

SWT Planning Committee

Thursday, 28th April, 2022,
1.00 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

[SWT MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, 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

(Pages 5 - 10)

debate the issue.

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).

5. **3/26/19/016 - Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works. Former Nursery Site, A39, Washford, Watchet, TA23 0NT**

(Pages 11 - 34)

6. **30/21/0022 - 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**

(Pages 35 - 54)

7. **Next Committee Date**

The next Committee date is May 26



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

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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 and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the 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.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 1 clear working day before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Friday prior to the meeting.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

The meeting rooms, including the Council Chamber at The Deane House, are on the first floor and are fully accessible. Lift access to The John Meikle Room (Council Chamber), 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.

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SWT Planning Committee - 7 April 2022

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Roger Habgood, John Hassall, Mark Lithgow, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Officers: Alison Blom-Cooper, Kieran Reeves, Martin Evans (Shape Legal Partnership), John Burton (Planning Nationally Significant Infrastructure Specialist), Rebecca Staddon and Tracey Meadows

Also Present: Councillors

(The meeting commenced at 1.00 pm)

123. **Apologies**

Apologies were received from Councillor Firmin

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

(Minutes of the meeting of the Planning Committee held on 17 March 2022 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 17 March 2022 be confirmed as a correct record.

Proposed by Councillor Hill seconded by Councillor Lithgow

The **Motion** was carried.

125. **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	Minute No.	Description of Interest	Reason	Action Taken
Cllr M Blaker	All Items	Wiveliscombe	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr R Habgood	Hinkley Point C	Chair of Trustees at On Your Bike. The charity has	Personal	Spoke and Voted

		benefitted from funding from the HPC mitigation funds and OYB Continues to seek funding from that source through Somerset Community Foundation who administer the fund.		
Cllr Mrs Hill	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted
Cllr S Wakefield	Hinkley Point C	Trustee and Director of Somerset Community Foundation. The charity is receiving and administering the distribution of the Hinckley S106 community benefit fund along with representatives from the affected district and county councils.	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

126. **Public Participation**

No public participation for this meeting.

127. **3/21/22/011 - Variation of Condition No. 21 (to remove the wording 'before their construction begins' in relation to roads, footways, footpaths, paving, verges, junctions, street lighting, sewers, drains, walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriage way gradients, car, motorcycle and cycle parking, and street furniture) of application 3/21/21/015, Land off Seaward way, Minehead**

Comments from Members included;
(summarised)

- The variation of condition No. 21 would allow the project to move forward;
- Concerns with the road not being adopted automatically;
- The project needed to move forward for low cost housing in Minehead;

Councillor Palmer proposed and Councillor Whetlor seconded a motion for the application to be **GRANTED** as per Officer recommendation with Condition 21 to read;

The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority **prior to first occupation of any dwelling unit on the site**. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and method of construction shall be submitted to, the Local Planning Authority. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

The motion was carried.

128.

Supplemental Agreement to the S106 Agreement of 30th August 2012 in relation to the Development Consent Order for the Hinkley Point C (Nuclear Generating Station), in order to secure appropriate and responsible enhancements to the package of mitigation measures secured under the original Agreement. These measures are considered appropriate in the context of the likely increase in the peak number of workers involved in the construction of the Power Station above the 5,600 peak that was assumed for the purposes of the assessments in the application for the Development Consent Order.

Comments from Members included;
(summarised)

- Concerns that the extra workers would bring private rented accommodation to saturation point in Bridgwater;
- Concerns with the night time economy in Bridgwater;
- Concerns with the displacement of local people in the area due to rising house prices;
- Concerns with rural deprivation in the surrounding areas;
- Concerns with the effects of the project in Taunton and West Somerset;
- Concerns that those affected with the project that did not have a voice;
- Concerns with the project affecting the Ramsar sites;

- Extra workers would create parking and additional traffic concerns;
- Concerns with the lack of public transport and the impact on local communities;
- Suggested that more portable units were made available on humanitarian grounds;
- Concerns with the increasement of caravans on tourist sites;

Councillor Tully proposed and Councillor Hill seconded a motion for the HPC Supplement Agreement to the S106 to be **APPROVED** as per officer recommendation below;

1.To authorise the Programme Manager (Regeneration) and the Strategic Lead (National Infrastructure Projects) to provide reasonable representations on behalf of Somerset West and Taunton Council to the Hinkley Point C Transport Review Group, Socio-Economic Advisory Group, and Emergency Services and Local Authorities Group (Hinkley Community Safety Management Group), to enable variations and agree addendums as appropriate to the following Hinkley Point C Management Plans as a result of the increase in workforce envisaged, subject to the additional measures and obligations as set out at Appendix A of this report

- Construction Workforce Travel Plan
- Accommodation Management Strategy
- Community Safety Management Plan
- Workforce Development Strategy

(2) To authorise that Somerset West and Taunton Council enters into a Supplemental Deed of Development Consent Obligations pursuant to S106 Town and Country Planning Act 1990 to secure financial contributions and obligations to deal with the effects of the increase in the Hinkley Point C workforce, as set out at Appendix A of this report;

(3) To delegate authority to the Assistant Director (Strategic Place and Planning) to agree the terms of the Supplemental Deed referred to in (2) above;

(4) To delegate authority to the Programme Manager (Regeneration) to commission delivery of all the financial contributions payable to Somerset West and Taunton Council within the Supplemental Deed to be agreed under (2) and (3) above, after consultation with the relevant Portfolio Holders;

The motion was carried.

