agricultural land will disrupt bats flight paths at that location

SCC - ECOLOGY - Following my initial comments in which it was suggested that the scheme was initially going to be progressed via the interim guidelines (as suggested in the Nutrient Neutrality Assessment report at the time) I am assuming that the applicant has concluded that a PTP would not be acceptable for this location given the proximity to available main sewer connections? this will now mean that the application will require a HRA to be completed.

We have received an updated calculation of the phosphate budget calculator only by RMA to reflect this change from a PTP to WWTW connection. However, such a significant change in the scheme and subsequent mitigation proposals should really be presented in an updated version of the Nutrient Neutrality Assessment report as the original report by RAM dated 11th June 2021 could be considered completely invalid.

Further to this point the updated calculation states a total area of the development site (in stage 2) as 0.367ha whereas in the original report the area is 0.170. I'm assuming the original calculation was wrong as it suggested the entire site will become urban area where as the new calculation more accurately reflects the proposed garden areas as open space? This is opposed to the change in area of the calculation meaning it includes the fields immediately to the east which is in the ownership of the applicant and was previously proposed as the area allocated for Phosphate mitigation?

The latest information from RMA suggest a new woodland and a SuDS pond are to be used as the mitigation although the updated calculation may have been incorrectly filled in at stage 3 with regards to the wetland/SuDS section, as it suggests no mitigation is required (and then stages 4 and 5 for the mitigation were not filled out). It is not clear within the proposals where such mitigation is to be proposed on site in accordance with the latest calculation, i.e. no details are given on where this wetland is going or any other details associated with it.

However, strictly speaking if the mitigation of a woodland/wetland is proposed to the

land east of the current red line boundary then it is considered off-site mitigation, we would therefore require that all the appropriate ecological assessments are undertaken for this mitigation site to feed into the HRA. At present only the existing red line boundary has been assessed. I would also advise that the Phosphate calculation is reviewed again and incorporated into an appropriate update to the Nutrient Neutrality Assessment report.

SCC ECOLOGY 17/2/22

The development would give rise to a phosphorus surplus of 0.23 kg/year. The proposed mitigation includes converting 0.26ha of currently sheep grazed land into 0.26ha of orchard planting. The Nutrient Neutrality Assessment and Mitigation Strategy by RMA environmental dated 2nd December 2021 has calculated the proposed mitigation to offset 0.26 kg/year. However, it is noted that the Phosphate mitigation area is not within the redline boundary for this application but rather the blue line boundary which happens to be adjacent to the main development site.

The shadow HRA report by ead ecology dated December 2021 and the linked document "Ecological Management Plan" by ead ecology dated December 2021 is considered acceptable by Natural England and SES in reaching the conclusion of no adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. This is provided that the proposed mitigation (land-use change at Blagdon Hill from grazed pasture to orchard) is secured in perpetuity. The shadow HRA and its conclusions may therefore be adopted by Somerset West and Taunton Council as the competent authority. It is understood that Somerset West and Taunton Council will legally secure the mitigation in perpetuity via a s106 agreement.

A Preliminary Ecological Appraisal of the application site (red line boundary) was carried out in April 2021 by HalpinRobbins Ltd, result are as follows:

Amphibians:

- no ponds were identified within 250m of the site. The site has the potential to support amphibians in their terrestrial phase. vegetated rubble piles were noted on the eastern boundary of the site which have potential to be used by these species for sheltering/ hibernating.

Bats:

- The site has no roosting opportunities for bats. The boundaries of the site have the potential to be used by commuting bats and the neutral grassland provides foraging opportunities for bats.

Badgers:

- No setts were recorded within the site itself, a potential badger sett was recorded within the bank of the hedgerow located c. 40m to the east of the site and a mammal path was noted running in a north/south alignment along the hedgerow.

Birds

- Bird nesting opportunities within the site are limited to the bramble scrub patch located on the eastern boundary of the site.

Reptiles:

- The unmanaged tussocky neutral grassland is suitable habitat for reptiles. The vegetated rubble pile provides suitable refuge for reptiles. It is considered highly likely the site is used by common species of reptiles such as slow worm

An ecological assessment of the proposed orchard location for phosphate mitigation (blue line boundary) has been undertaken by ead ecology and is written in the Ecological Management Plan report dated December 2021 results included:

Amphibians:

- The site has the potential to support common amphibians in their terrestrial phase.

Bats:

- No bat roost potential but foraging and commuting opportunities

Badgers:

- An outlier badger sett was noted along the eastern hedgerow.

Birds

- Bird nesting opportunities are identified with the vegetation within the site.

Reptiles:

- The grassland is suitable habitat for reptiles. It is considered highly likely the site is used by common species of reptiles such as slow worm.

