

# Public Agenda Pack



Notice of Meeting of

## **PLANNING COMMITTEE - WEST**

**Tuesday, 19 September 2023 at 2.00 pm**

**John Meikle Room, The Deane House,  
Belvedere Road, Taunton TA1 1HE**

To: The members of the Planning Committee - West

Chair: Councillor Simon Coles

Vice-chair: Councillor Derek Perry

Councillor Norman Cavill

Councillor Dixie Darch

Councillor Habib Farbahi

Councillor Ross Henley

Councillor Andy Sully

Councillor Rosemary Woods

Councillor Mandy Chilcott

Councillor Caroline Ellis

Councillor Andy Hadley

Councillor Steven Pugsley

Councillor Sarah Wakefield

Councillor Gwil Wren

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services – see contact details below.

Requests to speak at the meeting about a planning application must be made to the Democratic Services Team no later than **12noon on Monday, 18 September 2023** by email to [democraticserviceswest@somerset.gov.uk](mailto:democraticserviceswest@somerset.gov.uk). Further information on the public speaking arrangements at Planning Committee is provided in the Public Guidance Notes near the front of this agenda pack.

This meeting will be recorded and then uploaded to YouTube following the meeting.

Members of the public are welcome to attend the meeting.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

Issued by David Clark, Monitoring Officer (the Proper Officer) on Friday, 8 September 2023

# **AGENDA**

**Planning Committee - West - 2.00 pm Tuesday, 19 September 2023**

**Public Guidance Notes for Planning Committees (Agenda Annexe) (Pages 7 - 10)**

**Webcast link to view the meeting (Pages 11 - 12)**

## **1 Apologies for Absence**

To receive any apologies for absence and notification of substitutions.

## **2 Minutes from the Previous Meeting (Pages 13 - 22)**

To approve the minutes from the previous meeting.

## **3 Declarations of Interest**

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#) )

## **4 Public Question Time**

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

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) by 5pm on Wednesday 13 September 2023.

**5 Planning Application 3/26/21/002 - Land North of Huish Lane, Washford (Pages 23 - 60)**

To consider an outline planning application with all matters reserved except for access for the erection of 8 No. dwellings (amended scheme to 3/26/19/024).

**6 Planning Application 48/21/0042 - Hyde Lane Business Park, Hyde Lane, Bathpool, Taunton TA2 8BU (Pages 61 - 84)**

To consider an application for the replacement of buildings at Hyde Lane Business Park, Hyde Lane, Bathpool.

**7 Appeal Decisions (for information) (Pages 85 - 92)**

## **Other Information:**

### **Exclusion of the Press and Public for any discussion regarding exempt information**

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will be asked to agree the following resolution to exclude the press and public:

### **Exclusion of the Press and Public**

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

**Reason:** Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

*(Or for any other reason as stated in the agenda or at the meeting)*

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## Public Guidance Notes for Planning Committees

### Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

### **How do I register to speak at Planning Committee?**

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to [democraticserviceswest@somerset.gov.uk](mailto:democraticserviceswest@somerset.gov.uk) . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.



### **Can I present information to the Committee?**

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

### **How do I know what time an application will be heard?**

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

### **What if my Division Member does not sit on the Planning Committee?**

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

### **Presentation of planning applications**

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

### **The role of Officers during the debate of an application**

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

### **Recording of the Meeting**

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.



This is the on-line invite to join the Planning Committee – West meeting on Tuesday 19 September at 2.00pm. Please note this is an in-person meeting in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE

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## Microsoft Teams meeting

**Join on your computer, mobile app or room device**

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Meeting ID: 368 021 710 478

Passcode: 3e63AN

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Phone Conference ID: 955 119 371#

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Minutes of a Meeting of the Planning Committee - West held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Tuesday, 15 August 2023 at 2.00 pm

**Present:**

Cllr Simon Coles (Chair)

Cllr Norman Cavill

Cllr Andy Hadley

Cllr Steven Pugsley

Cllr Sarah Wakefield

Cllr Gwil Wren

Cllr Dixie Darch

Cllr Ross Henley

Cllr Andy Sully

Cllr Rosemary Woods

**Other Members present remotely:**

Cllr Tony Lock

Cllr Andy Soughton

**30 Apologies for Absence** - Agenda Item 1

Apologies were received from Councillors Caroline Ellis, Habib Farbahi and Derek Perry. There were no substitute Councillors in attendance.

**31 Minutes from the Previous Meeting** - Agenda Item 2

Resolved that the minutes of the Planning Committee - West held on 18<sup>th</sup> July 2023 be confirmed as a correct record.

**32 Declarations of Interest** - Agenda Item 3

Councillor Dixie Darch declared that she was predetermined in relation to Items 5 and 6 - Planning Application 20/23/0019 and 23/23/0020. She would make comment but would not vote on these two items.

It was also noted all committee members had received additional papers and

information regarding Items 5 and 6 - Planning Application 20/23/0019 and 23/23/0020.

**33 Public Question Time** - Agenda Item 4

There were no questions from members of the public.

**34 Planning Application 20/23/0019 - Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary** - Agenda Item 5

The Planning Officer introduced the application to the Committee with the assistance of a power point presentation. She provided the following comments including:

- Noted additional information had been received since the report had been published and that the applicant was willing to agree to the inclusion of a 'local occupancy' condition should Members be minded agree to the removal of the holiday occupancy condition.
- Summarised the two key elements of the application.

She also referred to the key considerations and explained that whilst the overall recommendation was for approval, the removal of the holiday occupancy condition was not supported and it was recommended that this should remain.

The Committee were addressed by the Division Member for the application. Some of her comments included:

- Draft neighbourhood plan supports the growth of housing development.
- Helps support the national housing shortage.
- Good opportunity to meet the local housing needs as there is limited opportunity for new housing in the village for smaller family homes.
- Brownfield site designated for development.
- Proposal is of a good eco build design standard.

Councillor Dixie Darch, having earlier declared that she was predetermined, then moved to the public seating and took no further part in consideration of this item.

The Committee were addressed by a representative of the Kingston St Mary Parish Council. Some of his comments included:

- Parish Council fully supported this application.
- Meets the needs of the local community as identified in the local housing

survey.

- Provision of the additional accommodation will be of considerable social benefit.
- Help ensure a balance is met both in downsizing and the supply of affordable homes and address the lack of 2/3 bedroom properties.
- Although not yet formally adopted the Neighbourhood Plan should carry some weight.

The Committee were addressed by the agent. Some of her comments included:

- Reiterated that there were two elements to the application and that the applicant was willing to replace the holiday occupancy condition with a 'local occupancy' condition.
- Site was within a sustainable location serviced by a nearby bus route with footpaths and within a safe walking route to the village.
- Economic benefits if properties were occupied full time.
- Meets the identified local need and as supported within the upcoming Neighbourhood Plan.

During discussion, varying points were made by Members including:

- Sought clarification regarding what impact phosphates would have should permanent occupancy for 52 weeks per year be approved.
- Voiced uncertainty regarding the intention of the application and whether it was to be considered as affordable or for downsizing.
- Need to be bold and take the opportunity to support the need for local homes for local people and not holiday homes.
- Supported the proposed amended plans but not the release of the holiday let condition.
- Did not believe an application should be made for holiday lets and then allowed to convert to permanent homes.
- Location was not suitable or in a sustainable location for the identified housing need.
- Appreciated the need for local housing but questioned the affordability aspect.
- Properties were required to meet the needs of all including the opportunity to downsize.
- Removal of holiday let condition fully supported by the local people which should not be ignored.
- Referred to planning policy and therefore should be cautious to release the holiday let clause.

The Solicitor and Planning Officer responded to technical questions and specific points of detail raised by Members including:

- Clarified the Neighbourhood Plan process including the relevant stages and reasons why it should be given only limit weight at the current time.
- Confirmed the properties were not classed as affordable homes.
- Clarified the definition of a brownfield site.
- If Members were minded to retain the holiday let occupancy condition, a future application could be submitted should the applicant wish to try again following the implementation of the new Somerset Local Plan and any policy changes.

At the conclusion of the debate, it was proposed by Councillor Sarah Wakefield and seconded by Councillor Gwil Wren to approve the application as per the Planning Officer's recommendation to:

1. Approve the variation of Condition No. 01 of 20/22/0027 (approved plans) at Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary subject to conditions, including Condition 5 that the chalets shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence.