The Chair proposed a break of 10 minutes which was duly seconded and carried.

129. **Latest appeals and decisions received**

Latest appeals and decisions noted.

130. **Access to Information - Exclusion of Press and Public**

The Committee resolved that under Section 100A(4) of the Local Government Act 1972 the public be excluded from part of Agenda Item 7 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

131. **Confidential report**

Councillor Habgood proposed and Councillor Tully seconded a motion to **APPROVE** the Confidential report as per Officer recommendation.

The motion was carried.

(The Meeting ended at 3.50 pm)

Application Details	
Application Reference Number:	<u>3/26/19/016</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	22 April 2022
Expiry Date	
Decision Level	Planning Committee
Description:	Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works
Site Address:	<u>Former Nursery Site, A39, Washford, Watchet, TA23 0NT</u>
Parish:	26
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	No
AONB:	Quantock Hills
Case Officer:	<u>Richard Boyt.</u>
Agent:	Samantha Thomas, Tetrattech
Applicant:	Acorn Developments (SW) Ltd.
Committee Date:	28 April 2022
Reason for reporting application to Committee	Revisions to plans and conditions previously agreed at Committee

Update report to Committee

This report to committee relates to the proposal for 9 open market houses on the former Nursery site previously considered by the Committee on 29 April 2021 when it was resolved to grant planning permission subject to a Section 106 agreement and conditions. The applicants are now seeking two amendments to the application:

1. To amend the site layout plan to move the vehicular site access to the A39 approximately 3.8 metres to the east.
2. Alter the wording of agreed Condition 15 of the Committee decision of April 2021 to change the minimum width of the bat corridor from 10 metres to 6 metres.

Recommendations:

1. That the Committee agrees to the revised access layout;
2. That the Committee agrees the revised bat corridor layout and the related revision to the wording of Condition 15;
3. Subject to the above revisions, that delegated authority be given to Officers to grant planning permission subject to the conditions set out in the Committee report dated 21 April 2021 and the prior completion of a Section 106 legal agreement to secure the planning obligations described in that report.

This application was originally submitted in tandem with a reserved matters (RM) application at the nearby Huish Mews site (reference 3/26/19/015 for the RM and 3/26/14/025 for the outline) and follows on from two outline consents granted in 2017 which linked both sites with this 'nursery' site (reference 3/26/14/026 outline) providing open market housing and the related Huish Mews site providing affordable housing. The approval for both outline applications was conditional upon a mix of affordable housing and open market being provided across the two sites which are separate and not directly linked or contiguous to one another but were in the same ownership.

This policy-compliant affordable housing mix was achieved via a legal undertaking related to both outline permissions. However, this application is a full planning application, which seeks to continue the principle of linking the sites to provide affordable housing on the other Huish Mews site, whilst providing open-market housing at this 'nursery' site. As before the formal link would be established via a legal agreement which is currently nearing completion.

The planning history is set out below:

(former Nursery site)

3/26/14/025 - outline: erection of up to 6no. dwellings, footpath – C/A – 20/06/2017

3/26/19/016 (this updated application) - Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works at Former Nursery Site – resolution to grant at planning committee 12 March 2020

(Huish Mews site)

3/26/14/026 - outline: erection of up to 10no. affordable dwellings, relocation of allotments – C/A – 20/06/2017

3/26/19/015 – Reserved Matters: erection of 5no dwellings, relocation of allotments – C/A – 17/10/2019

NMA/26/19/001 - minor revisions to plan numbers approved under 3/26/19/015 – Approved

Proposed revision to Access

The applicants are now seeking revisions to the agreed scheme to move the access in order to avoid unadopted County Council land close to the A39. The housing positions are unaffected.

The Highway Authority have been consulted on the revised site access point which is 3.8 metres eastwards of its former position. Visibility splays are maintained as shown on the previous scheme and the Highway Authority raise no objections.

