

<b>Application Details</b>	
Application Reference Number:	<u>19/22/0022</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	30 September 2022
Expiry Date	<u>02 November 2022</u>
Extension of time	
Decision Level	Committee
Description:	Erection of 8 No. dwellings (4 No. affordable), a local shop (Class E), public open space, landscaping, drainage, access and associated works on land west of Station Road, Hatch Beauchamp
Site Address:	<u>LAND WEST OF STATION ROAD, HATCH BEAUCHAMP</u>
Parish:	19
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	<u>Darren Roberts</u>
Agent:	Polden Planning
Applicant:	WEST OF ENGLAND DEVELOPMENTS (TAUNTON) NO 2 LTD
Committee Date:	19th January 2023
Reason for reporting application to Committee	The Parish Council and members of the public have expressed a view that is contrary to the recommendation of Officers

## **1. Recommendation**

1.1 That permission be GRANTED subject to conditions and a S106 Obligation

## **2. Executive Summary of key reasons for recommendation**

2.1 The proposal is for the erection of 8 No. dwellings (4 No. affordable), a local shop (Class E), public open space, landscaping, drainage and an access.

2.2 Whilst outside of the development boundary, the proportion of affordable housing within the development meets a need within the village and therefore the construction of housing and a new shop is deemed to be in keeping with principals of sustainable development and is in accordance with policies in the development plan.

## **3. Planning Obligations and conditions and informatives**

### **3.1 Conditions (full text in appendix 1)**

1. Standard time condition – 3 years
2. In accordance with Approved Plans

3. Materials to be agreed
4. Parking spaces kept free
5. In line with surveys
6. Badger Survey requirement
7. Vegetation removed outside bird nesting season
8. Protection of hedges
9. Tree protection
10. Construction Management Plan
11. Visibility splays at access
12. Disposal of surface water
13. Construction of highways timing
14. Gradients of accesses
15. Charging points requirement
16. Landscaping scheme
17. Water efficiency requirements

### 3.2 Informatives (bullet point only)

- 1 Statement of Positive Working
- 2 Rights of Way to be kept open
- 3 Secured by Design Requirements
- 4 Wildlife and the Law

### 3.3 Obligations

S106 required, see end of report

## **4. Proposed development, site and surroundings**

### 4.1 Details of proposal

This is a proposal for 8 dwellings (of which 4 are proposed to be affordable), a local shop, and public open space. The proposal is a 'full' application.

It is proposed to access the site from Station Road, with many of the plots fronting onto the road. An additional access on Station Road is to serve a package treatment plant; adjacent to this access it is proposed to construct a footpath through the site.

The plan also proposes an orchard and attenuation pond in the southern part of the site.

In order to mitigate the phosphate surplus arising from the development which has not been discharged via the package treatment plant, it is proposed to plant woodland on land owned by the applicant at Curland, which is in the same river catchment (River Parrett) as the proposal site.

### 4.2 Sites and surroundings

The site is an 'unmanaged' meadow, believed to formerly have been an orchard. It comprises some 1.38ha and slopes gently down from Home Orchard to the south. A power cable runs through the site. It is bounded on three sides by native species hedgerow. The northern boundary fronts Home Orchard and consists of post and wire fencing and is the location of a sub-station. At the southern end there is a ditch, on the opposite site of which is a public footpath.

There are residential properties at Home Orchard to the north, and on the other side of Station Road. To the south and west of the application site are agricultural fields. The primary school within the village is situated some 250 metres to the north, with the pub and village hall a further distance within the village.

The mitigation site at Curland is an area of 3.64 hectares used to grow potatoes and other vegetables.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
19/19/0009	Erection of 12 dwellings (6 affordable) with associated access	Refusal, dismissed on appeal. Whilst acknowledging the benefits of the proposal, including 6 affordable homes, it would involve development in the open countryside and the delivery of affordable housing should not come at the cost of an up-to-date settlement strategy or the character and appearance of the area.	10/12/2019; 01/02/2021

## 6. Environmental Impact Assessment

Not applicable- falls below all thresholds

## 7. Habitats Regulations Assessment

7.1 Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.

7.2 The project being assessed here will result in a positive phosphate output and therefore the wastewater from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site ('the Ramsar Site'). The pathway is via the wastewater treatment works. Therefore, the increased phosphate output needs to be mitigated in order to demonstrate phosphate neutrality and ensure no adverse impact in combination with other plans and projects which will arise on the affected designated area.