On being put to the vote the proposal was carried by 6 votes in favour, 3 against and 0 abstentions.

**RESOLVED:**

That planning application 20/23/0019 for the removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 and variation of Condition No. 01 of 20/22/0027 (approved plans) at Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary be APPROVED subject to conditions as detailed in the supplementary appendix to the Agenda, including Condition 5 that the chalets shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence

(Voting; 6 in favour, 3 against, 0 abstentions)

**35 Planning Application 20/23/0020 - Plots 19 and 20 Mill Meadow, Parsonage Lane, Kingston St Mary - Agenda Item 6**

The Planning Officer introduced the application to the Committee with the



assistance of a power point presentation. She explained this application was similar to the previous application, although this was wholly for the removal of the 'holiday occupancy' condition of the appeal decision of a previous application.

She reiterated that the applicant was willing to agree to the inclusion of a 'local occupancy' condition should Members approve to approve the application.

She referred to the key considerations and that the recommendation was for refusal.

The Solicitor also clarified to Members that the application was wholly to consider the removal of the 'holiday occupancy' condition.

Councillor Dixie Darch, the Division Member did not make comment on this application as they were the same comments as per the previous application. Having earlier declared that she was predetermined, she then moved to the public seating and took no further part in consideration of this item.

The Committee were addressed by a representative of the Kingston St Mary Parish Council. Some of his comments included:

- It was never the intention this application was for the purpose of affordable housing.
- Parish Council was actively looking for an acceptance site for affordable housing.
- Needs of the local community should be supported.

The Committee were addressed by the agent. Some of her comments included:

- Clarified the previous appeal decision and occupancy conditions.
- Confirmed there was a bus link directly outside the site.
- Understood that phosphates would not be an issue going forward.
- There was demand for these cheaper more affordable units which are already built.
- High levels of biodiversity.
- Reiterated the applicant was willing to agree to the inclusion of a 'local occupancy' condition should members be minded to approve this application.

During discussion, varying points were made by Members including:

- Sought clarification regarding what impact phosphates would have should permanent occupancy for 52 weeks per year be approved.
- Sought clarification regarding tourism occupancy condition and length of use.

- Voiced confusion around the difference of holiday lets and 2<sup>nd</sup> home use.
- Site was not suitable and in an unsustainable location.
- Acknowledge restrictions would affect the value of the properties.
- This application falls outside the local plan and therefore not a suitable approach to solve the local housing problem.

The Solicitor and Planning Officer responded to technical questions and specific points of detail raised by Members including:

- The impact of phosphate mitigation should the units be given over to permanent residential homes.
- The local connection criteria and cascade effect.

At the conclusion of the debate, it was proposed by Councillor Sarah Wakefield and seconded by Councillor Gwil Wren to refuse the application as per the Planning Officer's recommendation. On being put to the vote the proposal was carried by 6 votes in favour, 3 against and 0 abstentions.

**RESOLVED:**

That planning application 20/23/0020 for the removal of Condition No. 01 (holiday occupancy) of appeal decision of application 20/06/0039 at Plots 19 and 20 Mill Meadow, Parsonage Lane, Kingston St Mary be REFUSED permission for the following reason:

1. The proposed development is outside any defined settlement limits and therefore falls within open countryside. The site is located in an unsustainable location where future occupiers would be heavily reliant on the private car to access facilities and amenities that are not available within close proximity to the site. The proposed is therefore contrary to policies SP1, SD1 and CP1 of the Taunton Deane Core Strategy and policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

(Voting: 6 in favour, 3 against, 0 abstentions)

**36 Planning Application 38/20/0151 - 9-11 Burton Place, Taunton, TA1 4HD - Agenda Item 7**

The Planning Officer introduced the application to the Committee with the assistance of a power point presentation. He advised that the application had not changed since it was approved by Somerset West and Taunton Council in

September 2020 but the decision notice had not been issued because of the potential negative impact the scheme would have on the Somerset Levels and Moors Ramsar Site. He noted that the applicant has agreed to enter into a Section 106 agreement for the acquisition of 0.5 no. SWT P-credits which were required to ensure that the proposed development would be nutrient neutral and would not have an adverse effect on the integrity of the Ramsar site as a result of excessive phosphates. Therefore his recommendation was to approve the application subject to conditions.

In response to a question, the Assistant Director for Strategic Place & Planning explained the interim phosphate mitigation strategy which Somerset West and Taunton had received approval from Natural England and the phosphate calculator on the Council's website which gave the number of credits required for a scheme.

There was no debate and it was proposed by Councillor Steven Pugsley and seconded by Councillor Ross Henley that permission be granted subject to the conditions contained in the report previously considered by the Somerset West and Taunton Planning Committee in September 2020 (Appendix A), the additional conditions set out in the Committee report and the completion of a Section 106 Agreement to secure phosphate mitigation. This was unanimously agreed by Members.

**RESOLVED:**

That planning application 38/20/0151 for the conversion of a terrace building (part of former police station) into 6 No. dwellings at Burton Place, Taunton be GRANTED permission subject to the conditions set out in the report previously considered by the Somerset West and Taunton Planning Committee in September 2020 (Appendix A), and the additional conditions set out in this Committee report and the completion of a Section 106 Agreement to secure phosphate mitigation.

(Voting: unanimous in favour)

**37 Objection to Somerset West and Taunton (Trull No.2) Tree Preservation Order SWT73 (2023) - Agenda Item 8**

The Arboricultural Officer introduced the item and advised that there was currently outline planning consent for housing on the site. However, following a site meeting with the developer's arboriculturalist, Tree Preservation Order SWT73 was served to protect the best trees at the site. It was anticipated that a small number of the trees would need to be removed to facilitate the building of the access road through the

site, but the site plan was currently only indicative. Any lost trees would be replaced and the remaining protected trees in the two lines would be enhanced with new planting.

The Committee were addressed by the Agent for the developers. Her comments included:

- In 2019 the Orchard Grove site was granted outline planning permission which sanctioned the felling of specific trees and hedgerows and that approval should be given substantial weight in the determination of the TPO application as it conflicted with the officer's recommendation.
- The Officer's report did not give clear planning reasons for departing from the 2019 decision.
- Consistency was vital to instil public confidence in the planning system.
- The officer's justification that the Green Infrastructure Plan only related to the outline approval and not full permission failed to acknowledge that the Planning Committee had already approved the felling of specific trees.
- She concluded that it was crucial to uphold the TPO in its current form.

The Committee were addressed by an objector to the proposal. His comments included:

- The 2019 outline permission was supported by an environmental statement and arboricultural assessment which provided an assessment of the tree loss and retention across the site.
- The Green Infrastructure Parameter Plan which was agreed as part of the 2019 planning permission for the site, stated that the linear tree belts subject to the TPO would be removed to facilitate development.
- The stated tree losses would be offset by the beneficial effects proposed as part of the development including restorative pruning and new tree planting.
- He concluded by asking the Committee to reject the application and allow the site to be developed in accordance with the approved plans.

In response to questions from Members, the Planning Officer and Solicitor confirmed:

- The 2019 outline planning application for the site was still valid with all matters reserved except access. The design and layout of this part of the Orchard grove site was not yet agreed.
- The Reserved Matters application may show the removal of some TPO trees and the Committee could decide at that point if it was appropriate to remove them.

- The age of the trees at the site varied from 60 to 70 years for some and 30 to 40 for others. The trees included in TPO SWT73 were identified on site as being the ones in the two lines that were of sufficient quality to merit protection by TPO.

During discussion, the following points were made:

- The avenue of trees were not currently visible from the road but preserving some landscape features would be preferred.
- No amount of re-planting would replace the older trees.
- Preserving trees was part of the Council's ecological emergency.

It was proposed by Councillor Sarah Wakefield and seconded by Councillor Dixie Darch that the Somerset West and Taunton (Trull No.2) Tree Preservation Order SWT73 (2023) be confirmed unmodified and this was unanimously agreed by all Members of the Committee.

**RESOLVED:**

That Somerset West and Taunton (Trull No.2) Tree Preservation Order SWT73 (2023) which protects 9 groups of trees growing in two lines running from Dipford Road at the northern end, going south towards Gatchell House which is located on Honiton Road, Trull be CONFIRMED unmodified.

