

Application Details	
Application Reference Number:	3/26/21/002
Application Type:	Outline Planning Permission
Earliest decision date:	08 August 2022
Expiry Date	16 April 2021
Extension of Time Date	
Decision Level	Planning Committee
Description:	Outline planning application with all matters reserved except for access for the erection of 8 No. dwellings (amended scheme to 3/26/19/024)
Site Address:	Land north of Huish Lane, Washford
Parish:	26
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	No
AONB:	No
Case Officer:	Russell Williams
Agent:	The Wyndham Estate
Applicant:	Savills (UK) Ltd
Committee Date:	March 2023
Reason for reporting application to Committee	Parish Council and more than 4 comments received that are contrary to officer recommendation.

1. Recommendation

1.1 That permission be GRANTED subject to conditions and a s106 agreement to provide affordable housing

2. Executive Summary of key reasons for recommendation

2.1 One of the key material considerations is the Inspectors decision on the previous scheme for 14 dwellings dated 23rd September 2021 where in dismissing the appeal he attributed significant weight to the conflict with the development plan , policy SC1 in that the proposal did not constitute the required ' limited development' and to the harm of the setting of the Linhay , grade 2 listed structure. This proposal has reduced the number of dwellings down to 8 dwellings thereby being seen to meet the 'limited development' requirements and would not propose development in the paddock to the east, which the Inspector considered to provide the setting for the listed Linhay building. Your officers consider that the concerns of the Planning Inspector in dismissing the earlier appeal have now been met and the general principle of residential development at this scale can be considered acceptable.

2.2 Whilst the application is only in outline form, with access forming a consideration, the details of the access show that it would not cause detrimental harm to highway flow and safety in the immediate vicinity of Huish Mews and the wider road network ,

including the A39. There would also be reasonable access to a number of facilities in the village of Washford, just a short distance away and the requirements of policy SC1 of the adopted plan are considered to have been met.

2.3 The illustrative drawings then show that a high quality proposal for 8 dwellings can come forward on the site without causing harm to trees and landscaping or ecology in the area, nor either being at flood risk or risk of causing flooding, The layout also illustrates that a scheme could be developed out with no harm to existing neighbouring residential amenities.

2.4 Finally the scheme would provide either three much needed discounted open market properties or a financial contribution of £487,038 towards affordable housing in the area.

3. Planning Obligations and conditions and informatives

3.1 Conditions (bullet point only full text in appendix 1)

- 1) Approval of reserved matters
- 2) Approved plans
- 3) Archaeological scheme of investigation
- 4) Suds drainage scheme to be submitted
- 5) Wheel cleaning facilities to be provided
- 6) Access to be provided in accordance with submitted plan
- 7) Consolidated surface material
- 8) Proposed estate roads details to be submitted
- 9) Surface water disposal details to be submitted
- 10) Parking spaces provision
- 11) Cycle storage provision
- 12) Implement travel measures
- 13) Visibility splay [provision
- 14) EV Charging points
- 15) Bin and recycling facilities
- 16) CEMP
- 17) CEMP (biodiversity)
- 18) Boundary treatment details to be submitted
- 19) Hedgerow retention
- 20) Hedgerow protection
- 21) Lighting design for bats
- 22) LEMP
- 23) Ecology measures provision
- 24) Water consumption
- 25) Turning head for Huish mews properties
- 26) Cycle/footway crossing west to east
- 27) Retention of paddock/agricultural land

3.2 Informatives (bullet point only)

- 1) Proactive statement
- 2) Bat protection
- 3) Highways legal agreement
- 4) Section 171 licence

3.3 Obligations

Provision of affordable housing - A financial contribution of £487,038 in lieu of affordable housing on site or provide 3 discounted open market properties at 40% discount from open market value in perpetuity.

4. Proposed development, site and surroundings

4.1 Details of proposal

Outline planning permission was originally sought for the erection of 10 dwellings, however this has been revised to 8 dwellings. Only access is currently sought, while appearance, landscaping, layout and scale form reserved matters. The revised illustrative drawings show 4 x 2 bedroom dwellings, 3 x 3 bedroom dwellings and a four bed unit within a cul de sac arrangement, with 3 of the dwellings in a secondary (inner) cul -de sac. A swale is shown to the north of the site and a paddock to the east. A turning head to the end of the existing access road to adjacent houses in Huish mews is also proposed.