7.3 In response to this, the applicant has calculated the phosphate budget created by the number of proposed dwellings to be 0.274 kg of phosphate per year, based on a methodology proposed by Natural England, and therefore seeks to provide sufficient mitigation which would demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.

7.4 It is proposed to treat the wastewater from the proposed eight dwellings using a Kingspan Klargestar Biodisc Package Treatment Plant (PTP) with a chemical dosing unit. This would be maintained by Albion Water, the statutory wastewater undertakers. In addition, it is proposed to permanently change the use of the land at Curland by planting 0.23 hectares of existing agricultural land as an orchard.

7.5 A 'shadow' Habitat Regulations Assessment (sHRA) has been submitted by the applicant, and this has been considered by the LPA and Natural England.

7.6 Natural England has been formally consulted and have confirmed that the submitted sHRA provides a firm basis for the LPA to assess the implications of the application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and they would anticipate the LPA being able to reach a conclusion subject to the proposed mitigation of no adverse effect on the integrity of the site. This is pursuant on the securing of the PTP and orchard land in perpetuity.

7.7 The LPA nutrient neutrality officer has commented that the calculations within the report are acceptable. There is concern that the proposed PTP is using a chemical unit, however providing this is managed by Albion Water this is considered to be appropriate.

## 8. Consultation and Representations

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

8.1 Date of consultation: 07 September 2022

8.2 Date of revised consultation (if applicable): n/a

8.3 Press Date: n/a

8.4 Site Notice Date: 20 September 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
HATCH BEAUCHAMP PARISH COUNCIL	A number of inaccuracies in the application were noted including referring to bus services rather than the one daily school bus services, and referring to a car share scheme rather than the Hatch Community Car Scheme which is closer to a taxi	See 10.1 and 10.3

	<p>service. Issues with increasing traffic on Station Road were raised, as well as the location picked for the traffic survey.</p> <p>It was proposed that the conditions for previous refusal of this application still stand as follows, as per the extracts quoted below:</p> <p>“The proposal fails to satisfy the requirement for a RES outside of settlement limits in accordance with CS Policy DM 2.</p> <p>Conflict remains with SADMP Policy SB1 and CS Policy SP 1 that seeks to restrict development outside of defined settlement limits and focus development on the most accessible and sustainable locations.</p> <p>That there is conflict with CS Policy CP6, insofar as it seeks to ensure development reduces the need to travel.</p> <p>In conclusion as per the appeal dismissal decision from PINS dated 1/2/21, it would have a harmful effect on the character and appearance of the area.</p> <p>Conflict therefore arises with Policies DM 2, DM 4 and CP 8 of the CS, as well as with Policies SB1 and D7 of the SADMP.”</p>	
HOUSING ENABLING	<p>A Housing Needs Survey for Hatch Beauchamp was undertaken in 2019 which highlighted the need for 5 affordable homes, in the form of a mix of social rented units and a low-cost home ownership option. A further 3 households were registered on Homefinder Somerset at the time of the survey. The housing need seems to have stayed fairly constant since that time with the Homefinder Somerset figures for August 2022 showing a</p>	See 10.1

housing need of 8 households stating Hatch Beauchamp as their parish of first choice.

The proposed mix includes:

- 4 open market dwellings
- 4 affordable dwellings of which 2 are social rent and 2 discounted open market
- 1 community shop below the affordable flat

Taking into account the results of the Housing Needs Survey, along with the current Homefinder figures, the proposed mix and tenure will help to meet local demand.

A local connection clause will be required for the affordable housing to ensure that local people in housing need are given priority. This should be included in a S106 Planning Agreement.

Service charges should reflect the necessity to keep these properties affordable. It is also recommended that any service charges should be calculated on a per metre square basis rather than per unit.