(Voting: unanimous in favour)

**38 Appeal Decisions (for information) - Agenda Item 9**

The Service Manager for Development Control introduced the report and drew Members' attention to the two appeals which had been allowed by the Planning Inspectorate. She confirmed that she would circulate the main issues and concerns of the Planning Inspectors the following week.

In response to questions from Members, the Service Manager for Development Control confirmed that there had been no application for costs against the authority in respect of the appeal at the Lidl's store in Wellington and she cautioned against taking one Inspector's decision as setting a precedent for other applications.

At the conclusion of the debate, Members were content to note the report.

**NOTED.**

**(The meeting ended at 4.23 pm)**

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**CHAIR**

<b>Application Details</b>	
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:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	NA
AONB:	NA
Case Officer:	Russell Williams
Agent:	Mr Richards
Applicant:	Savills (UK) Ltd
Committee Date:	19 September 2023
Reason for reporting application to Committee	Previously considered by the Committee and deferred for further information

## 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 This application was reported to Committee on 27 March 2023 with an Officer recommendation that planning permission be granted. At the meeting Members voted to defer the decision for the following reason:

*To allow Officers the opportunity to review the sustainability of Washford as a Primary settlement suitable for accommodating further new residential development. The review will allow Officers to assess the level of services and facilities currently available within and serving the settlement and for this to be considered against the evidence base supporting the adopted West Somerset Local Plan. This will allow further consideration as to whether the proposed development complies with Policy*

*SC1 and OC1 of the Local Plan.*

2.2 The applicant has undertaken a sustainability appraisal of Washford and submitted a Technical Note setting out their assessment of services and facilities available within the settlement and evidence available from the Local Plan. Comparison is also made to other Primary settlements in the Local Plan area.

2.3 Development Management and Planning Policy Officers have assessed the submission and conclude that Washford remains a sustainable settlement, compliant with the settlement hierarchy set out in Local Plan Policy SC1 and is a sustainable location for new housing.

2.4 As previously noted in the officer's report, 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.

2.5 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.

2.6 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.

2.7 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 (full text in appendix 1)

##### 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 (full text in appendix 1)

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

#### 3.2.1 Proactive Statement

### 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 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 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**

3/26/19/024	Outline application with all matters reserved except for access for the erection of 14 dwellings	Refuse Appeal dismissed	18/09/20 23/09/21
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## **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 EIA would be required.

## 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).

8.6 Internal Consultees the following were consulted:

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:

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<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>
<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</i>	<i>These matters are addressed in section 10.2 of this report</i>

Consultee	Comment	Officer Comment
	<p><i>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.</i></p> <p>4) <i>A sum of money towards affordable housing would be insufficient and the dwellings need to be provided on site;</i></p> <p>5) <i>The ground saturates, so significant infrastructure improvements would be required;</i></p> <p>6) <i>Foul water flooding occurs in lower Washford and this would need to be considered in relation to providing more dwellings.;</i></p> <p>7) <i>The general view at the public consultation event was not supportive;</i></p> <p>8) <i>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>9) <i>The proposal would only bring temporary employment opportunities in construction;</i></p> <p>10) <i>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 the development would generate significant additional traffic movements.</i></p> <p>11) <i>In relation to highway policies TR1 and TR2 it should be noted that Washford residents are reliant on</i></p>	

Consultee	Comment	Officer Comment
	<p><i>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 a number of persons including farmers, children and allotment holders.</i></p> <p><i>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;</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>The previous objections were all considered to remain.</i></p>	

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<p><i>Highways Development Control</i></p>	<p><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 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><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>County Ecologist</i></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</i></p>	<p><i>These matters addressed in section 10.2.7 of this report .</i></p>

Consultee	Comment	Officer Comment
	<p><i>site and species poor hedgerow to the north and east of the application site. The hedgerows were 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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan.</i></p>	

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<p><i>Wessex Water Authority</i></p>	<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>  <i>Wessex Water currently have rights of way access to the Washford CSO and these must be retained.</i></p>	<p><i>Noted that holding objection now removed . The proposal would not block access to the Washford CSO.</i></p>
<p><i>Local Lead Flood Authority</i></p>	<p><i>Original</i>  <i>The Drainage strategy as submitted does not relate to the updated proposal.</i></p> <p><i>Revised 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 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,</i></p>	<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>



<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
	<i>and we would anticipate that a planning condition would be set to ensure that full details are provided at the next stage</i>	
<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:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
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 areas that are outside the private gardens – eg. around the swales and near to the southern boundary? Scope for some good new hedgerow oaks in the new hedge to the north.</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>

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
<p>Housing Enabling Officer</p>	<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 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</p>	<p>The section 106 requirements would be included in any recommendation for approval</p>

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
	<p>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.</p> <p>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>Planning Policy</p>	<p>Planning Policies observations are as follows:</p> <p>The supporting text to Policy SC1 of the West Somerset Local Plan to 2032 defines Primary Villages as “...the larger villages with a shop and some built community facilities which are not significantly constrained by poor access from the County Highway Network”. The agents review of facilities confirms that Washford continues to meet that definition of a Primary Village.</p> <p>In addition, it should be noted that Washford is a Primary Village in the adopted Local Plan to 2032, and that designation remains a material consideration in planning application decisions. The appropriate mechanism for this to be reviewed is through an assessment of the settlement hierarchy as part of the new Local Plan process, this study has not yet commenced.</p>	<p>The comments support Officer conclusions and are discussed in 10.2.1</p>

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
Conservation officer	<p>Original scheme</p> <p>The proposed two units numbered 5 and 6 in proximity to the Linhay need re - orientating.</p> <p>Revised scheme</p> <p>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>	Noted and comments support conclusion in section 10.2.4 of this report

## 8.7 Local representations

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

<b>Material Planning Considerations</b>	
<b>5 Objections - original scheme of 10 dwellings</b>	<b>Officer Comment</b>
<ol style="list-style-type: none"> <li>1) Facilities in village not as numerous as implied in the application.</li> <li>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</li> <li>3) Proposal would add to current parking issues in area and excessive parking could restrict access for service and emergency vehicles.</li> <li>4) Application field is susceptible to flooding.</li> <li>5) Policy SC1 only allows limited development in the village and cumulatively too much is being proposed.</li> <li>6) Proposal would harm the setting of the listed Linhay building.</li> <li>7) The proposal doesn't respond positively to the local context and would not make a positive</li> </ol>	These matters are covered in section 10.2.1 to 10.2.4, with flooding covered in 10.2.10

contribution to the local environment. 8) Building on too much green space in the village 9) 9) The application site is farming land and should be retained as such to ensure country is self sufficient	
<b>Revised scheme of 8 dwellings</b>	
19 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 comprise 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 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.

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 new housing development and sustainability of Washford.

The West Somerset Local Plan was adopted in November 2016 and sets out the strategy for delivery sustainable development across the former District area until 2032.

Members of the former Somerset West & Taunton Council Planning Committee raised questions over the sustainability of Washford as a settlement and whether it has sufficient services and facilities to support new housing, as set out in LP Policy SC1. As a consequence, the application was deferred in order for an assessment of the sustainability of Washford to be made.

The applicant has prepared a Technical Note that assesses the service provision

within Washford. Evidence relating to the inclusion of Washford as a Primary Settlement within the Local Plan, which was adopted in November 2016, is limited. The available information identifies that the settlement was classified as one that provided *a single shop and some community facilities (e.g. village hall) at the time*. Specifically what services and facilities were available is not retained in the evidence base.

The submitted evidence from the applicant, which has been corroborated by Officers, is that Washford continues to provide a range of services and facilities, including:

- Hairdressers
- School (Old Cleeve C of E First School, including Teddy Bears Nursery)\*
- Post Office
- Shop

In addition, Washford benefits from the following facilities and services not identified by the Agent:

- Public House (currently closed)
- Memorial Hall
- Allotment gardens
- Garage/service station

Washford also benefits from a regular bus service, with the number 28 route providing a near half hourly service between Taunton and Minehead, running from 0715 hrs to 2245hrs. The service also runs on Saturdays and Sundays.

Having regard to the above service provision, Washford remains broadly comparable to other Primary Settlements including Stogumber, Stogursey, Crowcombe, Kilve, West Quantoxhead, Bicknoller where new residential development is being delivered. Local Plan Policy SC1 requires the provision of "some" services and facilities at Primary Settlements and it is considered that the current offering remains consistent with that available when the Local Plan was adopted in 2016. It is therefore Officer opinion that LP Policy SC1 continues to carry full weight in the determination of the application and that the classification of Washford as a Primary Settlement remains up-to-date.