4.2 Sites and surroundings

The site is located in Washford, which is a village located approximately 3km west of Williton and 3.5km southwest of Watchet. The site is located to the north of properties 1 - 7 in Huish Lane and comprises around 0.6ha of green field land. To the west of the site lies a set of five recently built dwellings on previous allotments, while to the south east lies the grade 2 listed Linhay building , which has been converted in to residential properties . To the north there are fields. The site was vacant at the time of the officer site visit but has been used for grazing livestock.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/26/19/024	Outline application with all matters reserved except for access for the erection of 14 dwellings	Refuse	18/09/20
		Appeal dismissed	23/09/21

6. Environmental Impact Assessment

Whilst no EIA screening opinion has been undertaken for this application, a previous one was undertaken for 16 dwellings on the site ref: EIA/26/18/001 and it was determined that no further EIA would be required for this application.

7. Habitats Regulations Assessment

The site does not lie within the hydraulic catchment area for the Somerset Moors and Levels Ramsar site. and therefore there is no requirement for a Habitats Regulations Assessment.

8. Consultation and Representations

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

8.1 Date of consultation: 18 January 2021

8.2 Date of revised consultation 22 July 2022,

8.3 Press Date: 22 January 2021

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

Consultee	Comment	Officer Comment
<i>Police - Designing out Crime officer</i>	<i>No objection At outline stage, so difficult to provide specific comments. Proposal gives opportunity to ensure good surveillance, overlooking of communal areas , definition of public and private areas and good all round security</i>	<i>Noted</i>
Consultee	Comment	Officer Comment
<i>Old Cleeve Parish Council</i>	<i>The following concerns are raised :- 1) Loss of greenfield, site in open countryside, not allocated for housing; 2) Would erode the viability of the tenanted Kentsford farm holding; 3) Question the need for further housing (social/affordable) in the area, with Magna Housing Association being said to have disposed of 3 development plots and the comment being made that there consents for 36 dwellings either not built out or not occupied. 4) A sum of money towards affordable housing would be insufficient and the</i>	<i>These matters are addressed in section 10.2 of this report</i>

	<p><i> dwellings need to be provided on site;</i></p> <p><i> 5) The ground saturates, so significant infrastructure improvements would be required;</i></p> <p><i> 6) Foul water flooding occurs in lower Washford and this would need to be considered in relation to providing more dwellings.;</i></p> <p><i> 7) The general view at the public consultation event was not supportive;</i></p> <p><i> 8) Contrary to the applicant's statement there has been a rapid decline in local facilities in Washford over the last 10 years and worse over 45 years.</i></p> <p><i> 9) The proposal would only bring temporary employment opportunities in construction;</i></p> <p><i> 10) The proposal would be contrary to Policy SC1 of the adopted plan in that Huish lane does not have good footpath links to services and and the development would generate significant additional traffic movements.</i></p> <p><i> 11) In relation to highway policies TR1 and TR2 it should be noted that Washford residents are reliant on their cars with a limited bus service and that there have been more traffic accidents than the applicants state in their report.</i></p> <p><i> 12) The proposed access is considered poor and would be used by several persons including farmers, children and allotment holders.</i></p>	
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	<p>13) Furthermore, the County Council have had previous concerns with accesses here and the expansion of the school has lead to additional parking in this area;</p> <p>14) Whilst it is recognised that layout forms a reserved matter, the scheme would need to ensure that the allotment users would be taken into account and that it could be serviced adequately, as well as ensuring adequate access for emergency vehicles, road sweepers and car parking.</p> <p>With regard to the revised scheme for 8 dwelling, comments were made regarding the lack of timely submission of revised documents, lack of revised site notice, the lack of detail of the 5 dwellings now built on the allotment site and the risk that the indicated paddock area could be built upon.</p> <p>The previous objections were all considered to remain.</p>	
<p>Consultee <i>Highways Development Control</i></p>	<p>Comment <i>In terms of traffic impact the proposed development would lead to an incremental increase in traffic generation along Huish Lane and the junction with the A39. The effect is considered to be modest and would not lead to any severe impact on the approach roads or</i></p>	<p>Officer Comment <i>Noted that there is no objection subject to conditions.</i></p> <p><i>Matters addressed in section 10.2 4 of this report</i></p>