The developer should seek to provide the affordable units from Somerset West and Taunton's preferred affordable housing development partners list and should be allocated

	through the Choice Based Lettings system, Homefinder Somerset with a local connection requirement.	
LANDSCAPE	Initial concerns regarding details. Amended plans received have dealt with concerns, except for the substation	See 10.2 and 10.5
TREE OFFICER	No comments received	
SCC - ECOLOGY	No comments received	
SCC - TRANSPORT DEVELOPMENT GROUP	No comments received	
ENVIRONMENT AGENCY	No comments received	
WESSEX WATER	The applicant has contacted Wessex Water to discuss the site proximity. While the Assessment has not been carried out to the letter of our guidelines we accept from the assessments carried out to date that there is minimal risk of the proposal being impacted by a loss of amenity due to odour.	See 10.7
Natural England	We consider that the mitigation proposed will be sufficient to achieve nutrient neutrality for the proposed development.	See Section 7
POLICE ARCHITECTURAL LIAISON OFFICER	No objection, subject to comments. Proposed pathway link increases permeability on foot. Trees and shrubs should not create hiding places	See 10.2 and 10.5
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	Means of escape in case of fire should comply with the Building Regulations 2010 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulation's consultation stage.  Access and facilities, which should include where	Noted, this is a matter for building regulations

	necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2010	
SCC - RIGHTS OF WAY	Works must not encroach on the PROW. Informative recommended.	Informative recommended
SCC - EDUCATION	Below threshold for comments	See 10.10

**8.6 Internal Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
Community Engagement Officer	<p>CP5 from the Core Strategy along with Policy C2 and Appendix D of Taunton Deane Adopted Site Allocations and Development Management Plan (Dec 2016) stipulates the provision for new open space. Provision of 0.8 hectare of children and teenager play space is required per 1000 persons. This constitutes a mixture of both informal play space and formal equipped play space. For new developments children's play should provide a minimum of 20sq meters of equipped children's playing area for all dwellings of 2 or more beds in the form of Local Equipped Play Area (LEAP) and Neighbourhood Equipped Play Areas (NEAP).</p> <p>The trigger for provision of children's play is 6 or more 2 bed + (family) dwellings. The trigger for on-site provision is 20 or more 2 bed + (family) dwellings. This proposed development falls below the on-site requirement and therefore an off-site contribution will be required. Any commuted sum for offsite children's play</p>	<p>No on-site play area is proposed.</p> <p>The site proposes large areas of open space which will be secured by planning obligations</p>



	<p>contribution should be calculated as £3,608.00 per each 2 bed + (family) dwelling. Therefore, based on 8 family dwellings the required off-site contribution for this proposed development is £28,864.00. The contribution will be index linked and spent on additional play equipment for the play area nearest to the proposed development where there is space.</p> <p>In accordance with paragraph 3.7 of the Planning Obligations Supplementary Planning Document adopted December 2008, a monitoring fee of £100 per residential dwelling is payable. The fee of £800.00 for 8 dwellings is to be included within the S106 Agreement as payable on completion of the Agreement.</p>	
Nutrient Neutrality Officer	Happy with the calculations, require an adoption letter from Albion Water to be added to the S106	See 7.7

## 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

31 letters have been received (6 support) making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
More pressure on the sewage works	See 10.7 and 10.8
More parking	See 10.3
Existing brownfield sites within the village	These are not currently vacant and would lead to a loss of employment
Village school is inadequate	The education authority has commented that this scheme is below their threshold for comments
Protected species surveys have not been submitted	These have been included at a later date. See 10.6
Shop will fail	See 10.9
Increase flooding	See 10.8

Village has already had development	See 10.1
No bus service	See 10.10
Inspector's decision sets a precedent	See 10.1
Odour from sewage works	See 10.7
Who will maintain open space	This is proposed by the applicant and would be secured by Section 106
Will set a precedent for building	Each application is taken on its own merits
Traffic survey is flawed	See 10.3
Loss of agricultural land	See 10.11
Increase in traffic	See 10.3
Support	Officer comment
Will increase biodiversity	See 10.6
Shop is well located and needed	See 10.9
Footpath will connect the village	Noted
Parish survey supports affordable housing	Noted
Will allow people to live close to work	Noted
Remove an eyesore of scrubland	Noted

## 9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications 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 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

### Taunton Deane Core Strategy

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,  
DM2 - Development in the countryside,  
DM4 - Design,  
TC5 - Out-of-centre proposals,

### **Site Allocations and Development Management Plan**

C2 - Provision of recreational open space,  
A1 - Parking Requirements,  
A5 - Accessibility of development,  
ENV2 - Tree planting within new developments,  
D7 - Design quality,  
D10 - Dwelling Sizes,  
D12 - Amenity space,  
SB1 - Settlement Boundaries,

