

Application Details	
Application Reference Numbers:	30/24/0009
Application Types:	Full Planning Permission
Extension of Time:	03 May 2024
Description:	23 May 2024
Site Address:	Land to the west of Blagdon Hill road, Blagdon Hill
Parish:	Pitminster
Conservation Area:	
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	Blackdown Hills
Case Officer:	Mike Hicks
Agent:	
Applicant:	Messrs M & G Tottle
Reason for reporting application to Members:	The application was requested to be considered by the Planning Committee by the Ward Member. The Chair has agreed with this request and referred to the application to the committee

1. Recommendation

1.1 Conditional Approval

2. Executive Summary of key reasons for recommendation

- 2.1 The proposed development will have an acceptable impact on the character and appearance of the area, the Blackdown Hills National Landscape, residential amenity, highway safety, ecology and the Somerset Levels and Moors Ramsar site.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Time limit
- Approved plans
- WCI allocation certificate

- Restrictions on permitted development for extensions including roof extensions and outbuildings
- Materials
- Tree protection
- Landscaping
- Access drainage
- Access surface
- Cycle storage
- External lighting
- Reptile friendly vegetation removal
- Vegetation removal
- Ecological enhancements
- Boundary treatment
- Water consumption

3.2 Informatives (bullet point only)

- Positive and proactive
- Storage of materials
- Badger friendly construction

3.3 Obligations

N/A

4 Proposed development, site and surroundings

4.1 Details of proposal

The application seeks consent for the construction of one detached dwelling.

4.2 Sites and surroundings

The site consists of a small agricultural paddock located to the rear of the existing line of dwellings which front the highway. These adjacent dwellings on the road frontage consist of chalet style bungalows directly to the east. There is a traditional two storey dwelling to the south of the site with outbuildings to the rear. There are open fields to the west. The site access

consists of an unsurfaced access track leading from the Class C highway to the east of the site which leads to the agricultural land and provides vehicular access for three existing dwellings. There is an Oak and Ash tree on the rear (west) boundary which are subject to Tree Preservation Orders. The site is within the Blackdown Hills National Landscape. The site is located outside the settlement limits for Blagdon Hill.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
30/23/0033	Erection of 2 No. dwellings with attached garages on land west of Blagdon Hill Road	Refused	22 February 2024
30/20/0016 (Nutbeam Farmhouse to the south of the site)	Application for approval of reserved matters following outline application 30/18/0001 for the erection of 2. No dwellings in relation to appearance, layout, scale and landscaping at Nutbeam Farmhouse	Under consideration	
30/20/0002	Reserved matters for outline application 30/18/0001 for the erection of 2. No dwellings in relation to appearance, layout, scale and landscaping at Nutbeam Farmhouse	Withdrawn	
30/18/0001	Outline application with all matters reserved except for means of access, for the erection of 2 No. dwellings on land to the rear of Nutbeam Farmhouse	Permitted with conditions	

6. Habitats Regulations Assessment

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

development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.

The project being assessed here will result in a positive phosphate output and therefore the wastewater from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site ('the Ramsar Site'). The pathway is via the wastewater treatment works. Therefore, the increased phosphate output needs to be mitigated in order to demonstrate phosphate neutrality and ensure no adverse impact in combination with other plans and projects which will arise on the affected designated area. The applicant has submitted a NNAMS sHRA which calculates the phosphate loading of the development and proposes the payment of phosphate credits to an external credit provider, WCI.

WCI operates a third party phosphate mitigation scheme in the Somerset Levels and Moors Catchment Area and has an overarching legal agreement in place with Somerset Council to allow Somerset Council to progress planning applications linked to WCI Phosphate Credits also known as 'P-Credits'. To achieve nutrient neutrality, P-Credits will be purchased from WCI. WCI generates P-Credits through the upgrade of existing septic tanks with Package Treatment Plants (PTP).