	<p><i>highway safety.</i></p> <p><i>The proposed access is considered to be acceptable, and whilst the internal layout would be subject to a reserved matter, it should be noted that County Highways would not currently adopt it as shown , leaving it as a private street that would need to be built to a satisfactory level to qualify for an exemption under the Advance Payment Code. If it was to be offered for adoption, amendments would be required.</i></p> <p><i>Overall there is no objection subject to conditions on visibility splays, access as approved plan to include new footway access cross over arrangement, consolidated surface for first 6m of access, provision of removal of surface water, submitted details of parking spaces, a Construction Environmental Management Plan ,</i></p>	
<p>Consultee</p> <p><i>County Ecologist</i></p>	<p>Comment</p> <p><i>A Preliminary Ecological appraisal has been carried out. Most of the site consists of a paddock of improved grassland. The site is bounded by two species rich hedgerows associated with the farm track to the west of the site and species poor hedgerow to the north and east of the application site. The hedgerows were</i></p>	<p>Officer Comment</p> <p><i>These matters addressed in section 10.2.7 of this report.</i></p>

	<p><i>considered to form potential commuting and foraging corridors for bats. No bat activity surveys have been undertaken so it is assumed the presence of light adverse species. A condition is required for a lighting design for bats. In addition, the site is on the edge of a settlement and overall, the potential for Hazel Dormouse is considered low. The paddock grassland and nearby gardens and allotments are all good potential habitats for hedgehog. A Construction Environmental Management Plan covering how the above features will be protected and maintained during the construction period is recommended by Geckoella. This needs to be conditioned for hedgerow and vegetation clearance. The area for swales and surrounding habitat could provide enhancement for biodiversity as set out in the National Planning Policy Framework. In order for this area to provide this enhancement it would need to be subsequently managed for wildlife. This can be achieved through a condition for a Landscape and Ecological Management Plan. The National Planning Policy Framework (170d) requires biodiversity enhancement to be</i></p>	
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	<i>provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan.</i>	
Consultee	Comment	Officer Comment
<i>Wessex Water Authority</i>	<p><i>Recommend a holding objection as there is an existing 225mm public sewer crossing the site and the proposal shows buildings and a swale within the 3m easement of it.</i></p> <p><i>Revised</i> <i>The amended plans show no structures or swales within the easement , therefore objection removed.</i></p> <p><i>Wessex Water currently have rights of way access to the Washford CSO and these must be retained.</i></p>	<i>Noted that holding objection now removed. The proposal would not block access to the Washford CSO.</i>
Consultee	Comment	Officer Comment
<i>Local Lead Flood Authority</i>	<p><i>Original</i> <i>The Drainage strategy as submitted does not relate to the updated proposal.</i></p> <p><i>Revised</i> <i>Comments:</i> No objection to the scheme in principal and the proposed drainage concept, subject to full details being provided at the reserved matters stage. These details to include a full range of SuDS measures such as rainwater harvesting, rain gardens, permeable paving, water butts etc, as well as detailed design</p>	<i>It is noted that the LLFA have no objection to this outline planning application but would require greater detail at the reserved matter stage. A condition would be included on any approval for full drainage details including management and maintenance.</i>

	<p>calculations to prevent surcharging, location of associated swale elements, details of infiltration testing measures and maintenance tasks, responsibilities and frequencies , showing private and adopted areas.</p> <p><i>In summary, the information submitted only covers the concept which is adequate at outline planning stage, and we would anticipate that a planning condition would be set to ensure that full details are provided at the next stage</i></p>	
<u>Consultee</u>	<u>Comment</u>	<u>Officer Comment</u>
<i>South West Heritage Trust</i>	<i>The submitted heritage statement identifies some potential for previously unrecorded pre historic activity and therefore a programme of works in accordance with a written scheme of investigation condition is recommended.</i>	<i>Comments are noted and the requested condition would be attached to any approval.</i>

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Arboricultural Officer	<p>No major concerns about this one, so long as most of the existing hedgerows are retained as indicated. These will not be protected by the Hedgerow Regulations if the site is developed, so can they be protected by condition or section 106? How will these hedges be retained consistently when next to private gardens? Can we have more trees in</p>	<p>Conditions recommended on any approval to retain and protect hedgerow, and for them and the area surrounding the swale to be enhanced by additional RHS recognised native trees.</p>