### **Supplementary Planning Documents**

Public Realm Design Guide for the Garden Town, December 2021  
District Wide Design Guide, December 2021  
Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Affordable Housing Rural Exceptions Site: Technical Advice Note Sequential Test (2021)

### **Neighbourhood plans:**

Hatch Beauchamp does not have a neighbourhood plan

### **9.1 National Planning Policy Framework**

Sections 4 and 5, 8 and 12

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

### **10.1 The principle of development and the previous appeal decision**

The site lies adjacent to, but outside of the development boundary for the village of Hatch Beauchamp.

A previous application on the same site was submitted in 2019. This comprised the erection of 12no. dwellings, including 6no. affordable units. This was refused by the planning committee on the 10<sup>th</sup> December 2019. The three reasons for refusal were:

1. The proposal would result in the provision of 12 dwellings, in open countryside

beyond the settlement boundary of Hatch Beachamp (sic.). Hatch Beachamp is classified as a village within the adopted Taunton Deane Core Strategy development hierarchy. This designation reflects the limited range of services available within the village, its poor public transport connectivity, the inevitable reliance upon the private motor vehicle that would result and its general unsustainability as a location for significant new residential development. As a result, the proposal is contrary to policies SP1 (Sustainable Development Locations) and CP6 (Transport Accessibility) of the adopted Taunton Deane, 2011 – 2028. It is also contrary to the provisions of section 5 ('Delivering a sufficient supply of homes'), particularly the section on 'rural housing' and paragraph 78, of the National Planning Policy Framework, as revised in February 2019.

2. The level of open market housing required to cross subsidise the delivery of 6 affordable dwellings on this rural exception site is considered to be excessive and contrary to Core Strategy Policy DM2; the provisions of the Affordable Housing Supplementary Planning Document (Section 1.10 Exception sites) and para. 77 of the National Planning Policy Framework. It would result in the provision of 6 open market dwellings, in addition to the 6 affordable dwellings, in open countryside beyond the settlement boundary of Hatch Beachamp. Hatch Beachamp is classified as a village within the adopted Taunton Deane Core Strategy development hierarchy. This designation reflects the limited range of services available within the village, its poor public transport connectivity and general unsustainability as a location for significant new residential development.

3. The design and layout of the proposed development is considered to be poor, and does not relate well to the existing settlement pattern. It would not produce development of the highest standard and as such would be contrary to Policy DM4 (Design) of the adopted Core Strategy, Policy D7 (Design Quality) of the Site Allocations and Development Management Plan adopted in December 2016 and Paragraphs 124 - 131 of the National Planning Policy Framework.

The application was appealed, and a hearing held in December 2020. The Inspector dismissed the appeal. In his decision letter, he concluded the following:

“29. The proposed development would offer six affordable homes. The appeal proposal would deliver a higher percentage of affordable housing compared to the policy requirement for development within settlement boundaries. There is also an acknowledged need for affordable housing across the local authority area and the delivery of affordable homes where there is a demonstrable local need attracts significant weight in favour of the proposed development.

“30. Additionally, the proposal would bring forward six open market dwellings that would satisfy the Government’s objective of boosting the supply of homes, with no upper limit. All of the dwellings the appeal scheme would deliver would contribute to a choice of homes, creating mixed and balanced communities and bring associated social and economic benefits, including during the construction phase, through CIL contributions, and as future residents feed into the local economy. However, there is an extremely limited range of services and facilities in Hatch Beauchamp and no compelling evidence that any would be under threat in the absence of the proposal. This reduces the weight I attribute to these benefits to a modest level.

“31. The proposal, in my judgement, would not cause harm in respect of flood risk, biodiversity, living conditions or highway safety. There would be financial contributions towards play equipment and contributions towards achieving phosphates neutrality and mitigation in relation to the Somerset Levels and Moors SPA and Ramsar site. However, all of this would be largely as mitigation and attract neutral or very modest weight in the overall planning balance.