Bat Corridor Condition

It is proposed that Condition 15 (bat mitigation) be amended in order to accommodate the housing layout as follows:

(changes shown as bold and underlined)

*A minimum bat corridor with a minimum width of ~~10-6~~ metres along the entire eastern boundary of the site will be provided **with a minimum of 0.19ha of ecological mitigation land area**. The replacement habitat shall be of long sward meadow and scrub, which is accessible to bats and bordered by hedgerow next to the built area to form a sheltered passageway. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority prior to work commencing on site. This corridor will be protected with fencing, such as a Heras fence) during the construction period. The enhanced habitats will be planted at the earliest feasible date following permission unless otherwise agreed with the local planning authority. An updated Masterplan will be provided for the site and submitted to and approved by the Local Planning Authority Reason: In the interest of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the West Somerset Local Plan.*

The Somerset County Ecologist has been consulted on these changes and confirms they are acceptable.

Other Matters

The Deed of Variation for the Section 106 for this development is nearing completion in accordance with the decision of the committee in April 2021. It is anticipated to be signed shortly. As before, this will ensure that the delivery of affordable housing at the Huish Mews site.

Conclusion

The aforementioned revised access position and amended bat mitigation condition are considered policy compliant and these minor changes are recommended for approval as laid out at the start of this report.

APPENDIX - PREVIOUS REPORT TO COMMITTEE - 29TH APRIL 2021 GRANTED AS OFFICER RECOMMENDATION

1. Recommendation 1.1

Grant

Recommendation

Recommended decision: Grant

(1) That delegated authority be given to the Chief Planning Specialist to grant planning permission, subject to the conditions set out in this report, after the signing of a Section 106 legal agreement, or equivalent unilateral undertaking is received, to grant consent subject to the revised financial obligations.

Site Description

The site is a grassed field which formerly housed a plant nursery located on the edge of the settlement of Washford. It is adjacent to the main A road to the south, and has an existing access to the highway. The site is partially bounded by mature hedgerows and has some mature trees. There is a small stream running through it. There are residential dwellings to the west, and to the north and east land in agricultural use. The site is relatively flat and is entirely outside of Flood Zones 2 and 3.

Relevant Planning History

3/26/14/025 - outline: erection of up to 6no. dwellings, footpath – C/A – 20/06/2017

(Huish Mews site)

3/26/14/026 - outline: erection of up to 10no. affordable dwellings, relocation of allotments – C/A – 20/06/2017

3/26/19/015 – Reserved Matters: erection of 5no dwellings, relocation of allotments – C/A – 17/10/2019

NMA/26/19/001 - minor revisions to plan numbers approved under 3/26/19/015 approved

Consultation Responses

Old Cleeve Parish Council - The above application was reviewed by Old Cleeve Parish Council at the August 2019 meeting and the following comments were noted: o Old Cleeve Parish Council previously objected to the development by the Wyndham Estate, both on this site and the linked site in Huish Lane. The main

reason being the A39 traffic issues; entering through Washford and close proximity to the dangerous Walnut Tree Corner junction with Huish lane, combined with the lack of suitable footways/crossings

- o There are concerns over; the proposed public footpath linking the development to Huish Lane, safe access to essential services and the capacity of the school
- o The foul sewer serving Washford to Watchet, regularly surcharges in adverse conditions, creating flooding in Lower Washford - in particular the school. Any further loading may exacerbate this issue with increased frequency
- o The proposed full application submitted changes from the previous approved outline application scheme from six dwellings to ten number, an increase of 40%, that in our opinion requires re- evaluation

- o Old Cleeve Parish Council is also aware of an impending application by the Wyndham Estate for a further scheme of fifteen units situated between this site and the Huish Lane scheme - approved in outline. Any such proposal linking these developments via its roadway and Huish Lane would have an enormous impact for the reasons previously given and would be strongly opposed by Old Cleeve Parish Council
- o Planning Statement

- o Section 3 3.1 Details of the Section 106 Agreement - as the scheme triggers a financial contribution to offset the negativity of this development, Old Cleeve Parish Council should be part of the S.106 process

- o Only Washford village, within the Parish of Old Cleeve, allows permitted development under the Local Plan 2015-2032. Roadwater village is covered by the Exmoor National Park Authority Local Plan. All other locations in the parish are considered open countryside

- o Clause 3.2.2 This lists amenities, which is true, however some are only operated on a limited and part time basis - in particular the Post Office/shop and the railway station. The school has limited capacity and is currently at its maximum. Access to the services required is by lanes or the A39 with either no or limited safe footways
- o Clause 3.2.4 'Regular trains' are not available as the part time railway is primarily holiday season use and is closed during the winter. This must be discounted as a regular or economic commuter service. The use of the private car is the prime means of transport, whilst the use of the bus service is possible (to Minehead and Taunton), the route and access to the bus stops are particularly hazardous at all times on the A39.

Sections 2 and 4 refer to 'regular bus services' and 'extensive bus services' - there are buses, but not to this extent.

Employment prospects locally are limited and commuting by car to Taunton, Bridgwater or Minehead is the only practical option.