	<p>areas that are outside the private gardens – e.g. around the swales and near to the southern boundary? Scope for some good new hedgerow oaks in the new hedge to the north</p>	
Housing enabling officer	<p>Under West Somerset Local Plan Policy SC4 affordable housing contributions are sought on schemes of between 6 and 10 units within the Designated Rural Areas described under Section 157(1) of the Housing Act 1985.</p> <p>Washford is one of the Designated Rural Areas and therefore a tariff style contribution should be sought from this development on the basis of 35% affordable housing contributions. Based on the proposed housing scheme mix of 1 x 4 bed house, 3 x 3 bed houses and 4 x 2 bed houses the required affordable housing financial contribution is £487,038. This is based on an affordable housing requirement of 2.8 units.</p> <p>The last Housing Need Report identified 5 households in need of low-cost home ownership. No low-cost home ownership has been provided in the village since this report was published therefore instead of a commuted sum, the delivery of three Discounted Open Market</p>	<p>The section 106 requirements would be included in any recommendation for approval</p>

	<p>properties at 40% discount in perpetuity would be most welcome.</p> <p>The S106 Planning Agreement should include an option to either pay a financial contribution of £487,038 in lieu of affordable housing on site or provide 3 discounted open market properties at 40% discount from open market value in perpetuity.</p> <p>Any affordable homes should be integral to the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site. Due to the size and location of the scheme there would be a requirement for a local connection clause in relation to the affordable housing.</p>	
<p>Conservation officer</p>	<p>Original scheme The proposed two units numbered 5 and 6 in proximity to the Linhay need reorientating.</p> <p>Revised scheme No objection, the amended site layout as found through Dwg No 220.38-003 Rev C is considered to preserve the contribution the setting makes to the significance of the Linhay a Grade II listed building.</p>	<p>Noted and comments support conclusion in section 10.2.4 of this report</p>

8.7 Local representations

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

Material Planning Considerations	
5 Objections - original scheme of 10 dwellings	Officer Comment
1) Facilities in village not as numerous as implied in the application. 2) There is not a network of continuous footpaths in the village. There are some narrow areas of street which are dangerous, particularly for children going to school. 3) Proposal would add to current parking issues in area and excessive parking could restrict access for service and emergency vehicles. 4) Application field is susceptible to flooding. 5) Policy SC1 only allows limited development in the village and cumulatively too much is being proposed. 6) Proposal would harm the setting of the listed Linhay building. 7) The proposal doesn't respond positively to the local context and would not make a positive contribution to the local environment. 8) Building on too much green space in the village. 9) The application site is farming land and should be retained as such to ensure country is self sufficient.	These matters are covered in section 10.2.1 to 10.2.4, with flooding covered in 10.2.10
Revised scheme of 8 dwellings	
5 objections re-iterating previous comments and possible sighting of dormouse.	Noted
Support	Officer comment
None	

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 West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral 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:

West Somerset Plan to 2032

SC1 - Hierarchy of Settlements
SC2 - Appropriate Mix of Housing types and tenures
SC4 - Affordable housing
SV1 - Development and Primary and Secondary Villages
CF2 - Planning for healthy communities
CC2 - Flood risk management
NH1 - Historic Environment
NH4 - Archaeological sites
NH6 - Nature conservation and the Protection and Enhancement of Biodiversity
NH13 - Securing high standards of design
TR1 - Access to and from West Somerset
TR2 - Reducing reliance on the private car

West Somerset Local Plan (saved policies)

T/8 - Car parking

Supplementary Planning Documents

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 (February 2021).

National Planning Policy Framework

10. Material Planning Considerations

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

10.2.1 The principle of development

Policy SC1 of the West Somerset Local Plan to 2032 (the WSLP), amongst other things, establishes a settlement hierarchy for the location of development within the plan area. At SC1.2 it identifies Washford as a primary village where limited development will be permitted where it is demonstrated that it will contribute to the wider sustainability benefits of the area.

Its supporting text clarifies that 'limited' means schemes of up to 10 dwellings providing about a 10% increase in a settlement's total dwelling number during the plan period, limited to about 30% of this increase in any 5-year period. Washford had circa 304 dwellings at the start of the WSLP period, so a 10% increase over the plan's lifetime would equate to around 30 or 31 dwellings and an increase of 30% over a 5-year period would amount to about 9 dwellings.