“32. On the other hand, the proposal would be at odds with the overall spatial strategy and would harm to the character and appearance of the area. Any RES scheme would inevitably involve development in the open countryside. Even if the landowner in this case may be unwilling to consider a smaller scheme, the delivery of RES affordable housing should not come at the cost of an up-to-date settlement strategy or the character and appearance of an area. The ‘tilted balance’ does not apply in this case and the proposed development would not be in a suitable location. Rather it would not represent a sustainable form of development for the purposes of the Framework or development plan. The weight of other considerations in favour of the appeal do not, in my judgement, justify making a decision other than in accordance with the development plan”.

There are a number of policies identified by the Inspector at the appeal which are relevant to this proposal. Core Strategy Policy SP1 provides a hierarchy of settlements, with Hatch Beauchamp identified as a village, where 'no further allocations will be made, but that there is some scope for small proposals within settlement boundaries.'

The Site Allocations and Development Management Plan (SADMP) Policy SB1 states that proposals outside of the boundaries of settlements identified in Core Strategy SP1 will be treated as being within open countryside. Policy DM2 of the Core Strategy supports certain categories of rural development. Included within this is 'affordable housing', where housing is permitted adjoining settlement limits, providing no suitable site is available within the rural centre.

The current proposal is for a mixed affordable and private market housing site, with 50% of the dwellings (4) being affordable. It is clear that whilst an entirely affordable housing site would accord with Policy DM2, the inclusion of market housing is an exception to this policy and does not comply with this policy.

Policy CP8 of the Core Strategy permits development outside of settlement boundaries where it meets certain criteria, including the conservation or enhancement of landscape and townscape character, protection of habitats and species, and not exacerbating the availability of the water resource or flood risk.

Policy CP4 of the Core Strategy states that housing should be delivered in line with the settlement hierarchy established in Policy SP1 and states a target of 25% of new housing should be in the form of affordable units, with contributions being sought on sites of 5 or more dwellings. This application proposes 50% of affordable housing to be delivered on site, so would exceed the requirement stated in the policy. The most recent study of affordable housing need within the parish was undertaken in 2019, identifying a need for 5 affordable houses in the parish. Current needs identified within the Homefinder Somerset figures showed 8 households stating the parish as first choice.

The Inspector at the previous appeal considered that part 6 b. of CS Policy DM2 is relevant. This permits development in other locations (i.e. outside of schemes adjoining settlement limits) well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre. He stated that the nearest identified rural centre is North Curry, and therefore affordable housing should be located in that village. However, in this instance the need for affordable housing as expressed by those within the study is in Hatch Beauchamp, with residents not expressing a desire to locate in North Curry, some 4 miles away. In the two years since the appeal decision, no applications have been submitted for affordable or mixed housing schemes within North Curry.

Since the appeal decision, the Council has produced a technical advice note for rural exception tests. This confirms the status of North Curry as a 'sustainable settlement' to which affordable housing should be directed, but states that if it is demonstrated that the need is specific to a particular parish that it would be appropriate to permit affordable housing as an exception within such a location.

The Housing Enabling Officer has therefore accepted that there is a need within the village which would be met by the two social rent and two discounted open market rent dwellings proposed within the application; these should be delivered through a Section 106 planning agreement.

The Council currently considers that it has a housing land supply figure in excess of five years and therefore it is necessary to consider whether the proposal meets all criteria within CP8, and whether issues raised in the previous appeal decision have been overcome. This 'planning balance' exercise is undertaken at the conclusion of this report.

## **10.2 Design of the proposal**

It is proposed to construct eight dwellings in the northern half of the field, accessed from a central point which leads to a shared driveway. It is proposed that five of these plots, including the shop and flat, will face towards Station Road. The illustrative streetscene shows a low stone wall in front of these properties. Plots 1 and 2 are bungalows and will back towards Home Orchard, with Plot 8 situated more centrally within the field, facing towards a proposed green. These locations follow good design principles as outlined within the Districtwide Design Guide, with frontage development onto the main road passing by the development, and other plots respecting the existing trees and topography of the site.

It is proposed to construct the dwellings in render and stone, reflecting neighbouring development. As a result of comments made by the landscape officer to the original proposal, a number of elements were changed within the scheme, including the stone wall at the front, and hard surfacing of footpaths through the development to encourage those walking through the site.

At the southern end of the site, it is proposed to locate a package treatment plant and locate several footpaths through the proposed orchard and public open space.

The landscape officer has raised concerns regarding the substation. This is an existing substation within the site, and therefore serves existing dwellings. It is therefore required for operational use and cannot be relocated without the consent of

the statutory undertaker.