Under the outline planning permission, it is stated that;

? under Condition 9, a Measures Only Travel Plan is required - this has not been addressed

? under Condition 14, the extension of the speed limit on the A39 to the west is required - this has not been addressed

o Clause 3.3.4 The ditch/watercourse runs east/west across the site. This arises from

a natural spring east of the site in the grounds of Langtry House and ponds accordingly. The spring and associated ponds are clearly evidenced on the 1888 OS maps and regularly flood in severe adverse weather. Adequate provision will be necessary to prevent restriction and potentially creating a greater flood risk to Langtry House, access and new housing. This issue is not indicated on the submitted plans, and therefore nor is its resolution

o Clause 3.4.5/3.4.6 The site is not well related to the village services – recognised at the outline stage requiring the essential linked footpath to Huish Lane. Clause 3.4.6 states that there is no intention to light the path or create a hard surface and it will be managed by a company for future maintenance - the transport document indicates tarmac. It is essential that the path is lit and surfaced as this was a particular issue raised by Old Cleeve Parish Council at the planning committee determination and agreed conditions imposed. Without this level of protection, during winter months/dark mornings and nights and the footpath being used by children or persons with disabilities - safety will be compromised. Condition 12 requires the linking footpath to be lit and 2.0m wide - this has not been considered

o Clause 5.3 Transport, Access and Parking

Within paragraph 5.3.4, it is suggested that as the development is on the east side of Washford, that all traffic will travel to Williton or Watchet - this cannot be assumed.

Walking distances have been checked and are based upon the shortest, safe route; however, pavement footways are not continuous whilst crossing the A39 and this is hazardous at any point. Somerset County Council have confirmed that there are no safe places for

crossings or for the provision of. In 2018 Old Cleeve Parish Council conducted an in-depth road safety survey (evidence can be provided). Access to bus stops from the site in the westerly direction is the worst hazard. Easterly the bus stop near the Post Office/shop is considered inadequate (735m). The distance to Washford Inn/railway station is 896m. There is no adequate parking at the Post Office/shop and is situated on 'Cat Lane' a single-track one-way lane with no separate footways ? Paragraph 7.1 refers to the Travel Plan in the outline planning permission, then states this is not warranted, but the outline planning permission requires it ? Appendix B shows the swept path analysis - this shows large vehicles turning left in from or left out to the A39, as needing to use the wrong side of the road to make the turn, this is potentially dangerous

o Clause 5.37/5.38 It is considered that part of the data is flawed as the former nursery and 5.39 site only operated between April and September and remained closed during the winter months. The operator was occasionally assisted by one other person (only ever a maximum of two persons). It was operated on a small-scale specialist basis and not a Garden Centre as suggested. This also meant that the traffic flow in and out of the site was minimal - vehicle movements were very low

and cannot be used as a measurement against the increase in potential vehicle movements. West Somerset planning authority did not take this into account when considering the outline consent for six no. dwellings and with the increase to ten no. units, the comparison is distorted

o Design and Layout

- o Clause 5.4.6 Measures to reduce carbon emissions - it is noted that the designs incorporate chimney structures/fireplaces. As Washford has no gas supply and oil is no longer compliant, solid fuel will emit considerable carbon. The designs do not incorporate solar thermal or solar voltaic provision. This is recommended along with battery storage and grid feedback facilities. To suggest the use of buses (diesel) or the railway (coal or diesel) is of no value as a design feature to reduce carbon emissions. Air sourced heat pumps of ground source are the preferred means of heating. Insufficient space is available for ground service provision. If air sourced heating is used, the position of the units will need to be designed so as not to cause a nuisance. Power loading (electric supply) may give rise to issues within the locality. Provision should be made for electric car charging - the parking court and tandem parking may present problems - how will this be addressed?
- o Ecology
- o Clause 5.8.3 Old Cleeve Parish Council noted that the site was stripped of all vegetation and burnt on the day of purchase by the current developer, thus negating any habitat that may have been present. This was just before the ecological survey undertaken in June. Another survey is due to be conducted in September 2019
- o Flood Risk and Drainage

Details do not appear to be included in the Planning Statement although are referred to under Clause 5.9.3

- o Clause 5.9.3 Both the existing foul sewer (W.W.A.) and surface water spring/pond are noted as being in existence. No details are provided as to how these are going to be mitigated due to conflict with the proposed buildings. It should be noted that the foul sewer at the western boundary according to W.W.A. records is incorrectly plotted and is included in the adjacent property and also serves properties to the south of the A39
- o Layout Design
- o Old Cleeve Parish Council considers that the layout is flawed in part. Whilst it is accepted that consent in principle has been granted for six dwellings, subject to conditions, the increase to ten is excessive due to dwelling size and positioning
- o The street scene facing the A39 is of concern as the mass of plots 1 - 3 overpowers the entry to Washford due to the forward positioning
- o Plot 2 - a four-bedroom unit is constrained with minimal maintenance space between it and plot 3
- o The triple (one behind the other) parking provision is particularly poor and rarely works in practice, giving rise to parking issues and neighbour disputes, particularly when visitors require parking
- o Likewise, parking courts of this type serving plots 1 - 4 in time, may create issues over maintenance, cleaning and dumping of rubbish (social issues)
- o There is an inconsistency between the transport document (Bellamy) stating minimum garage sizes and that provided for in the Reed Holland statement and house/garage/carport sizes. The larger sizes will be required
- o Plot 3 is considered to be too large for the plot, the gable mass dominating the entry to the development site. Consideration should be given to a lesser property