The previous application on the site (Ref: 3/26/19/024) was for 14 dwellings, therefore failing the definition of 'limited' development and was refused planning permission for the following reason:-

'The proposed quantum of development does not meet stipulations in Policy SC1.2 of the adopted West Somerset Plan to 2032 for limited development. It is not considered that the provision of new affordable housing as a planning benefit would outweigh the policy conflicts. '

The application was subject to an appeal and the Inspector in dismissing the appeal concluded that the site would not be suitable for the proposal in that it would conflict with the development plan's approach to the supply of housing.

The current application in its revised form is only for 8 dwellings, thereby meeting the definition for 'limited development', while looking at the 5 year period figures it is below the 30% threshold of 9 dwellings.

A recent analysis by the Local Planning Authority has then come to the conclusion that there are 21 valid planning permission for dwellings in Washford, therefore the overall figure of 30 /31 dwellings (10%) over the plans lifetime would not be exceeded.

Policy SC1 then requires development to be within 50 m to the contiguous built-up area of the settlement, which is the case here, while also requiring development;-

- 1) To be well related to existing services and social facilities;
- 2) To provide safe and easy access to these facilities;
- 3) To respect the historic environment and compliment the character of the existing settlement;
- 4) To not generate significant additional traffic movements over minor roads to and from primary road networks;

5) To not harm the amenity of the area or the adjoining land uses.

The principle of development on the site is considered acceptable in relation to the number of dwellings being proposed and the following sections of this report address the 5 requirements outlined above.

10.2.2 Design of the proposal

Both the NPPF and policy NH13 of the adopted local plan expect new development to meet high standards of design. The current proposal is just shown in illustrative form, as only access is currently for consideration, however the proposed dwellings are shown well spaced in relation to each other and neighbouring dwellings, while hedgerows would be retained along with the tracks to the north west and a link is shown to the footpath to the east. The proposed swale as well as providing sustainable drainage would be an attractive feature in itself and the revisions down to 8 dwellings mean the paddock to the east would be retained. This again would be an attractive feature that provides a setting for the development as well as preserving the setting of the existing 'Linhay' building. The illustrative drawings also show a mix of dwelling sizes, including 2 x 2 bedroom, 3 x 3 bedroom and a four bed unit to accord with policy SC3 in relation to providing a mix of housing types.

The proposal gives opportunity to ensure good surveillance, overlooking of communal areas, definition of public and private areas and good all round security

10.2.3 Quality of Accommodation

As stated previously all but access form a reserved matter. The illustrative drawings do show dwellings with good outdoor amenity area, while the Local Planning Authority would look to ensure that the dwellings met the nationally described space standards in terms of internal layouts at the reserved matter stage.

10.2.4 Accessibility, Access, Highway Safety and Parking Provision

Policy SC1 of the adopted plan requires that development be well related to existing services and social facilities, while also ensuring safe and easy access. Policy TR1 then states that proposals for development must encourage the use of sustainable modes of transport and Policy TR2 of the adopted plan looks for proposals to reduce the reliance on the private car. The village has a number of facilities including a hair dressers, church, public house, community hall, school, and post office, which are all accessible by walking. There is also access to bus stops on the A39, which would take you westwards to Minehead and eastwards to Williton and Bridgwater. It is accepted that in some parts of the village the streets are narrower and the pavements are not continuous, however the level of traffic on these roads is relatively light and the scale of the development only involves 8 dwellings. There are paths around the village and within the accompanying travel statement there is confirmation that travel packs would be given to the new occupiers and a notice board erected displaying walking and cycling routes. These measures would be conditioned as part of any approval of the application.

The Local Highway Authority have stated that in terms of traffic impact the proposed development would lead to an incremental increase in traffic generation along Huish Lane and the junction with the A39, however the effect is considered to be modest and would not lead to any severe impact on the approach roads or highway safety.

In terms of the access itself they also have no objection, subject to conditions on visibility splays, access as approved plan to include new footway access arrangement, consolidated surface for first 6m of access, provision of removal of surface water, submitted details of parking spaces, and a Construction Environmental Management Plan. They have flagged up that with regard to the current layout they might not seek to adopt it, but request it remains private, however this is a consideration for the reserved matters stage.

In terms of parking the illustrative drawings show 2 spaces per dwelling, which would be policy compliant.