The previous scheme which was dismissed at appeal was refused in part on design grounds. This scheme comprised of single storey market houses, and two-storey houses for the proposed affordable units. Housing comprised a larger portion of the site, extending further along Station Road, with less public open space and woodland planting than the proposed scheme. The Inspector did not consider that this constitutes sustainable development.

The current scheme has a much better integration of market and affordable units, utilising a single vehicular access and with paths across the site. It is considered that the revised plans adhere to the principles of good design required by D7 of the SADMP and the Districtwide Design Guide and would integrate with the village and provide a sense of context.

### **10.3 Access, Highway Safety and Parking Provision**

The access is proposed to be approximately 30 metres south of the existing access to Home Orchard. It is at a right angle to this road, at a point where there is good visibility to the north and south. This access road will be straight for the first 30 metres, before turns which access individual plots.

Parking is generous, with a potential 24 parking spaces for the 8 properties, and two layby spaces for the shop area. This would ensure that there is no need for vehicles accessing this development to park on Station Road or Home Orchard. Parking provision is in accordance with Policy A1 of the SADMP.

Reference is made to the applicant's traffic study being flawed. The report states that traffic was measured on Station Road in the vicinity of the site. The number of vehicle movements during the peak times is low, with the estimated increase in use with the new development not being considered adverse or requiring alterations to the road network.

The Highway Authority have not commented on this application; however, they did comment on the previous application for 12 dwellings, which included two accesses, one on Home Orchard. They concluded that the proposed level of development (for a larger scheme) would not represent a significant or severe impact on the highway network. Conditions have been included within the recommendation which replicate those for the previous, refused scheme.

### **10.4 The impact on neighbouring residential amenity**

The proposed dwellings are situated on land which does not border existing housing. Housing on the frontage will look over the road towards the green and will not impact on private amenity space.

### **10.5 The impact on trees and landscaping**

Most of the existing hedgerows surrounding the site would be retained. The exceptions are where there is a need to create an access for the new housing and the package treatment plant. Such removal would be compensated by the planting of a new hedgerow along the northern boundary.

No existing trees are proposed for removal and significant additional planting is proposed within the orchard. Images from 2006 confirm that the field was planted as an orchard although these have been removed and their reinstatement cannot be required as part of this application. The planting of the proposed trees would result in biodiversity and benefit wildlife in accordance with Policy ENV2 of the SADMP. The full details of the planting will be confirmed by a condition.

The Police Officer is concerned about trees and shrubs providing hiding places. The landscape key plan submitted with the application does not indicate any tall hedgerows or clumps of trees close to dwellings which would provide hiding places, with trees planted around the green and open space to be singular and spaced out.

### **10.6 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.**

Due to the character of the site, comprising overgrown grassland and hedgerows, and its situation within a rural area, an ecology appraisal was submitted with the application in order to assess the likely presence of protected species, and identify any mitigation required. It found that there are no ponds within or close to the site and therefore no amphibians likely to be present.

The survey identified potential 'mammal runs' which may indicate the presence of badgers. As a result, a badger survey was undertaken. This required the setting up of camera traps and assessment of vegetation. No badger setts were discovered as a result of this survey, although it is likely that the field is crossed by badgers from adjoining farmland. It is therefore recommended that the methodology included within the badger survey be carried out during the construction of the development.

The survey also indicated that reptiles are likely to be present due to the overgrown grassland providing cover and foraging opportunities. A reptile survey was then undertaken. The results show slow worms were found within the site on 6 of these occasions, with the maximum number of slow worms being found across the site being 5. This is not considered to be an extensive population; however, it is recommended that clearance should take place in the winter when the slow worms are hibernating, and habitat enhancement within the site undertaken. This is possible due to the large areas of grassland proposed to be retained and enhance in the south of the site, and the proposed attenuation ponds.

No evidence of bats was found, and whilst there are potential habitats for birds and dormice within the hedgerows, due to the retention of most of the hedgerow and additional planting it is considered that the impact on these species is minimal.

It is therefore concluded that the impact on ecology is minimal and can be mitigated through the measures identified above, in accordance with policy DM1. The proposed additional planting will see an increase in biodiversity across the site.