i.e. perhaps 1 ½ storey or single storey. The large screen wall abutting the footpath urbanises the approach

- o Plot 5 pinches the pavement edge and it is suggested that it be set back to avoid possible damage to the structure
- o Plots 6, 7 and 8 are poorly spaced, served by a shared driveway space and may well lead to conflict (as above) with regards to a lack of parking for visitors. Poor capacity can lead to parking issues within the road turning head or the potential of parking on the single pavement - creating damage and restricted movement for pedestrians and pram, wheelchair and mobility scooter users
- o Provision for waste storage and recycling is not indicated - there is a strong objection to bins on streets or in front gardens
- o This is not a level site, the proposed dwelling floor levels are not stated. In summary, Old Cleeve Parish Council objects to the current proposals. Consideration should be given to reducing the plot numbers/mass and provide a revised scheme addressing the issues raised. Old Cleeve Parish Council also request that this planning application is called in for review by the Planning Committee.

This was agreed by all members present.

Somerset County Council - West Somerset Highways - Impacts are less than severe so no objection subject to conditions for CEMP, width of access, disposal of surface water, details of road/infrastructures approved by condition, each dwelling has footpath and turning space prior to occupation, footpath connection to Huish Mews, consolidation of parking spaces, and visibility splays. Further notes that internal road will not be likely to be adopted and will be subject to APC under 219-225 of Highways Act

Housing Enabling Officer - The application was submitted in tandem with reserved matters application at the Huish Mews site (3/26/19/015, from outline application 3/26/14/026) which will meet the identified need in the parish and is 35% of total number of dwellings proposed by the original two linked outline applications, therefore no requirement for affordable at the nursery site if the current application has the link enshrined through a section 106 with a trigger mechanism to ensure delivery of the affordable at the Huish Mews site, with rented units at the Huish Mews site allocated via Homefinder Somerset and this included in the 106 agreement

Rights of Way Protection Officer - no comments received

Tree Officer - There is a TPO on the walnut tree which should be protected during build-out, and buildings at north end a very close to hedge bank should be bigger gap (this has since been amended), initial proposal for new plantings is an odd mixture seeking amendments to it and to plantings for gardens, as there is limited space can two or three larger trees be planted along footpath route?

Landscape officer - no comments received

Wessex Water Authority - no objections but noted that there is a mains water pipe to the south-east corner of the site and WW will not grant rights to build over this and a survey will be required at applicants expense to discover exact route of mains water pipe. Applicants have said will use soakaways to dispose of surface water, this is subject to approval by the LPA, all water infrastructure must be watertight as significant problems in the area with sewerage flooding due to high groundwater levels during periods of heavy rain. Connection foul sewerage network is acceptable

Somerset County Council - flooding & drainage - Applicant should be aware of flooding issues around Washford, the LLFA discourages culverting of open watercourse which runs through the site. Requested informative.

Police - Designing out crime officer - Does not object and noted that the development should comply with Part Q of building regulations, advised compliance with provisions of SBD2019, and advised that landscaping should not create dark hiding places

SWT Public Open Spaces - policy CF1 requires provision of appropriate public amenity space, this would be via a contribution towards an offsite childrens play area of £3328 per dwelling total of £33,280 (based upon 10no. dwellings, amended accordingly to reduction in units)

Conservation Officer - no comments received

SCC - Ecologist - Required amendments to initial plans to allow for an ecological buffer. These have been provided and the ecologist has accepted the revisions and has not objected but has requested conditions, cited above

The South West Heritage Trust - The site overlies a deserted historic settlement noted in HER and is likely to impact on a heritage asset, previous permission had a condition for archaeological investigation. Therefore in accordance with paragraph 199 of the NPPF a condition for a programme of archaeological works to be completed in accord with an approved Written Scheme of Investigation should be attached to any permission granted.

Representations Received

The Somerset Wildlife Trust have written objecting to the development citing the submitted ecological report.