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 life time 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.

Washford remains a sustainable settlement where the provision of new housing is acceptable in principle and as such will assist with enhancing and/or maintaining the sustainability of the settlement as a whole. The development meets the policy tests set out in LP Policy SC1 and therefore the principle of development on the site is considered acceptable. 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 hairdressers, 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.

County Highways have then 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 and Heritage impact

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. 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 proposal is considered to be in keeping with the general character and appearance of the locality and to now preserve the setting of the listed heritage asset, the Linhay. It therefore accords with policies SC1, NH1 and section 16 of the NPPF.

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.

#### 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 along with 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 3 m 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.

## **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 NH4 of the West Somerset Local Plan

- 18 Details of the proposed boundary treatments on the application site have been 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.

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 thereafter 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 farm 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)

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Location Plan 1:2500



Existing Site Plan 1:1250

# Existing Site & Location Plans - 1:1250 & 1:250

Revisions

**THE PEARCE PRACTICE**  
 CHARTERED ARCHITECTS

22A BRIDGE STREET  
 TAUNTON  
 SOMERSET  
 TA1 1UB

Tel. 01823 322 820  
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CLIENT DETAILS  
 The Wyndham Estate

JOB TITLE  
 Residential Development  
 Land Adjoining Huish Mews - Washford

DRAWING TITLE  
 Existing Site and Location Plans

SCALE  
 1:1250 & 1:2500 @ A3

DRAWN	CHECKED	DATE
NP		21/12/2020

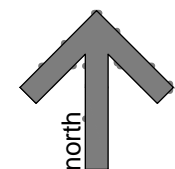
DRAWING NUMBER	REV
220.38 - 001	

Do not scale from this drawing unless for Planning purposes. Figured dimensions only are to be used.

All dimensions must be checked on site by the contractor prior to the commencement of any fabrication or building works.

Where applicable, dimensions and details are to be read in conjunction with specialist consultants' drawings, any disparity between drawings is to be brought to the attention of The Pearce Practice prior to the commencement of any fabrication or building works.

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<b>Application Details</b>	
Application Reference Number:	48/21/0042
Application Type:	Full Planning Permission
Earliest decision date:	22 December 2022
Expiry Date	29 December 2021
Extension of time	16 December 2022
Decision Level	Committee
Description:	Replacement of buildings at Hyde Lane Business Park, Hyde Lane, Bathpool
Site Address:	HYDE LANE BUSINESS PARK, HYDE LANE, BATHPOOL, TAUNTON, TA2 8BU
Parish:	48
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Denise Grandfield
Agent:	Sutherland PLS Ltd
Applicant:	MR L HEDGES
Committee Date:	19 September 2023
Reason for reporting application to Committee	Parish Council and more than four comments contrary to officers recommendation

## 1. Recommendation

1.1 Conditional Approval

## 2. Executive Summary of key reasons for recommendation

2.1 Approval on the following grounds:

The proposal will replace existing run-down buildings with modern fit for purpose buildings. The proposed buildings are not on the same footprint as the existing but are within the planning unit. The overall footprint will be reduced to 500m<sup>2</sup>. The proposed development is of a scale and design in keeping with the character of the area and the Green Wedge. The development would not give rise to increased impact on amenity to local residents or adverse impacts on the highway and would comply with the requirements of policies CP8, DM1 and DM2 of the Core Strategy and the Monkton Heathfield and Cheddon Fitzpaine Neighbourhood Plan.

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

- Time limit
- Approved plans
- Flooding
- Hard bound surface on the entrance way
- Clear visibility splays
- Details of the pedestrian and cycle crossing
- Travel Plan
- Parking laid out and maintained
- Cycle parking is provided up front
- Landscaping
- Limitation on use of building
- No outside storage
- Removal of existing buildings
- Ecology

#### **3.2 Informatives (bullet point only)**

- Proactive Statement
- Legal agreement with Highways required
- Protection of watercourses
- Protection of Bats

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

#### **4.1 Details of proposal**

The application proposes the demolition of the existing former farm buildings on the site and the construction of a single storey industrial building containing five business units with parking and landscaping areas. The building would measure 4.5m to the ridge.

The floor area of the replacement building is 500m<sup>2</sup>, which is a reduction on the current approved floor area of 669m<sup>2</sup>.

#### **4.2 Sites and surroundings**

The site was a former egg farm converted to business use (Classes B1 and B8) under application 48/18/0026. The former farm was operated by the applicant's family and there are two temporary dwellings on the eastern side of the property (not forming part of this application site) that are subject to enforcement proceedings. A window

company has been the main commercial occupant of the site as well as an office furniture business in the buildings which are to be removed.

Hyde Lane Business Park is the name attributed to the application site which sits on the south side of Hyde Lane just to the west of Taunton Rugby Club and 400 metres east of the A38 Bridgwater Road which passes through the centre of Bathpool. The application site is outside settlement boundaries, but is opposite housing and has the feeling of being on the rural edge. Hyde Lane however, is a road with a 6 foot 6 inch width restriction and has some characteristics of a rural lane, notwithstanding it is the main access route to the Rugby Club.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
48/18/0026	Alterations to Pedestrian and Vehicular Access/Manoeuvring/Parking Facilities, Reinstatement of Highway Frontage Open Surface Water Drainage Channel and Replacement of Highway Frontage Boundary Fence/Hedging together with Change of Use of Agricultural Land & Buildings to Class B1 (Office) and Class B8 (Storage & Distribution)	Approved	12 November 2018
48/20/0034	Variation of condition 12 attached to 48/18/0026	Approved	1 April 2021

## 6. Environmental Impact Assessment

N/A

## 7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the new commercial development will not result in an increase in nutrient loadings at the catchment's wastewater treatment works. This is on the basis that people working in or using the proposed commercial development are likely to live in the catchment area and therefore there will be no additional impact on the Ramsar site as a result of the development. As such, the Council is satisfied, as the competent authority, that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

## 8. Consultation and Representations

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

8.1 Date of consultation: 11th November 2021

8.2 Date of revised consultation (if applicable): 13th June 2023

8.3 Press Date: N/A

8.4 Site Notice Date: 18th November 2021

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

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
SCC - ECOLOGY	No objection subject to the inclusion of conditions and informatives	Noted
SCC - TRANSPORT DEVELOPMENT GROUP	The applicant has now addressed the comments raised within our previous response dated 2nd December 2022. Taking this into account, if the LPA can appropriately condition the application tailored to the level of B1 and B8 use currently proposed for the	Conditions can be applied



<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
	<p>respective units we would recommend that the conditions below are attached. To be clear, we would not wish to see any additional expansion of the site/and or buildings that would lead to a material increase in associated vehicles on the local highway network.</p>	
WESSEX WATER	<p>No objection but LPA must be satisfied regarding surface water flooding and no rainwater connection is allowed to the foul main</p>	<p>SUDS is proposed and can be conditioned and the flooding is covered under the FRA and EA comments</p>
ENVIRONMENT AGENCY	<p>The Environment Agency has reviewed the amended plans and elevations dated July 2023. Despite the reduction in building height, we are satisfied that each unit has a suitable refuge area within.</p> <p>Therefore, our earlier response to this proposal dated 26 April 2023 to the Local Planning Authority remains relevant. However, the Flood Risk Condition should be updated, as detailed below, to include the latest amendments.</p>	<p>Conditions can be applied</p>
LANDSCAPE	<p>The replacement building is too close to the western, northern, and southern boundary hedges to allow the hedges, and trees within, room to properly grow and so provide adequate screening / softening of</p>	<p>No objection subject to condition for landscaping</p>

Consultee	Comment	Officer Comment
	<p>the proposed built form. Conserving and enhancing the boundary features and making use of them to screen and assimilate the development is necessary in order to comply with chapter 12 of the NPPF and specifically:</p> <ul style="list-style-type: none"> <li>• paragraph 130, which states that developments should be visually attractive as a result of good architecture, layout and appropriate landscaping and sympathetic to local character and history; and also</li> <li>• paragraph 131, which says that opportunities to incorporate trees and to ensure their long-term maintenance.</li> </ul> <p>To address this, it is recommended that a minimum of 5m is allowed between the centre of the hedges / hedge-banks and the face of the proposed building. The hedges that surround the site are historic features that warrant being conserved in order to have regard to the history of the site.</p> <p>1) The silver birch trees shown in an evenly spaced row in the western boundary hedge should be omitted and replaced with field maple, willow, poplar, black poplar and oak, randomly positioned in a more naturalistic way, as these species and arrangement would</p>	