Overall in conclusion it would be difficult to substantiate a reason for refusal on access and highway safety grounds, and it is considered that the requirements of policy SC1, TR1 and TR2 have been met.

10.2.5 The impact on the character and appearance of the locality

Policy SC1 also places caveats on proposals at the primary villages, stating schemes will only be considered acceptable where they respect the historic environment and complement the character of the existing settlement. Policy NH1 of the adopted plan states that proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance. The impact of the development upon heritage assets is assessed in Section 10.2.12 of this report.

In regard to the impact of the development upon the character and appearance of the surrounding area, the design of the indicative layout scheme has been reviewed and is considered to be appropriate for this edge of settlement site. The diffuse layout offers a low density scheme with a pattern of development that will not be at odds with the surrounding area. Key features such as hedgerows will be retained.

Detailed matters relating to the scale, layout and finished appearance, together with landscaping, will be secured through the reserved matters application process and planning conditions, when Officers are confident that a high-quality scheme can be secured that will have a positive effect upon the character and appearance of the area.

Regarding the outline submission, Officers are satisfied that a well design scheme can be secured that will not adversely impact upon the character and appearance of the locality.

10.2.6 The impact on neighbouring residential amenity

The application is only in outline form, however the illustrative drawings show a scheme where the proposed dwellings relate comfortably to each other and

windowed elevation to windowed elevation with the existing properties in Huish Mews would be around the 21 m design guide requirement. There is shown a similar distance between proposed dwelling number 5 and Huish Barns no.1 and some 13m from the garage flank elevation for dwelling no.1 and the existing dwellings to the west. These would all be more than distances to ensure no overlooking or general harm to amenities. There would obviously be comings and goings to and from the eight new dwellings, but there is currently an access here. The level of disturbance would not be considered to cause material harm.

10.2.7 The impact on trees and landscaping

Most of the site consists of a paddock of improved grassland and site is bounded by hedgerows. The tree officer states that he has no major concerns as long as the existing hedgerows are retained and the proposal includes some trees, both to enhance the hedges and around the swale to the north. While landscaping forms a reserved matter, conditions for hedgerow retention and protection will be added to any recommendation for approval, as well as a condition to require trees as part of the reserved matters for landscaping.

10.2.8 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

It should be noted that the proposal is not within the hydrological catchment area for the Somerset Levels and Moors. Policy NH6 of the adopted plan does however require proposals not to generate unacceptable adverse impacts on biodiversity and to protect, enhance and restore the ecological network within West Somerset. A preliminary ecological appraisal has been carried out and the County Ecologist has no objection the scheme subject to conditions requiring a Construction environmental management plan and a Landscape and Ecological management plan, along with a condition for bee bricks and a lighting design for bats. As the area is also good for hedgehogs, fence holes would be conditioned on any approval as well as the provision for bird boxes. The combination of all these measures would ensure policy NH6 would be met.

10.2.9 Waste/Recycling facilities

Provision of Bin and recycling facilities would be conditioned on any approval.

10.2.10 Flood risk and energy efficiency

The site is within flood zone 1 and is therefore not in an area of high flood risk. The proposal is seeking to use sustainable drainage systems as shown by the swale on the illustrative drawings. The Local Lead Flood Authority confirm that they have no objection to the scheme in principal and the proposed drainage concept, subject to full details being provided at the reserved matters stage. These details to include a full range of SuDS measures such as rainwater harvesting, rain gardens, permeable paving, water butts etc, as well as detailed design calculations to prevent surcharging, location of associated swale elements, details of infiltration testing measures and maintenance tasks, responsibilities and frequencies, showing private and adopted areas. A condition would be attached to any recommendation for

approval to provide these details.

Wessex Water did have concerns that there was potential for buildings to be within the 3m easement of their public sewer crossing the site as shown on the original proposal, however their objection was removed on the revised scheme for 8 dwellings.

With regard to energy efficiency a condition would be recommended for electric vehicle charging, while in terms of water efficiency a restrictive water consumption condition would be proposed.

10.2.11 Affordable housing

The Housing enabling officer has stated the following:

'Under West Somerset Local Plan Policy SC4 affordable housing contributions are sought on schemes of between 6 and 10 units within the Designated Rural Areas described under Section 157(1) of the Housing Act 1985.