Two letters of representation have been received objecting to the development, issues cited are:

- Increase from 6 to 10 and high density which is out of keeping with the area
- Road safety and bad junction

- Drainage in the area limited and already there are reflux flooding events after heavy rainfall
- Not enough parking for visitors, turning space and room for bin lorries · overdevelopment

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

LB/1	Listed Buildings Alterations and Extensions
9	The Built Historic Environment
LB/1	Listed Buildings Alterations and Extensions
NH13	Securing high standards of design
SC1	Hierarchy of settlements
R/6	Public Open Space and Small Developments
SD1	Presumption in favour of sustainable development

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

LB/1	Listed Buildings Alterations and Extensions
9	The Built Historic Environment
LB/1	Listed Buildings Alterations and Extensions
NH13	Securing high standards of design
SC1	Hierarchy of settlements
R/6	Public Open Space and Small Developments

Determining issues and considerations

The main issues are - principle of development, affordable housing and links to previous outline permission and Huish Mews development, legal agreement, design, roads and parking, ecology, landscaping, archaeology, footpath, public open space, drainage and flooding

Principle of development

This application was submitted in tandem with a reserved matters (RM) application at the nearby Huish Mews site (reference 3/26/19/015 for the RM and 3/26/14/025 for the outline) and follows on from two outline consents granted in 2017 which linked both sites with this 'nursery' site (reference 3/26/14/026 outline) providing open market housing and the related Huish Mews site providing affordable housing. The approval for both outlines was conditional upon a mix of affordable housing and open market being provided across the two sites which are separate and not directly linked or contiguous to one another but were in the same ownership. This policy-compliant affordable housing mix was achieved via a legal undertaking related to both outline permissions. However this application is a full planning application, not an RM directly linked to the original outline, but which seeks to continue the principle of linking the sites to provide affordable housing on the other Huish Mews site, whilst providing open-market housing at this 'nursery' site. As before the formal link would be established via a legal agreement.

The site is on the edge of the settlement of Washford where some limited residential development is allowed under the adopted Local Plan. The initially submitted proposal was for 10no. dwellings. However after discussions with the County ecologist and consideration of constraints at the site, this was amended to 9no. dwellings. Additionally the proposal includes development of a footpath/cycleway to link both sites and provide safe pedestrian and bicycle access to the centre of Washford.

The previous outline consent is a significant material consideration and it is considered that the principle of development is acceptable if any permission granted at the site is bound to the delivery of affordable housing at the Huish Mews site via a section 106 legal agreement. It is acknowledged that the affordable/open market mix has slightly changed but this is considered to be in accordance with local plan policies.

If permission is granted this should be conditional upon drafting and signing of a legal agreement to ensure development beyond five units cannot take place unless all the affordable units at Huish Mews have been delivered or an appropriate off-site affordable housing contribution has been agreed and paid by the developers. The legal agreement should also address works for the footpath, public play areas contributions, and management and maintenance issues related to the estate road

and culverting of the watercourse. The previous outline application at the site was subject to a similar legal agreement allowing for two developments to be linked with one delivering the market element and one delivering affordable housing (see committee updates for the WSC planning committee December 2017. The essential principle of one site for affordable and one for market housing is considered to have been replicated in this application, with appropriate safeguards should there be a failure to deliver affordable housing at the Huish Lane site (3/26/19/015).

Design

The proposal would create a small cul-de-sac style of residential development on the southerly approach to Washford. The proposed dwellings would be largely traditional in design and many would feature garages although there would also be a parking court for use by some of the dwellings towards the south-west end of the site. The initial design for ten houses was amended to reduce this number to nine dwellings and increase the buffer to the edge (hedgerows), which has also increased the land available for soft landscaping which is of net visual benefit to the proposed scheme. Subject to a condition for final approval of materials the design is considered to be acceptable and would not create any significant issues with amenity to existing dwellings or to each other within the proposed scheme. Minor revisions to the design were agreed in the light of comments from the ecology officer at SCC, these are not considered to have changed the reasons for recommending approval and have not had a detrimental impact on the design and layout.

Roads and parking

The site has an existing access which would require some improvements, but is considered acceptable for the scale of proposed development. There is adequate off-street parking and reasonable turning spaces. The scheme would include permeable paving and the internal estate road is not expected to be adopted. The County highways officer has not objected to the proposal but has requested various conditions which would be appended to any permission granted.

Ecology

The site has some significant biodiversity potential including for protected species such as bats and these have been surveyed in the initial Preliminary Ecological Assessment. The County ecologist recommended creation of a wildlife buffer to the edges of the proposed development, and this has been agreed by the agents and plans amended accordingly. A final survey and report was submitted on 25/11/2019 and this was reviewed by the County ecologist, who has not raised any objections but has recommended various conditions pertinent to the development.

Landscaping and trees

The proposal includes retention of many of the existing trees and hedgerows with some additional plantings. The tree officer has not objected to the scheme but has requested some revisions to the proposed soft landscaping, protection for retained trees and some new tree planting along the footpath route. These would be set by condition where and if appropriate. The TPOed walnut tree would be retained and protected.