Consultee	Comment	Officer Comment
	<p>to better respond to the cultural character of the landscape.</p> <p>2) 5 trees should be included in the northern boundary. Again, field maple, willow, poplar, black poplar and oak, randomly spaced, would help to conserve cultural character of the area.</p> <p>3) All trees should be “feathered” specimens as opposed to “standards” and supported with low stakes.</p> <p>4) The hedge specification is acceptable.</p> <p>5) A landscape strategy will be required that outlines that, once established, that the hedges will be managed to achieve an effective low-level screen in perpetuity.</p>	
ECONOMIC DEVELOPMENT	No comments received	
WEST MONKTON PARISH COUNCIL	<p><u>Response 9 August 2023:</u> Welcomes, and is in agreement with, the revised height of the proposed building to 4.5m. The Parish Council still has concerns about the adequacy of the parking provision on site and suggests that the following measures / conditions could be put in place to mitigate the low provision:</p> <ul style="list-style-type: none"> <li>• A travel to work plan</li> <li>• Double yellow lines added on Hyde Lane for 100 yards on either</li> </ul>	<p>Site Location Plan is acceptable</p> <p>See parking and building design discussion below</p>

Consultee	Comment	Officer Comment
	<p>side of the entrance to avoid parking on Hyde Lane which is narrow.</p> <ul style="list-style-type: none"> <li>• Restrict the use of the proposed building / units to non-retail to reduce the number of vehicles visiting the site.</li> </ul> <p><u>First response</u></p> <ul style="list-style-type: none"> <li>- Does not support the application as submitted. - The red line does not match the proposed development.</li> <li>- Whilst WMPC supports the principle of local employment and less use of vehicles, the reality is that the parking is insufficient for the number of staff likely to be employed. Suggest that the secure cycle parking area is covered to keep cycles dry and shower facilities are included in each unit suggest that reducing the number of units from 5 to 4 would free up more land for parking.</li> <li>- The units themselves at 8 metres high are too tall for the site and would be completely overbearing on the bungalows and houses on the other side of the road (which is narrow) - To comply with the WM&amp;CF Neighbourhood Plan policies, measures for rainwater capture should be included, lighting should be downlit and LED and bat boxes should be installed.</li> </ul>	

## 8.7 Local representations

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

5 Letters of objection from 4 objectors have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
Increased traffic	No material increase proposed
Loss of mature hedgerow	Landscaping scheme required
Detrimental impact on wildlife	Somerset Ecology do not object
Disturbance during construction	No residential properties directly adjacent
Redevelopment, not replacement	Noted
Inadequate car parking	See discussion below
Within Flood Zone 3	EA do not object (not entirely new)
Intensification of business use in residential area	Existing industrial use is established
Hours of operation	Not required
Out of character with the locality	See discussion below

## 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:

CP8 - Environment,  
DM2 - Development in the countryside,  
DM1 - General requirements,  
SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
A1 - Parking Requirements,  
A5 - Accessibility of development,  
D7 - Design quality,

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 (March 2022).

Neighbourhood plans:

West Monkton and Cheddon Fitzpaine

E1 -Starter Workshops  
E3 - Retention of Employment Sites  
R3 - Flood Attenuation  
R1 - Dark skies

## **10. Material Planning Considerations**

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

### 10.1.1 The principle of development

The proposals are to replace two low long wooden chicken sheds and a workshops containing 6 no. units which are lawfully in use for industrial purposes and replacement them with a modern single storey block of 5no side by side industrial units for light industrial and B8 storage and distribution use. Hyde Lane Business

Park is just outside the settlement boundary of Bathpool, but it is an existing lawful use and set of commercial buildings, already changed from farming use. The current site is clearly designed as a chicken farm and its ageing buildings are of a relatively discreet and low key appearance in the landscape.

In principle, Policies DM2 and CP8 of the Development Plan allow for the commercial redevelopment of existing industrial buildings and although they are located outside the settlement, they are by no means isolated.

As such, the loss the existing buildings and their replacement with contemporary employment buildings could be supported in line with Policies DM2 and CP8 of the Development Plan. Objections from neighbours that this is not a direct replacement are noted, but this need not be a like for like replacement to accord with such policies. Overall the application proposes a reduction in floor area and a reduction in the number of units on the site. All existing buildings are to be demolished and removed from the site.

As the application proposes the replacement of the existing, a condition has been included to control the uses as per the previous applications.

#### 10.1.2 Design and Landscape

The initial 2021 proposals in this application were highlighted as being too close to the surrounding hedgeline and as a consequence greater breathing space has been provided in the site layout. A landscaping scheme could be required by planning condition.

A revised L-shaped building with a ridge height of 7.2m and a reduced footprint, was proposed in late 2022. In June 2023, the roof was flattened to make it lower by 860mm. The plans have now been amended to show a building with a height of 4.5m to the ridge.

The proposals are outside the settlement boundary in a flat open rural landscape with relatively limited tree screening. The revised scheme with a maximum height of 4.5m is a similar scale to the existing buildings. Furthermore the single building replaces a number of individual buildings spread across a larger area. A condition has been included to ensure the removal of the existing building and for landscaping to be carried out following their removal.

It is considered that the proposals are for a industrial building of a scale and mass that is in keeping with the character of the area.

The landscape is designated as a Green Wedge in the Adopted Core Strategy Policy CP8 where the objectives are to maintain the open appearance of the area and

protect its visual amenity. The scale and mass of this building maintains the open appearance of the area and protect its visual amenity.

### 10.1.3 Access, Highway Safety and Parking Provision

The Highway Authority had raised a number of concerns that have been addressed through negotiation. However they require that any approval creates no additional floorspace than the earlier approval (48/18/0026 and 48/20/0034) and the uses be limited to B1(Class E) & B8. As stated above the current proposal reduces the overall floor area from 669m<sup>2</sup> to 500m<sup>2</sup> and the number of units from 6no to 5no. A condition has been included to restrict the overall floor area and the allocation of Class E and Class B8.

The Highway Authority made their final comments in December 2022 where they are in agreement with the proposals subject to conditions controlling:

- Hard bound surface on the entrance way
- Clear visibility splays
- Details of the pedestrian and cycle crossing
- Travel Plan
- Parking is laid out and maintained
- Cycle parking is provided up front

Neighbours highlight that Hyde Lane is narrow and unsuitable for HGVs. The units proposed are relatively small and would not normally attract larger articulated vehicles, more likely cars and vans. The Highway Authority is satisfied that with a width limit on Hyde Lane from the A38, there is not going to be any denigration in the safety of the road when allowing this development to proceed. This is because the proposals replace existing commercial buildings on the site and it is not possible for wide vehicles to use Hyde Lane.

The parking provision on the site is for 8 car parking spaces and 6 cycle spaces. The Highway Authority are happy with this provision although at little more than one parking space per work unit, the level appears quite low. There is other space within the wider business park for overflow parking, therefore the risk of on street parking on Hyde Lane is low. The provision of cycle parking and a Travel Plan will help with reducing the need for car parking space.

Given that there is a reduction in floor area and a reduction in the number of units on the site, it is considered that there is unlikely to be an increase in the number of journeys to and from the site.



With the fall back position taken into consideration, the proposals provide sufficient parking and do not harm local highway safety.

#### 10.1.4 The impact on neighbouring residential amenity

The proposals are for similar or identical activities on the site to those that could already take place, albeit over a reduced floor area.. As such, the proposal is not considered to cause additional noise, disturbance or light pollution. The proposals are for a site that is separated from nearby dwellings by a public highway and should not pose any additional impact compared to what is already there.

The concerns of the neighbours are understood, but at the same time this was a chicken farm in its past life which would have also generated noise, odours and activity. The proposals are unlikely to be unneighbourly if controlled within Use Class B8 and in particular Class E which by definition is neighbourly in residential areas.

#### 10.1.5 Waste/Recycling facilities

The proposals provide commercial waste storage at the back of the site and HGV vehicle tracking has been provided by the applicant that demonstrates waste vehicles can enter and leave the site safely.