### **10.7 The impact on odour**

Due to the location of the site within 50 metres of the boundary of the nearest sewage treatment works, in accordance with Policy I3 of the SADMP an odour impact assessment has been carried out. Several sniff test sample locations were set up within the site. Within a very small part (less than 1%) of the site, and away from all proposed residential dwellings, will the odour levels not be considered



acceptable. Wessex Water have assessed the report, due to the need to consider health risks and the possibility of complaints from future residents. They have concluded that they agree with the assessment. It is therefore considered that the proposal complies with Policy DM2 f. which requires that the health of users of the development will not be unacceptably harmed by any pollution arising from an existing use.

### **10.8 Flood risk and drainage**

The site is located within Flood Zone 1, being the least risk of flooding from rivers. No surface water issues have been identified within the site.

Due to the geology of the site infiltration, which is the preferred method of drainage, is not considered possible. It is therefore proposed to discharge surface water into the ditch adjacent to the southern boundary, which is at the bottom of the slope which runs through the site. Surface water will pass through the orchard and therefore may be intercepted by grass and roots. In addition, a proposed attenuation pond near the southern edge of the site will capture water. This will require a storm outfall into the ditch, which would be restricted by a flow control chamber.

Foul water will discharge into the proposed package treatment plant, close to the attenuation pond, with treated water then discharging into the ditch.

It is therefore concluded that there is no risk of increased flooding from and within the site, and that the proposals for drainage accord with adopted standards.

### **10.9 The proposed shop**

Although there is support for the proposed local shop indicated within the letters of representation, some concerns have also been raised regarding its viability, and parking concerns have been raised. It is anticipated that this will be a shop for mainly essential items and would not replace the need to go to supermarkets; nevertheless, it will still serve a local need and whilst there will be new traffic movements generated by people visiting from the edge of or outside of the village, these will be offset by people from those within the village from where it will be possible to travel to on foot.

Community shops have worked in other locations within the area and there is no suggestion that this will not be a successful store. However, it will be necessary to secure the use of the unit as a shop by Section 106 in order to ensure the benefit to the community.

### **10.10 Lack of services in the village**

It is acknowledged that there is a poor public transport service within the village, with one bus a day to coincide with school terms. It is also stated that the village school is inadequate. The school organisational plan (2019) indicated that there is surplus within the school, which has a capacity of 56 pupils, with numbers on the roll at 25. It is acknowledged that the bus service is inadequate and that the residents of the proposed development would likely need a car to travel outside of the village.

### **10.11 Other matters**

Concern has been raised over the loss of agricultural land. This land is not actively

grazed and is of poor quality, having previously been used as an orchard. An Inspector commented on a previous appeal decision for a scheme in Creech St Michael (application reference 14/17/0033) that the loss of Grade 2 agricultural land was not significant due to the amount of high-quality agricultural land in the area.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

Creation of dwellings is CIL liable. This proposed development measures approximately 1108 sqm.

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 £138,500.00. With index linking these increases to approximately £195,250.00.

## **12 Planning balance and conclusion**

12.1 The proposal site is adjacent to the development boundary for Hatch Beauchamp, where affordable housing schemes are permitted according to Policy DM2 (6). However, this scheme includes an element of open market housing in order to fund the element of affordable housing. Nevertheless, the element of affordable housing is a significant benefit to the scheme, as it would deliver a need identified within the parish, which otherwise could not be met. The Inspector at the previous appeal decision did not consider that it had been shown that the open market housing proposed is the minimum necessary provision to enable the delivery of affordable housing. In this proposal, there is less open market housing, and whilst no viability information has been submitted with the application, this is a small element of the proposal and would provide a balanced development, with a mix of tenures, sizes and designs of houses. The provision of a village shop is an additional benefit, and the inclusion of additional housing generally is likely to increase the viability of other local facilities, such as the school, and public house. There is also a small benefit in terms of employment during construction, and the provision of additional biodiversity by the creation of an orchard and additional planting. Overall, these benefits are not significantly and demonstrably outweighed by the adverse impacts of the scheme, which include development outside of the boundary and additional traffic. The scheme positively addresses design and landscape issues, and there are no concerns regarding odour, drainage or ecology, providing conditions are placed on permission.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions and the provision of a Section 106 legal agreement to cover the following matters:

Provision of 4 no. affordable dwellings

Provision of a local shop which cannot be used or sold as an open market dwelling

Delivery and maintenance of phosphate mitigation

Delivery and maintenance of foul and surface water drainage system

Adoption letter from Albion Water required for PTP

Delivery of on-site open space including footpaths

Adoption of streets within development

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In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.



## Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal

### 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 21 47 100 Site Location Plan  
(A3) DrNo 21 47 101A Block Plan  
(A1) DrNo 21 47 102A Site Layout House Types  
(A2) DrNo 21 47 103 Floor Plan Plot 1  
(A2) DrNo 21 47 104 Floor Plan Plot 2  
(A2) DrNo 21 47 105 Floor Plan Plot 3  
(A2) DrNo 21 47 106 Floor Plan Plot 5 & 6  
(A2) DrNo 21 47 107 Floor Plan Plot 7  
(A2) DrNo 21 47 108 Floor Plan Plot 8  
(A2) DrNo 21 47 109 Elevations Plot 1  
(A2) DrNo 21 47 110 Elevations Plot 2  
(A2) DrNo 21 47 111 Elevations Plot 3 & 4  
(A2) DrNo 21 47 112 Elevations Plot 5 & 6  
(A2) DrNo 21 47 113 Elevations Plot 7  
(A2) DrNo 21 47 114 Elevations Plot 8  
(A2) DrNo 21 47 115 Garages Floor Plans & Elevations  
(A1) DrNo 21 47 116 Illustrative Street Scene  
(A2) DrNo 21 47 117B Landscape Key Plan  
(A4) DrNo 21 47 118 Field Gate

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

3. Prior to the construction of the dwellings 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. The parking spaces in the garages 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

5. The recommendations stated in the Badger Presence/ Absence Survey by Quantock Ecology 9th November 2022, and the Reptile Presence/ Absence Surveys by Quantock Ecology 27th October 2022 shall be carried out as a minimum. Details of such mitigation measures shall be made available to the local planning authority on request.

Reason: in the interests of European and UK protected species and biodiversity generally and in accordance with policy DM1 of the Taunton Deane Core Strategy

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

Reason: This condition must be a pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with policy DM1 of the Taunton Deane Core Strategy

7. No vegetation removal works around the site shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given.

8. All hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy DM1 of the Taunton Deane Core Strategy

9. Before any part of the development hereby permitted is commenced, the trees and hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the tree and hedges and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the trees and hedges so retained shall not be altered.  
Reason: To avoid potential harm to the root system of any trees and hedges leading to possible consequential damage to its health.  
Reason for pre-commencement: To ensure that the protection is in place prior to the commencement of works
10. Prior to the commencement of work on site the applicant shall submit a written construction management plan for approval by the Local Planning Authority. No work shall take place until the Construction Management Plan has been agreed in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.  
The construction management plan shall include  
1) Specification of hours of operation (7.30am-7pm Monday- Friday and 7.30am 1pm Saturday -no work Sundays and bank holidays)  
2) Display of a board in a prominent position, viewable from the public highway, displaying the name of the site manager and operational telephone number  
3) Approved route for construction traffic  
4) Parking area on site for construction workers and contractors  
5) Sound suppression measures for compressors and other noise generating equipment  
6) Wheel wash facilities to prevent mud on the public highway  
7) No on-site fires  
8) Details of tree protection during the process  
Reason:- To minimise the disruption to neighbours during the construction process.
11. At the proposed accesses there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan, Drawing No. 17.98.02-B. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.  
Reason: In the interests of maintaining a safe and serviceable highway network.
12. 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 prior to any occupation of the development hereby permitted and thereafter maintained at all times.  
Reason: In the interests of maintaining a safe and serviceable highway network.

13. 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: In the interests of maintaining a safe and serviceable highway network.

14. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of maintaining a safe and serviceable highway network

15. Prior to first occupation of the development hereby permitted, access to covered cycle and electric vehicle charging points will need to be available to all dwellings. This can be provided through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining a safe and serviceable highway network.

16. 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 (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(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 or are uprooted 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.

17. No individual dwelling hereby approved shall 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,[the Supplemental Planning Document - Districtwide Deign Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 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. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
3. Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Somerset West Police District, Bridgwater Police Centre, Express Park, Bristol Road, Bridgwater TA6 4RR
4. WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out in the breeding season (February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.