Archaeology

The site is recorded as having some archaeological potential in the Somerset Historic Record and it is therefore required that a 'prior to commencement' condition for a scheme of archaeological investigation and reporting is agreed by the LPA and implemented. The previous outline application at the site included a site specific archaeological report.

Public Open Space and footpath

Local Plan policy CF1 requires a contribution for public play areas in the locality, this would be part of the section 106 legal agreement. There is a small area of open space amenity land shown on the site plan but this is adjacent to the highway and likely to be unsuitable as a site for play provision.

The proposal includes the provision of a footpath/cycleway connecting this site to Huish Mews, which is considered necessary to allow for pedestrian access to the Huish Mews site and central Washford. Subject to conditions and inclusion within the legal agreement the footpath is considered acceptable.

Drainage and flooding

The majority of site is not within a high risk category flood zone although due to the presence of an open watercourse there is a small portion of the site which has increased flood risks. The application documentation includes an initial drainage strategy drawn up by Shear Design, consultant civil engineers, based upon establishing connections to existing foul water pipes for sewerage disposal and soakaways (with appropriate ground testing undertaken) for disposal of surface water, and culverting the stream which bisects the site. Whilst in principle the drainage strategy is acceptable it is based on the originally submitted layout to provide 10no. dwellings and has not been amended since revisions have been made to reduce this number and amend the layout. Additionally the consultation response from Wessex Water (WW) has identified a fresh water mains pipe cutting across the south-east corner of the site which the utility company have stated cannot be built over and that at least a 3m easement is needed around it. Most of the area indicated

in WW's plan submitted as part of the consultation response would be soft landscaped including the root protection zone of an extant tree, but it is very likely that the road access point will be close to, or within the minimum 3m area in which build-over works could not take place. The proposed culverting works have been assessed by the LLFA and whilst it is not their preferred option they have not objected to the proposal. However final details of the culverting and its management have not been supplied and will be required prior to implementation of any culverting works.

It is therefore considered that the proposed water management strategy at the site is acceptable in broad outline but requires a condition for additional details and necessary re-consultation with the LLFA and Wessex Water to ensure that any groundworks do not impact on existing mains water supplies and that the culverting works are acceptable and that sufficient management and maintenance systems are in place for its continuing operation.

Other matters

The Parish Council have objected to the scheme for various reasons cited above related to highways, lack of pedestrian access and other matters. They have also requested that the application is called into committee and asked for a reduction in the scale of development. These comments were made before the proposal was revised to reduce the number of dwellings. Other matters raised are discussed above. Two letters of objection were received, the matters raised are also discussed above.

Conclusion

This application departs from the original outline consent and has taken a new approach to delivering open market housing at the site from that envisaged under permission 3/26/14/026. However with a legal link to the Huish Mews site it would be possible to ensure policy-compliant provision of affordable housing at the two sites. The issues initially highlighted by the County ecologist have been addressed in revised drawings through the creation of a wildlife buffer zone to the peripheries of the site, and no further objections raised by him, subject to requested conditions. Provided that any decision is subject to a suitable legal agreement under section 106 of the 1990 Town and Country Planning Act, and the conditions as cited above are included with any permission granted, the application is recommended for approval.

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

Appendix 1 – Planning conditions and Informatives 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:

(A3) DrNo 18.82.01 Site Location Plan

(A1) DrNo 18.82.02-G Site Layout- House Types

(A1) DrNo 18.82.03-E Site Layout-Roof Plans

(A2) DrNo 18.82.04A House Type Floor Plans Type A

(A2) DrNo 18.82.05c House Type Floor Plans Type B

(A2) DrNo 18.82.06-A House Type Floor Plans Type C

(A2) DrNo 18.82.07-B House Type Floor Plans Type D

(A2) DrNo 18.82.08-C House Type Floor Plans Type E

(A2) DrNo 18.82.09B House Type Floor Plans Type F

(A2) DrNo 18.82.10 Plots 1 & 2 Elevations

(A2) DrNo 18.82.11 Plot 3 Elevations

(A2) DrNo 18.82.12 Plot 4 Elevations

(A2) DrNo 18.82.13A Plot 5 Elevations

(A2) DrNo 18.82.14A Plot 6 Elevations

(A2) DrNo 18.82.15 Plot 7 Elevations

(A2) DrNo 18.82.16A Plot 8 Elevations

(A2) DrNo 18.82.17A Plot 9 Elevations

(A2) DrNo 18.82.18A Plot 10 Elevations

(A2) DrNo 18.82.19 Site Elevations

(A1) DrNo 18.82.20B Garages - Sheet 1 of 1 Floor Plans & Elevations

(A1) DrNo 18.82.21 A Footpath Route & Detail

(A1) DrNo 3097.001 Landscape General Arrangement

- (A1) DrNo 3097.002 Kerbs & Edges
- (A2) DrNo 3097.003 Paving Details
- (A2) DrNo 3097.004 Fences, Walls & Street Furniture
- (A1) DrNo 3097.005.1 Planting Plan - Sheet 1 of 2
- (A1) DrNo 3097.005.2 Planting Plan - Sheet 2 of 2

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

- 3 Prior to the construction of the dwellings hereby approved above damp-proof-course level, 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 area.