#### 10.1.6 Drainage and Flood Risk

The proposals are within the flood plain of the River Tone and there were initial objections from the Environment Agency. The applicant has commissioned further Flood Risk Assessments and the floor level of the building is now set at 10.8m AOD. The EA have withdrawn their objections to the development on the grounds that there is an existing building use in the flood plain that would be more at risk and less flood resilient as explained in the latest Flood Risk Assessment. The creation of a new flood resilient building with upstairs refuge for workers is considered a safer arrangement than the current buildings.

In terms of the Sequential Test for development in flood plains, the commercial use remains 'less vulnerable' on the site meaning that providing the EA are happy that the Flood Risk Assessment improves flood safety, there is no reason to the object to the proposals.

Given the flood plain nature of the site, a sustainable surface water drainage would be required by planning condition and the foul water from the site must be connected to the Wessex Water main sewer nearby. The proposals are neutral in

nutrient neutrality terms as they do not attract further overnight stays into the sensitive catchment.

#### 10.1.7 Any other matters

The proposals do not pose any threat to local protected species and habitats and with the imposition of planning conditions, Somerset Ecology do not raise any objections.

Neighbours have objected to the disturbance of the construction process, however this is not considered to pose such a threat as to warrant a reason for refusal or other control.

### **11 Local Finance Considerations**

#### 11.1 Community Infrastructure Levy

Not required for commercial development.

### **12 Planning balance and conclusion**

12.1 Given the fallback position of the existing commercial development, the proposed development is of a scale and design in keeping with the character of the area and the Green Wedge. The development would not give rise to increased impact on amenity to local residents or adverse impacts on the highway and would comply with the requirements of policies CP8, DM1 and DM2 of the Core Strategy and the Monkton Heathfield and Cheddon Fitzpaine Neighbourhood Plan.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is approved, subject to conditions.

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

### Conditions

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

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

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

(A2) DrNo EP002 Existing Site Plan

((A2) DrNo PP003 Rev A Proposed Site Plan

(A4) DrNo LP001 A Site Location Plan

(A2) DrNo PP010 Rev A - Proposed Elevations

(A2) DrNo PP011 Rev A - Proposed Floor Plans

FRA Further Addendum ref: HLP-BPC-XX-XX-LT-C-0002\_FRA by Bailey Partnership dated 4 April 2023

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

3. The development shall be carried out in accordance with the submitted FRA Further Addendum ref: HLP-BPC-XX-XX-LT-C-0002\_FRA by Bailey Partnership dated 4 April 2023 and the following mitigation measures it details:

- Finished floor levels of units to be no lower than 10.8m AOD.
- First floor refuges within each unit as per drawing number *PP01* Dated July 2023
- Floodplain mitigation measures to be implemented as outlined in figure 2 of *HLPBPC-XX-XX-LT-C-0002\_FRA Further Addendum*. Compensation area with volume 210m<sup>3</sup> (700m<sup>2</sup> by 300mm deep) to be built onsite to mitigate against loss of floodplain from development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To manage the residual risk of flooding to the proposed development

4. The proposed access shall be properly consolidated and surfaced (not loose stone or gravel) and constructed in accordance with details shown on the submitted plan, drawing number Proposed Site Plan PP003 rev A and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Reason: In the interest of highway safety

5. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained in perpetuity.

Reason: In the interest of highway safety

6. No work shall commence on the development hereby permitted until details of the proposed highway works (including but not limited to the pedestrian/cycle crossing) have been submitted to and approved by the Local Planning Authority. Such highway works shall then be fully constructed in accordance with the approved plan, to an agreed specification, prior to first occupation.

Reason: In the interest of highway safety.

7. Prior to the commencement of the development, a suitable Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interest of highway safety.

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

the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

9. The areas allocated for vehicle parking, motorcycle parking, loading and unloading, and turning on the submitted plan, drawing number Proposed Site Plan PP003 rev A shall be properly surfaced and kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason: In the interest of highway safety.

10. Before the development is occupied the secure covered cycle parking facilities as shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interest of providing alternative options for travel to the site.

11.
  - (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
  - (ii) The scheme shall be completely carried out within the first available planting season (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.

12. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

13. The floor area of the uses hereby approved shall not exceed 300m<sup>2</sup> of E(g)(i) or E(g)(iii) use and 322m<sup>2</sup> of B8 use with a total floor area not to exceed 500m<sup>2</sup>

Reason: In the interest of highway safety and to protect the amenities of nearby residential properties.

14. Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011

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

Reason: In the interests of nesting wild birds and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

16. The following will be integrated into the design of the proposal
- A. Where the landscaping scheme allows a new hedgerow shall be planted up comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dogwood, dog rose, guelder rose and spindle.
  - B. Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, silver birch, English oak, hornbeam and beech.
  - C. All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native.
  - D. 2x Habitat 001 bat boxes or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter.

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

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

17. There shall be no external storage of materials on the site.

Reason: To protect the visual amenity of the area.

18. The existing buildings and associated hard surfaces shall be demolished and removed from the site prior to the development hereby approved being brought into use.

The landscaping scheme required by condition 11 shall include the landscaping of the site of the former buildings.

Reason: In the interest of visual amenity and to comply with policy CP8 of the Core Strategy.

19. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times

indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Mon-Fri 0800 hrs to 1700 hrs

At all other times including Saturdays, Sundays and Bank Holidays, noise emissions shall not be audible when so measured.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc., shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity.

#### **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. It is likely the applicant be required to secure a suitable legal agreement / licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset Council to make the necessary arrangements well in advance of such works starting.

The extended vehicular access will require technical approval to demonstrate that the highway will not be impaired by the proposals before works are able to be undertaken. The County Council's preferred option for achieving this is for an Approval in principle to be submitted as set out in SHIP14 (details of which can be found here: [SHIP 1421 - Adoption of structures.pdf](#)), this will enable our Technical Approval Engineer to understand what is being proposed.



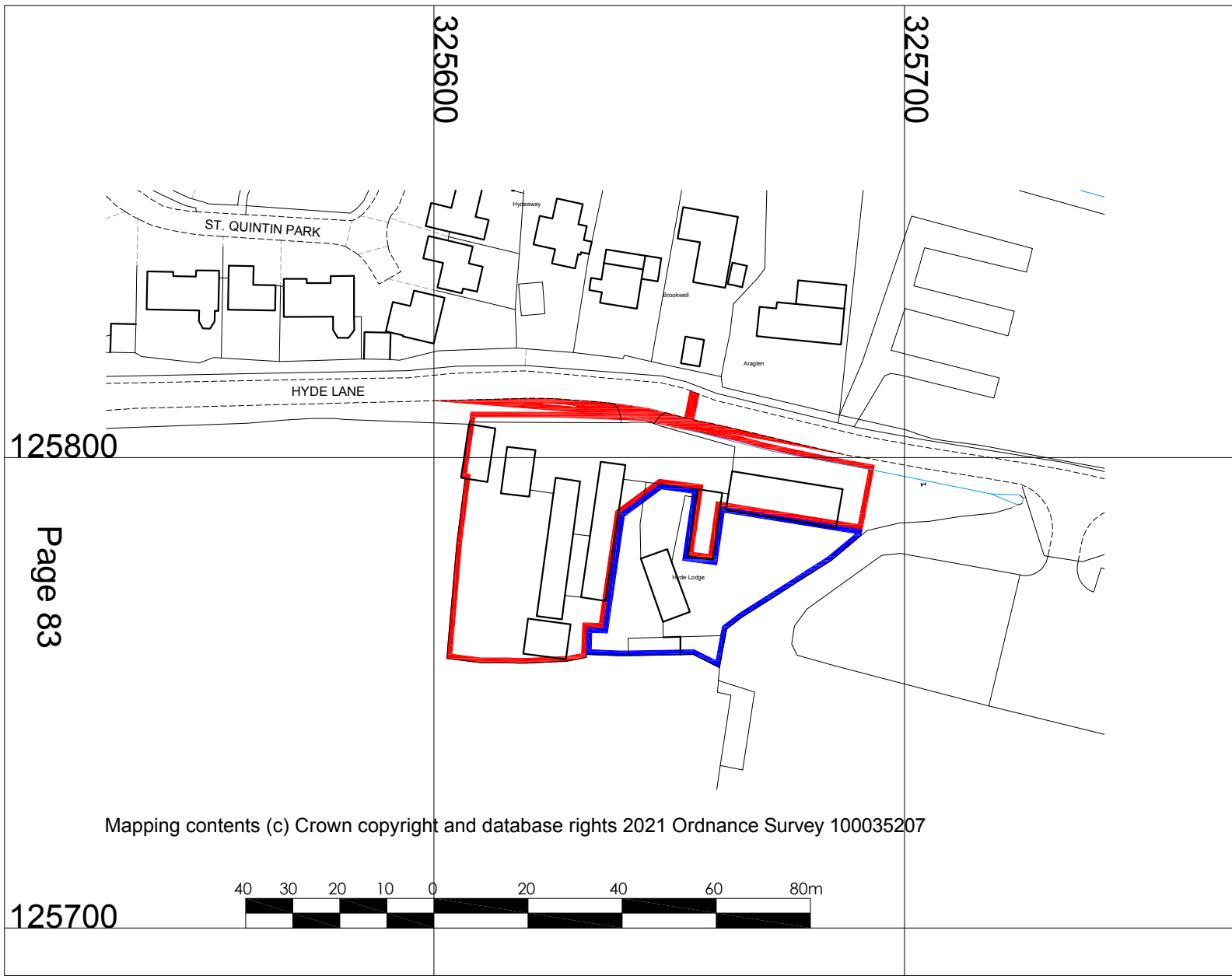
3. SC is now the Lead Local Flood Authority (LLFA) as defined by the Flood Water Management Act 2010 and the Flood Risk Regulations 2009. Under Section 23 of the Land Drainage Act there is a legal requirement to seek Land Drainage Consent when undertaking works to the cross section of an ordinary watercourse whether temporary or permanent (this includes culverting or obstructing).