Washford is one of the Designated Rural Areas and therefore a tariff style contribution should be sought from this development on the basis of 35% affordable housing contributions. Based on the proposed housing scheme mix of 1 x 4 bed house, 3 x 3 bed houses and 4 x 2 bed houses the required affordable housing financial contribution is £487,038. This is based on an affordable housing requirement of 2.8 units.

The last Housing Need Report identified 5 households in need of low-cost home ownership. No low-cost home ownership has been provided in the village since this report was published therefore instead of a commuted sum, the delivery of three Discounted Open Market properties at 40% discount in perpetuity would be the best option.

The S106 Planning Agreement should include an option to either pay a financial contribution of £487,038 in lieu of affordable housing on site or provide 3 discounted open market properties at 40% discount from open market value in perpetuity. '

In conclusion the above would therefore be sought via a section 106 agreement on any approved scheme.

10.2.12 Heritage

The impact of the development upon the setting of nearby heritage assets should be assessed against LP Policies NH1 and NH2.

LP Policy NH1 states that "proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance." Policy NH2 expands upon this by setting out how heritage assets such as Conservation Areas will be managed through the development process. Policy NH2 states proposals that "affect a conservation area should preserve or enhance its character or appearance, especially those elements

identified in any conservation area appraisal."

Section 16 of the NPPF sets out the national guidance for assessing the significance of heritage assets and considering the impact of development proposals.

Para 202 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 then requires a duty to pay special regard to the desirability of preserving the setting of the grade 2 listed Linhay building. Whilst it didn't constitute a reason for refusal on the earlier application, the Inspector identified the effect of the proposal on the desirability of preserving the setting of the listed Linhay as the main issue in the appeal.

He stated in his report that:

"The significance of the Linhay primarily derives from its agricultural form and appearance, which is enhanced by its rural setting, including former farm buildings and agricultural land. These elements of significance have been eroded by the Linhay's conversion and new housing around it. However, the site provides an open field across the back of the Linhay and forms part of the agricultural land which undulates gently away to the north. This leads the site to make a positive contribution to the setting of the Linhay"

and continued by then stating;

"The drainage strategy indicates that the north part of the site may well be given over to swales. In these circumstances, the proposed quantum of housing would likely be established across the breadth of the remaining site area, including close to the Linhay. The area around the Linhay would therefore see a harmful change from open, agricultural land consistent with its significance, to obvious residential use."

and reaching the following conclusion:

"Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area bearing in mind the special regard that should be paid to the desirability of preserving the setting of the Linhay. It would conflict with the heritage aims of Policy SC1.4 of the SWLP and the Framework. "

The applicants have sought to overcome this concern by first of all reducing the number of proposed dwellings down from 14 to 10 and then reducing further down to 8 dwellings. The amendment down to 8 dwellings would remove the elements of the proposal from the open field to the rear that the Inspector identified as providing the setting for the Linhay. A condition on any approval would then ensure this field remained a paddock, thereby preserving the setting of the Linhay. The Council's conservation officer has confirmed that they are satisfied that the revised scheme showing 8 dwellings would preserve the contribution the setting makes to the

significance of the Linhay.

The submitted Heritage statement also identified the potential for previously unrecorded prehistoric activity and in line with policy NH4 the South West Heritage Trust have recommended a programme of works in accordance with a written scheme of investigation form a condition on any approval.

The proposal therefore accords with policies SC1, NH1 and section 16 of the NPPF.

When assessed as a whole, the proposal is considered to be in keeping with the general character and appearance of the locality and as amended, will preserve the setting of the listed heritage asset, The Linhay. In addition the public benefit associated with the delivery of open market and affordable homes in a sustainable location is considered to significantly and demonstrably outweigh any harm that might arise. The development therefore accords with LP Policies NH1 and NH2 and guidance within the NPPF.

11 Local Finance Considerations

11.1 Community Infrastructure Plan

CIL does not apply in the former West Somerset Council area.

12 Conclusion

12.1 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 a s106 for affordable housing to provide either a financial contribution of £487,038 in lieu of affordable housing on site or provide 3 discounted open market properties at 40% discount from open market value in perpetuity. '

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

Recommended Conditions

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

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

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

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

(A3) DrNo 220,38-001 Existing Site and Location plans

(A3) DrNo 220,38-002 Existing Site plan

(A3) DrNo 220,38-003 Proposed Site plan

(A4) DrNo 11341-T01 Site Access

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

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

Reason: To ensure the protection of any important archaeological features.