- 4 No development (other than that required by this condition) shall be undertaken on site unless a programme of archaeological work, including excavations, has been implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme.

Reason: To ensure the preservation of archaeological remains. There is evidence of a deserted settlement noted in the Somerset HER and any works on site could have the potential to disturb archaeological interests.

- 5 Prior to occupation of the buildings, works for the disposal of sewage and surface water drainage via soakaways shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Prior to any works to the south-east corner of the site adjacent to the highway, and for any works to the highways' access point located close to the water main (indicative route of the water main shown on Wessex Water map submitted as part of their consultation response to this application) the developer shall undertake a survey to establish the precise route of the fresh water mains and shall obtain necessary diversions and/or easements from the water utility company and the LPA, if required. The works shall thereafter be retained and maintained in that form. Details and specifications shall also be supplied and agreed in writing by the local planning authority prior to their implementation for the proposed culvert.

Reason: To prevent surface water discharge into public foul water sewers, maintain existing fresh water supplies, and to ensure the adequate provision of drainage infrastructure.

- 6 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 contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
 - On-site vehicle wheel washing facilities

Reason: In the interests of highway safety and amenity.

Pre-commencement reason: This information is necessary prior to the development being implemented to ensure that construction works are controlled.

- 7 The proposed access shall have a minimum width of 5 metres and incorporate radii not less than 6 metres.

Reason: In the interests of highway safety.

- 8 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: To prevent flooding of the highway and in the interests of highway safety.

- 9 The proposed estate roads, footways, footpaths, tactile paving, cycleways, lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in

accordance with details to be approved by the Local Planning Authority in writing before their construction begins. These details shall include those for the footpath as illustrated in approved plan 18.82 21 A. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is well designed and internal estate roads are functional and fit for purpose.

- 10 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure pedestrian and vehicular access to the dwellings is possible and safe prior to their occupation.

- 11 In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until the cycleway/footpath connection westward to the north of Huish Barns and Huish Mews has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport and pedestrian and cycle safety.

- 12 The Development hereby permitted shall not be occupied until the parking spaces for each dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To prevent on-street parking and in the interests of highway safety.

- 13 There shall be no obstruction to visibility greater than 600 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 to the west and 110 metres to the east either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

14 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, 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.

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

15 A minimum bat corridor with a minimum width of 10 metres along the entire eastern boundary of the site will be provided. The replacement habitat shall be of long sward meadow and scrub, which is accessible to bats and bordered by hedgerow next to the built area to form a sheltered passageway. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority prior to work commencing on site. This corridor will be protected with fencing, such as a Heras fence) during the construction period. The enhanced habitats will be planted at the earliest feasible date following permission unless otherwise agreed with the local planning authority. An updated Masterplan will be provided for the site and submitted to and approved by the Local Planning Authority

Reason: In the interest of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the West Somerset Local Plan

16 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the completion of the first phase 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 interest of the integrity of the conservation objectives of a European site and in accordance with policy EQ4 of the West Somerset Local Plan

- 17 Prior to occupation, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting, including amenity and security 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. 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 policy EQ4 of the West Somerset Local Plan

- 18 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 that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Any reptiles found will be translocated to the bat corridor. Once cut a reptile exclusion fence will be erected around the boundaries of the site except for the eastern boundary will it will be installed on the western boundary of the bat corridor and maintained for the duration of the construction period. Following installation of the fence a further check will be made by a competent ecologist prior to any further vegetative clearance or groundworks occurring. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible within one week of the .

Reason: A pre-commencement condition in the interests of UK protected species and in accordance with policy EQ4 of the West Somerset Local Plan

- 19 Within 8 weeks of vegetative clearance and or groundworks commencing a survey for badger activity will be undertaken by a competent ecologist and reported, along with any mitigation measures required, in writing to the Local Planning Authority.

Reason: A pre-commencement condition in the interests of UK protected species and in accordance with policy EQ4 of the West Somerset Local Plan

- 20 The following will be integrated into dwelling and or mounted upon suitable trees as appropriate:
- a) A cluster of five 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 Plot 9
 - b) Two Vivara Pro Woodstone Nest Boxes (32mm hole version) will be installed mounted on the northerly facing aspect of trees and maintained thereafter
 - c) A bee brick built into the wall about 1 metre above ground level on the east or southeast elevation of each dwelling

Photographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

1 **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application issues/concerns were raised by a statutory consultee which were addressed. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 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

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.

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