Consent for works to ordinary watercourses outside Drainage Board areas must be obtained from Somerset County Council. Works to or within 8m of a Main River must have consent from the Environment Agency and works to or within 9m of a Drainage Board area must have consent from the Drainage Board. Further details can be found at [Apply for consent to work on an ordinary watercourse \(somerset.gov.uk\)](https://www.somerset.gov.uk/apply-for-consent-to-work-on-an-ordinary-watercourse).

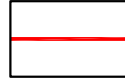
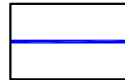
It is important to note that under no circumstances will retrospective consent be given for unconsented works. If unconsented works occur the developer will be responsible for restoring the watercourse to its original condition. Under section 24 of the Land Drainage Act (1991), the LLFA have the power to take any action deemed necessary to remedy the effect of contravention of failure to gain consent, and recover the expense of doing so from the offender.

4. 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

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**KEY**

-  Application Site Boundary
-  Other land in ownership of applicant

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Location	Scale	Date	Drg no.	Status	Title
Hyde Business Park, Hyde Lane, TA2 8BU	1:1250@A4	Nov 2022	LP001-A	Planning	Site Location Plan

urbandesignpractice  
Masterplanning + Urban Design

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## APPEAL DECISIONS

### PLANNING COMMITTEE WEST

TUESDAY 19 SEPTEMBER 2023

<b>Application No:</b>	42/21/0059
<b>Address:</b>	LAND AT SWEETHAY, TRULL, TAUNTON, TA3 7PB
<b>Description:</b>	Change of use of land from agricultural for the siting of 10 No. bell tents and the erection of a service building with car parking and landscaping on land at Sweethay, Trull
<b>Application Decision:</b>	Chair Decision
<b>Appeal Decision:</b>	Dismissed

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## Appeal Decision

Site visit made on 28 June 2023

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

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**Appeal Ref: APP/W3330/W/22/3307369**

**Land at Sweethay, Trull, Taunton TA3 7PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr A Ormerod against Somerset Council.
  - The application Ref 42/21/0059, is dated 9 September 2021.
  - The development proposed is change of use of land for the siting of 10 bell tents and the erection of a service building along with car parking and landscaping.
- 

### Decision

1. The appeal is dismissed and planning permission for the change of use of land for the siting of 10 bell tents and the erection of a service building along with car parking and landscaping is refused.

### Application for costs

2. An application for costs was made by Mr A Ormerod against Somerset Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. The appeal was submitted against the failure of Somerset West and Taunton Council to give notice within the prescribed period of a decision on the planning application. Since the submission of the appeal, Somerset West and Taunton Council have merged with other Councils to form Somerset Council. As a result, I have referred to Somerset Council in the banner heading above.

### Background and Main Issues

4. During the appeal the Council confirmed that they would have refused planning permission had they retained the power to determine the appeal. They have produced an officer report and decision notice that references two reasons for refusal and the policies of the development plan to which the Council considers there is conflict. The first reason relates to the proposed development resulting in tourism accommodation in an unsustainable and inaccessible location contrary to the development plan. The second, states that by reason of its scale, siting and design, the proposed development would cause unacceptable harm to the character of the rural landscape, rural nature of the area and converge the hamlets of Dipford and Sweethay. The appellant had an opportunity to respond to the Councils reasons in their final comments.
5. In light of the above, the main issues are:
  - the effect of the proposal on the character and appearance of the area; and,

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<https://www.gov.uk/planning-inspectorate>

- whether the appeal site is in an appropriate location for the proposal, having particular regard to development plan policies.

## **Reasons**

### *Character and Appearance*

6. The appeal site consists of unallocated greenfield land outside of settlement boundaries defined under Policy SP1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (2012) (CS) and is therefore, treated as countryside for the purposes of Policies DM1 and CP6 of the CS and Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016) (DMP) and insofar as they relate to the character and appearance of the area.
7. The area around the appeal site is characterised by generally flat arable fields divided by hedgerows with few trees and with only sporadic groups of buildings. The appeal site is an open parcel of agricultural land forming part of a larger field. The site is visually and physically separated from any nearby agricultural buildings and is highly visible and prominent from a public footpath that runs across the field roughly to the east of the site. Although other views on approach to the site by road are generally screened by hedgerows and trees, the site is visible from the existing access serving the site.
8. The application was accompanied by a Landscape Statement prepared by Clark Landscape Design which I have taken into account. In that respect, I note that the site lies outside of any nationally designated site such as an AONB, outside of any conservation area and there are no trees protected by tree preservation order (TPO). Nonetheless, based on the totality of evidence before me and my observations I reach a different view to the conclusion of only minor visual impact. In that respect, whilst the proposed service building, which is 1.5 storeys taking account of storage space in the roof, would be finished with dark stained horizontal timber cladding and dark brown roof tiles, by reason of its design comprising several doors and windows, and isolated position detached from any other farm buildings, it would not have the appearance of an agricultural building. By reason of its size and height, separation and visual detachment from any buildings, the proposal would appear harsh, isolated and prominent in the landscape. Moreover, in light of the open arable nature of the area, the proposed car park and bell tents would also be unusual and detrimental built forms in a rural landscape devoid of such features. I, therefore, find that the proposed building, car park and bell tents would have an unacceptable impact upon the character and appearance of the area.
9. In reaching the above finding, I have taken into account that the use of the bell tents would be seasonal and could be removed during the winter months with storage in the service building. However, the proposal involves permanent built development in the form of the service building and proposed car parking which would remain. In that respect, I note that such development is typically common with caravan and camping sites, for example through hard-surfaced pitches and small parking areas that are retained all year round. However, such sites are generally well screened and not prominent within the landscape. I also recognise that the proposed service block, car park and tents would be screened from the road by existing hedgerows, but nonetheless some or all of these would be very prominent from the adjacent public footpath, from the proposed access and from within the site.