- 4 No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The

drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details. These details shall include:

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
- Details on how the system will operate appropriately under flood conditions and surcharged outfall, and further investigation into any flood risk considerations in the area.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant). This should also demonstrate any works offsite are within the applicant's ownership,
- Where it is proposed to discharge to a drainage system maintained/operated by other authorities' evidence of consultation and the acceptability of any discharge to their system should be presented for consideration
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development for all of the system. This should also include any system outside the site boundary constructed as part of the development to ensure adequate discharge of water.
- Infiltration testing, soakaway/infiltration system detailed design and construction in accordance with Building Research Digest 365. Soakaways must be located more than 5m from building and road foundations. If

soakaways/infiltration features are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

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

Reason: In the interests of highway safety.

- 6 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 11341-T01, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and to ensure adequate access to the development is available prior to occupation.

- 7 Prior to occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and to ensure adequate access to the development is available prior to occupation.

- 8 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus 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. 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: In the interests of highway safety.

- 9 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 construction above damp-proof-course level and thereafter maintained at all times.

Reason: In the interests of highway safety and to prevent surface water discharging onto the public highway.

- 10 The dwellings hereby permitted shall not be occupied until the parking spaces for the dwellings in accordance with current policy standards 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: In the interests of highway safety and to prevent on-street parking.

- 11 The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles.

- 12 The approved Measures-Only Travel Statement shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority.

Reason: In the interests of the promotion of sustainable transport.

- 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 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 14 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.

- 15 The development shall provide for bin storage and recycling facilities, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 16 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;
- Protection of retained features and surface water bodies on or adjacent to the site, including control of surface run-off;
- Details of waste management and offsite disposal.

The approved Construction Environmental Management Plan shall be implemented throughout the period of work on site including any preparatory works.

Reason: In the interests of highway safety, environmental protection and residential amenity, and in accordance with policy SD1 of the adopted West Somerset Council Local Plan to 2032

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

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

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

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy NH6 of the West Somerset Local Plan.

- 18 Details of the proposed boundary treatments on the application site have be submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwellings hereby approved.

Reason: To safeguard the character of the area and in the interests of the amenities of the neighbouring residents.

- 19 The hedgerows within the site shall be retained and the landscaping scheme to be submitted at the reserved matters stage shall clearly show the retention of them as well as details of species, siting and numbers of RHS endorsed native trees to enhance the hedgerows and to be planted in the area surrounding the swales.

Reason: In the interest of biodiversity and appearance of the development.

- 20 Before any part of the development hereby permitted is commenced, the 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 hedge 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 hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

- 21 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 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: West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

22 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:

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

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

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

23 The following will be integrated into or mounted upon buildings:

- a) 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 southwest facing elevation of three plots
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves and away from windows of the northeast elevation of three plots
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart

directly under the eaves and away from windows on the northeast elevations of two plots

d) A bee brick built into the wall about 1 metre above ground level on the southeast elevation of eight plots

e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in the National Planning Policy Framework and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

24 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 West Somerset: Local Plan to 2032 Policy CC5 and NH6, the Supplemental Planning Document - Districtwide Design Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

25 The proposed turning head as shown on the approved drawing to end of existing access road to adjacent houses in Huish Mews shall be constructed and made available for use before commencement of the construction of the proposed dwellings. It shall there after be kept clear and retained as a turning head.

Reason; In the interest of highway movement and safety.

26 A shared cycle /footway crossing the site in an west to east direction shall be provided as part of a link to the development known as the 'Old Nursery Site' before the occupation of the proposed dwellings. The link shall be retained for the duration of the development.

Reason: To encourage safe sustainable forms of transport.

27 The area identified as the paddock on the approved drawings shall be retained solely as a grassed field for the grazing of animals, while the area of the site

shown directly to the north of the paddock shall be retained as agricultural land.

Reason; To preserve the setting of the Grade 2 Listed Linhay building.

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 Legal agreement with Highway Authority Required.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority on tel: 0300 123 2224 to progress this agreement well in advance of commencement of development.

- 4 Section 171 Licence

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. You can apply for a licence online at: [Apply for a licence to do minor works on or near the road \(somerset.gov.uk\)](https://www.somerset.gov.uk/apply-for-a-licence-to-do-minor-works-on-or-near-the-road)