Recommendations of planning obligations/conditions:

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, please ensure the following planning obligations/conditions are attached to the planning permission if granted.

Habitats Regulations Assessment (phosphate)**S106 agreement**

The following will be secured by S106 agreement:

- The development shall be carried out strictly in accordance with the Ecological Management Plan, Land at Matthews Farm, Blagdon Hill report (lead ecology, dated December 2021).
- Provision of a minimum 0.26 hectares of Phosphate mitigation habitat comprising orchard planting.
- The grassland of the orchard will be sown with a native species wildflower seed mix such as Emorsgate special general-purpose meadow mixture (EM3) or similar and cut no more than twice per year.
- Long-term maintenance and management scheme for the orchard habitat, to include legal and financial mechanisms.

Bats

Although foraging habitat associated with the grassland will be lost, the proposals include the planting of additional hedgerows within the site and an orchard to the east.

As no bat activity surveys have been submitted, I have to assume the presence of light averse species. It is unclear if external lighting will be included, if so, the proposals should avoid lighting boundary features, please attach the following condition (if lighting is required):

- 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. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. 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 Taunton Deane Core Strategy 2011-2028: Policy CP 8 Environment.

Badgers

Due to the potential for badgers to use the site and proposed orchard area the following informative will be attached:

- 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 Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Birds

As nesting birds are likely to use vegetation on site the following will be conditioned:

- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences 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: In the interests of nesting wild birds and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Reptiles and amphibians

The site has been identified as being suitable for reptiles and amphibians in the form of the grassland and the rubble piles on site. It is evident that sufficient amounts of retained habitat are east of the site and the proposals will enhance the site for reptiles and amphibians. In order to avoid harm to reptiles and amphibians during construction the following two conditions must be applied:

- Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles or amphibians that may be present and to encourage their movement onto land retained in the eastern section of the site. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

- Any rubble piles should be dismantled by hand during April to October inclusive under the supervision of competent ecologist. Any reptiles or amphibians found will be left to disperse of their own accord onto land retained in the eastern section of the site. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Biodiversity Enhancement (Net Gain)

As compensation and enhancement measures, and in accordance with National Planning Policy Framework (NPPF) and the Environment Act, please apply the following conditions to any planning permission granted.

- The following will be integrated into the design of the proposal
 - A) The new hedgerows are to be planted up with native species in accordance with the “landscape plan” drawing number 21.10.08 dated December 2021.
 - B) All new trees planted on site should ideally be from local native stock and planted in accordance with the “landscape plan” drawing number 21.10.08 dated December 2021.
 - C) 1x Schwegler 1B and 1x Schwegler 2H bird boxes will be installed on retained trees at the boundary and maintained thereafter.
 - D) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter.
 - E) 1x reptile/amphibian hibernacula will be constructed along the north boundary and maintained thereafter.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation.

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.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development derives access from/onto a classified highway that is subject to a 30mph speed restriction, this and the fact the proposal is for a single dwelling is the reason why it is considered that “Standing Advice” is applicable to this proposal. I would also refer you to section 1 of the Highways, Standing Advice Document. By referring an application to Standing Advice, the Highway Authority is not saying the proposed development is satisfactory in highway safety terms, and it provides the advice necessary for the Planning Authority to assess the proposal and make a determination.

The document sets out what is required primarily for access, parking and turning for new development. If these requirements cannot be provided, refusal on highway grounds is warranted. It should be ensured that any new development and its associated traffic generation does not have a detrimental impact on the adjoining highway or exacerbate and existing substandard arrangement. In the event that permission is granted, it should be ensured that any conditions imposed to achieve the highway requirements can be provided in perpetuity and on land that is within the ownership of the Applicant. The Standing Advice document can be used as part of the Appeals process in the event of an application being refused.

(Further comments see under Committee Update at top of report)

NATURAL ENGLAND - Thank you for consulting with us on the above, received on 23/12/21.

Somerset Levels and Moors Ramsar Site

Natural England considers that the mitigation proposed in the Nutrient Neutrality Assessment and Mitigation Strategy will be sufficient to achieve nutrient neutrality for the proposed development.

Natural England supports the principle of land use change for the purposes of providing a mitigation solution to enable development. This should include the necessary certainty that the project can be delivered in perpetuity as a permanent strategic mitigation solution (in this case permanent land use change from grazing land to orchard).

Shadow Habitats Regulations Assessment

The shadow Habitats Regulations Assessment provided by the applicant affords a firm basis for the LPA to assess the implications of the application in view of the conservation objectives for the Somerset Levels and Moors Ramsar Site, and we would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site

WESSEX WATER - No objections

Habitats Regulations Assessment

The site falls within the surface water catchment for the Somerset Levels and Moors SPA and Ramsar site. Development at the site needs to ensure that it mitigates the impact of development and demonstrate nutrient neutrality. A project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is therefore required to determine that the proposed development will not have an impact on the Ramsar site either alone or in combination with other plans and projects.