10. Additional planting to help screen the proposal would be capable of being secured by condition if the appeal were to be allowed and planning permission granted. However, even if this were capable of screening the service block and tents over time and at all times of the year, to my mind, the scale and type of such planting of itself would appear unnatural and incongruous in the predominantly open character of the existing landscape. As such the potential for additional planting in this case would not overcome the unacceptable impact of the development that I have previously identified.
11. I note the appellant's reference to a genuine and realistic fallback position in relation to a Certified Site Licence and permitted development rights. Even if these were applicable and utilised, I have limited evidence demonstrating that they would result in the provision of a permanent two-floor utility block and large hard surfaced car park. As a result, based on the evidence before me, I consider it reasonable that the visual impact from any realistic fallback position would be significantly reduced in comparison to the appeal proposal.
12. I have also taken into account that due to the small scale of the proposal, and by virtue of its location viewed in isolation from the buildings forming Sweethay and Dipford, the proposal would not result in any noticeable or harmful physical or visual convergence of these hamlets. However, the absence of concern in that particular respect does not justify the harm I have otherwise identified.
13. In light of all of the above, I conclude that the proposal would cause significant harm to the character and appearance of the area. It is therefore contrary to Policies DM1 and CP8 of the CS and Policy SB1 of the DMP. Amongst other things, these seek to protect unallocated greenfield land outside of settlement boundaries including protecting the open character of the area, seek development that is appropriate in terms of scale, siting and design, located where the development would not unacceptably harm the appearance and character of any affected landscape and is designed and sited to minimise landscape impacts. As a result, the proposal is also contrary to the National Planning Policy Framework (the Framework) that seeks to achieve well-designed places that are sympathetic to the surrounding built environment and landscape setting.

#### *Location*

14. As previously mentioned, the site does not fall within a settlement defined under policy SP1 of the CS and as such should be treated as countryside and assessed against the relevant criteria of CS policies CP1, CP8 and DM2 with respect to whether its location is suitable.
15. In that respect, CS Policy CP8 states that development outside of settlement boundaries will be permitted, amongst other criteria, where in accordance with local policies for development. CS Policy DM2 is one such local policy. This policy supports touring caravan and camping sites with good access to the main road network, where not in a flood plain or in an area at high risk of flooding. The site does not fall within a flood plain and is not at a high risk of flooding.
16. The appeal proposal comprises ten bell tents, and although proposed to be sited permanently between the 31<sup>st</sup> of March and 31<sup>st</sup> of October, as suggested in the appellant's response to the Council's suggested conditions, the site would nonetheless operate as a camping site with visitors arriving and sleeping and



living in the bell tents for short periods. As a result, the proposal falls to be considered under CS Policy DM2.

17. The site would benefit from direct vehicular access onto a road that has good links to the main road network via Dipford and Sweethay/Staplehay/Trull. Although the site is within the countryside, it is a relatively short distance from the services, facilities, and bus route, albeit with limited services, at Staplehay/Trull. The site would be accessible via the local public footpaths during months of operation when the weather is generally dryer and lighter, despite the possibility for them being overgrown at times. Although limited due to the scale of the proposal, there would be some benefits to the local community and businesses through potential increased spend from visitors and servicing of the site including cleaner, laundry and tradespeople, and additional trade for services and facilities within Trull.
18. With regard to the above, I note the Council's desire to locate tourist accommodation in and around sustainable settlements. However, in light of the short distance to Staplehay/Trull and close relationship to Taunton, attractive nature of the lanes for walkers and cyclists looking for a rural camping location, I find that the site is located close enough to sustainable settlements to adequately reduce the reliance on the car.
19. In reaching the above findings I have taken into account that Policy A5 of the DMP sets out criteria for accessibility of development including maximum accessible travel times and maximum acceptable walking distances for residential development and all major non-residential development. However, the development proposal does not fall within either of those specific categories referred to in Policy A5 and it is reasonable that the proposed tourism use would not require access to some of the services referred to such as employment and education. As such, Policy A5 is not determinative on this appeal.
20. Notwithstanding the above, CS Policy DM1 requires development to be in a sustainable location and that additional road traffic arising would not overload access roads or lead to road safety problems. To my mind the presence of a shop, garage, café and bus stop within a mile of the proposed development site would provide a suitable range of services and facilities to meet some of the essential day to day needs of visitors to the site. This situation would also potentially be further enhanced if the allocated mixed-use site at Comeytrove/Trull is developed in the future. Having regard to all of those matters, I consider the site to be a suitable location for the use proposed when taking into account that a tourism use for holiday makers as supported by CS Policy DM2 will inevitably and reasonably result in some private car use to visit more distant places of interest, notwithstanding a suitable range of alternatives such as bus services, walking and cycling to nearby settlements.
21. Local residents have expressed concerns in terms of the speed of traffic near to the site, visibility at the junction and local highway conditions. In those respects, I note that there are no objections to the proposal from the local highway authority, subject to conditions including to secure appropriate visibility splays and limit the capacity of the development to a maximum of 24 overnight occupants. Based on the evidence before me and my own observations I have no reason to take a different view. I am satisfied that the extent of activity and comings and goings arising from the development

proposed and associated car parking arrangements for the proposed use would not have an unacceptable impact on local highway conditions or highway safety for vehicles, pedestrians and cyclists.

22. I am also satisfied that the small scale and nature of the proposal aimed at couples' glamping would not result in significant noise and disturbance arising from either the proposed use or associated deliveries. In that context, I find no planning justification to require permanent on-site management and an appropriately worded condition could be imposed to control the number of occupiers of the development to protect the living conditions of residents of nearby properties if the appeal were to be allowed. Furthermore, based on the evidence before me, suitable on-site drainage and refuse provision would be feasible with full details capable of also being secured by condition.
23. The proposal would result in the loss of the site from agricultural use. However, the site is comparatively small in size relative to the remaining agricultural fields from which it would be subdivided by planting from adjacent farming activities. I am, therefore, satisfied that the proposal would fall within the uses supported in principle in the countryside by Policy DM2 of the CS and would not constitute significant development of agricultural land, as such there would be no unacceptable impacts in those particular respects. In reaching that view, whether or not the appellant is a farmer with or without a business plan is not an influential factor given that the proposal must be considered on its planning merits. In that regard, I have also afforded little weight to the assertion that the site could be easily returned to agricultural use in the future given that the proposal is for a change of use of the land with associated development. Any application for a camping license to other bodies fall outside of my remit and have no bearing on the planning merits of this appeal.
24. In terms of the broader objectives of CS Policies CP1 and CP6 in terms of climate change and seeking that development proposals result in a sustainable environment, based on the reasoning above, I find that the proposed development in the countryside consists of a use that is supported in principle in such a location. Furthermore, for the reasons previously stated it would be sufficiently close to a range of local services and facilities which would limit the reliance upon travel by private car for users of the development. In addition, the proposal also would adequately address climate change through other means such as provision of electric charging points and utilisation of rainwater harvesting (including hedgerow planting).
25. In conclusion in relation to this main issue, the appeal site is in an appropriate location for the proposal, having particular regard to development plan policies. As a result, the proposal would not conflict with the relevant Policies DM2, SD1, CP1 and CP6 of the CS in that regard. Amongst other things, these support touring and camping sites with good access to the main road network, support development that reduces the need to travel and result in a sustainable environment. In this regard the proposal also complies with the Framework in terms of enabling sustainable rural tourism. There is no specific conflict with Policy SB1 of the DMP in locational terms within this particular context, albeit I have otherwise found harm and conflict with it with respect to impact on the landscape relative to the first main issue.

### **Other Matters**

26. I have taken into account the economic benefit from the proposal along with the benefits put forward by the appellant with regard to the fallback position in relation to it possibly generating a greater number of people, with potential for less impact upon phosphates and noise, the creation of part-time employment opportunities to clean and maintain the site and welcome guests, increased number of pitches and vehicle movements and the lack of improvements to the landscape and access. However, these benefits are limited by the scale of the proposal and do not outweigh my findings above in relation to the significant harmful effect on the character and appearance of the area arising from the proposal before me.
27. I have considered the positive pre-application response by the council, but this is non-binding and I have determined the appeal on its merits.
28. The site falls within the catchment for the Somerset Levels and Moors Ramsar Site and Phosphate Catchment Area. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.
29. I have taken into account the numerous other planning and appeal decisions put forward, including those by the appellant<sup>1</sup>, but these are generally for slightly different camping proposals, are in different locations, and I have considered the proposal on its merits.
30. Given the nature of the proposal and arable nature of the site at present, there is limited evidence of any harm to wildlife or ecology, but this is neutral in my consideration.

### **Conclusion**

31. In conclusion, the appeal proposal would have a significantly harmful effect on the character and appearance of the area. In my view, that is the prevailing consideration. Although I have found that the location of the proposal complies with some LP and DMP Policies, the proposal should be regarded as being in conflict with the development plan, when read as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

*C Rose*

INSPECTOR

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<sup>1</sup> APP/D3315/W/17/3179264 and APP/H0738/W/21/3278158

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