The applicant has submitted an appropriate assessment which sets out how this will be achieved. It calculates that the overall phosphate budget for the purposes of determining mitigation is 0.23kgP/year. It is proposed that an area of land immediately to the east of the site would be taken out of agricultural use, which would provide phosphate credits of 0.26kgP/year. This figure exceeds the phosphate budget calculated as a result of the proposed residential development at the site.

This project level appropriate assessment has been considered by Natural England. In their response of 17 January 2022, Natural England indicate that the mitigation proposed may be sufficient to achieve nutrient neutrality for the proposed development, and that the LPA should be able to reach a conclusion of no adverse effect on the integrity of the site. The Council is satisfied on the basis of comments from the SES that the development with the mitigation proposed is not likely to have a significant effect on the Ramsar site should permission be granted pursuant to Regulation 63(1) of the Habitats Regulations 2017. A S106 agreement is required to ensure that the land is removed from agricultural use and planted and maintained as an orchard in perpetuity.

Representations Received

29 objections have been submitted raising the following issues:

Poor visibility at access point; traffic blackspot

The area is agricultural land

Outside of the village envelope

Should not be served from a package treatment plant

Footprint of the building is too large

Would block views from neighbouring properties

Would impact of neighbours privacy

Would set a precedent from further development
Would lead to a further storey at a later date
Not in a sustainable location - village is poorly served by public transport, no school or shop
Issues over land ownership shown in the planning documents
Bat migration point
Land has not been used for agriculture
Environmental issues are taken more seriously than they were in previous applications
Where are services and bins to be located
Question the level of phosphate loading from the proposed dwelling and its mitigation from the proposed orchard

6 letters of support have been received-

Quality new home in a good location
Visibility has now been improved to meet highway requirements
Land is currently not used

Planning Policy Context

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.

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.

CP8 - Environment,
SD1 - Presumption in favour of sustainable development,
CP1 - Climate change,
CP4 - Housing,
SP1 - Sustainable development locations,
SP4 - Realising the vision for rural areas,
DM1 - General requirements,
DM5 - Use of resources and sustainable design,
A1 - Parking Requirements,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,

The is no made neighbourhood plan for Pitminster parish.

The Somerset West and Taunton Design Guide SPD was adopted in December 2021 and is a material consideration

Other relevant policy documents: Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

Local finance considerations

Community Infrastructure Levy

The creation of a new dwelling is CIL liable.
Proposed development measures approx. 200sqm.

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 £25,000.00. With index linking this increases to approximately £35,500.00.

Determining issues and considerations

The relevant issues in this application are the principle of development, design and impact on neighbouring properties, access and highway matters, landscaping and ecology. These are considered below

Principle of Development

The site lies outside of the settlement boundary of Blagdon Hill, but it does adjoin the boundary. The neighbouring properties which share this access are situated within the settlement boundary. Policy SP1 allows for small scale proposals within settlement limits and whilst it is clear that this is outside the boundary the contiguous nature of the site means that it is possible to walk to the facilities within the village, such as the public house and play areas. CP8 permits development outside of settlement boundaries providing it is appropriate in terms of scale, siting and design, protects and conserves or enhances the character of the area whilst maintaining open breaks between settlements. Furthermore, previous applications accepted the principle of development in this location.

Design

It is proposed to construct a single storey, detached bungalow with a detached double garage. Materials are stated as stone walls (either natural or reconstituted) with a natural slate roof, uPVC windows and doors. The house is proposed to sit centrally within the plot, with the garage between the house and the boundary with the neighbouring property. It is proposed to construct a new native species hedgerow on this boundary, and to plant new hedges to the East and Southern boundaries, which connect to the open countryside.

The District Wide Design Guide SPD classifies this as being within the Fivehead Vale area, sitting below the Blackdowns Plateau. It describes the local vernacular as being defined by blue-grey and honey coloured stone. It is therefore considered that the use of stone would be in keeping with the character of the area and of other recently constructed dwellings within the vicinity, however precise details of materials would need to be agreed to ensure this and a condition to this effect is therefore proposed.

Other aspects of the District Wide Design Guide SPD are considered to be met in this respect- the scale, form, plot shape and size is commensurate with the area, and the new dwelling does not interrupt the established building line in the vicinity.

Impact on Neighbouring Properties

The dwelling would adjoin the boundaries of the neighbouring dwellings of Green Crest and Matson. At its nearest point the dwelling would be 10 metres to the boundary with Green Crest and 8 metres to the boundary with Matson, with the houses set back from the boundaries. The principal windows look away from these boundaries, including the kitchen, living and dining room, study and second bedroom. There are windows in the elevation towards Green Crest, however these either serve an en-suite, and can therefore be obscure glazed, or (in the case of Bedroom 3) would look directly towards the proposed detached garage.

Matson is located adjacent to the site, rather than in front of it, and would not have direct views into the site.

The single storey nature of the dwelling, the configuration of the windows, and the planting of the proposed native hedge, will ensure that there is no significant impact on these neighbouring properties.

Access

It is proposed to use the existing access onto Blagdon Road which currently serves three properties. Previous applications for the site were refused on grounds of poor visibility at the junction. Since those decisions, an application to rebuild Pixie Lawn has been approved. This has resulted in the previous building being removed from its position directly on Blagdon Road, with the new dwelling now set back and visibility improved at the junction so that vehicles coming from the direction of Taunton can be seen more easily.

It is acknowledged that this land is not in control of the applicant and therefore relies on the visibility splays being maintained by the neighbour. However this was conditioned as part of the permission to that application and therefore there is a reasonable expectation that the splays will be maintained. The Highway Authority considered that this new visibility splay is acceptable for vehicles exiting the existing properties accessed from this driveway.

To the south, it is proposed to reposition the existing chert stone wall to the back of the visibility splay. However, this is an area in front of a listed building. It is considered that this wall, which is less than one metre high, does not significantly affect visibility to the south and its relocation would be detrimental to the streetscene, which is characterised in this part of the village by walls which front the highway.

Comments have been made regarding the increased likelihood of vehicles meeting in the driveway. There is already the potential for this to happen with the existing properties, and it is not considered that this results in a highway safety issue.

The highway consultant working for the applicant considers that there is no net increase in traffic due to the previous use as agricultural land. The status of the land is questioned by a number of objectors to the application. The current state of the land does not indicate that agricultural vehicles are frequent users of the drive, and therefore the issue is the increased level of activity resulting from vehicles at the new dwelling and the likely impact on highway safety.

The NPPF (para 111) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the absence of an objection from the highway authority, and an assessment of the current situation in operation on the driveway, including the change to visibility, it is not considered that a refusal on highway safety grounds could be sustained. Conditions have been recommended in the event of approval.

Landscaping

The application is accompanied by a landscape plan and a landscape schedule and specification. These give details for the proposed hedge and tree planting, the spacing of orchard trees and importation of topsoil. This would give a good amount of new planting and ensure that any new plants, grass or soil are sympathetic to the landscape. A condition is proposed to ensure adherence to the scheme. An objection has been received on the proposed planting which would result in an impact on the outlook from the properties. Whilst this is accepted, the planting of trees on agricultural land would not require permission and the nature of the proposal is that there will be gaps between trees which would permit views to be maintained.

Ecology

The site is acknowledged within the preliminary ecological assessment as a bat foraging habitat. The recommendations of the report state that suitable conditions should be imposed on any permission, namely that no lighting should be directed towards the boundaries of the site, and a bat box installed within the new dwelling. The County ecologist has confirmed that the introduction of the proposed orchard will increase foraging opportunities in the field to the east, and this will replace the loss of foraging habitat in the existing field.

Within the site there is a small area of bramble scrub, and a rubble pile which have potential to support birds, reptiles and amphibians which may be harmed during clearance. Further conditions are recommended which include works taking place at the appropriate time of year.

Other issues raised

Reference is made to the inclusion of land outside of the ownership of the applicant. The area to the East of Matthews Farmhouse has now been removed from the location plan and does not form part of the application form, as well as the visibility splay associated with Pixie Lawn.

It is acknowledged that the land is classified as agricultural, although there is doubt about the level of farming activity which takes place. It is not considered to be a loss of high grade land.

There is an objection to the height of fences; plans have been amended which remove fences between properties and now show hedges

Safe collection of waste- there is sufficient space within the site to store waste until collection day. Provisions for collection can be subject to a planning condition.

Any increase in height of the building would be subject to a separate planning application

Conclusion

The principle of a new dwelling at this site has been established through previous applications. The construction of a single storey dwelling would not adversely harm the amenity of nearby dwellings, and it is considered that the existing access has been improved to the extent that an additional dwelling can be served from this driveway. Nutrient neutrality will be maintained in perpetuity by the removal of adjacent land from agricultural use and its replacement with an orchard. It is considered that the development would make a positive contribution to local housing supply and would not undermine the distinctive characteristics of the village, including its pattern of development.

The applicant has submitted a draft unilateral undertaking with the following heads of terms:

- To plant the orchard in accordance with the details submitted with the application
- To maintain and manage the orchard in perpetuity in accordance with the nutrient neutrality measures

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

Contact Officer: Darren Roberts