WCI P-Credits have received the approval of Natural England, they have confirmed that WCI P-credits generated will enable a commensurate quantum of development to be approved on the basis that it is nutrient neutral and will not therefore adversely affect the integrity of the Somerset Levels and Moors Ramsar Site.

In this case, the applicant has calculated a phosphate emission of 0.22kgP/yr. A Reservation certificate confirming that WCI has reserved the requisite number of P-Credits (0.3 kg) to ensure the proposed development would be nutrient neutral. Prior to the commencement of development the applicant would be required to submit an allocation certificate to confirm that they have fully acquired the credits that they have currently reserved. This will be secured via condition.

The number of P-credits required to ensure that the proposed development would be nutrient neutral have been derived using the Somerset Phosphorus Budget Calculator and reviewed by the Somerset Council Nutrient Neutrality Officer. They are based on best available evidence at the time of writing. The applicant has prepared a Shadow HRA (sHRA) which the Council, as competent authority, has adopted as the HRA for the proposed development. The HRA confirms that as a result of the acquisition of P-credits it is possible to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar site as a result of excessive phosphates. Natural England have commented that they do not object provided that the mitigation can be secured. The imposition of a planning condition is considered to be an appropriate method to secure the purchase of the third

party credits. Somerset Council as the competent authority has therefore fulfilled its statutory duty under Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017.

7. Consultation and Representations

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

7.2 **Consultees** the following were consulted:

Consultee	Consultee Comments (and officer comments)
PITMINSTER PARISH COUNCIL	Object- Proposed site is outside the settlement boundary Proposal is against the Linear village
	<u>Officer comment:</u> Refer to 11.1.1 and 11.1.2
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies
	<u>Officer comment:</u> Refer to 11.1.5
SCC - ECOLOGY	No objections subject to the following conditions: <ul style="list-style-type: none"> • External lighting • Tree/hedge protection • Reptile friendly vegetations • Vegetation removal • Ecological enhancement Informatives- <ul style="list-style-type: none"> • Storage of materials • Badger friendly construction • Hedgehog fence holes

	<p><u>Officer comment:</u> Refer to 11.1.7</p>
<p>NATURAL ENGLAND</p>	<ul style="list-style-type: none"> • No objections subject to the mitigation proposed in the sHRA being secured including the 110L per person per day water standard and the WCI phosphate credits. <p><u>Officer comment:</u> Refer to 11.1.7</p>
<p>WESSEX WATER</p>	<p>No comments received</p> <p><u>Officer comment:</u> There is an existing Wessex Water sewer running through the site. The applicant will have to protect this infrastructure and comply with all Wessex Water requirements in regards to protection and connection. An informative will be placed on the Decision Notice.</p>
<p>LANDSCAPE</p>	<p>No objections. Recommended that solar panels are put onto the south facing roof and the house is fitted with a head pump.</p> <p><u>Officer comment:</u> Refer to 11.1.2</p>
<p>BLACKDOWN HILLS AONB SERVICE</p>	<p>Dwelling appears out of scale with dwellings to the front. Does not follow linear settlement form Application is contrary to National Landscape management Plan Policies</p> <p><u>Officer comment:</u> Refer to 11.1.2</p>

TREE OFFICER	<p>No objections-</p> <ul style="list-style-type: none"> • TPO placed on Oak tree and Ash tree • Building is up to the RPA line • Shifting slightly south would improve the space to the tree • Detailed Arb method statement and condition preventing service trenches in RPAs.
	<p><u>Officer comment:</u></p> <p>Refer to 11.1.3</p>

7.3 Local consultation and representation

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

Letters have been received signed by 65 individuals objecting to the application and 15 in support.

Objections (and officer comments)
Principle
<ul style="list-style-type: none"> • Outside settlement limit. Designated as open countryside by planning policy • Limited infrastructure/facilities in the village/public transport- unsustainable location • Undesirable precedent
<p><u>Officer comment:</u></p> <p>Refer to section 10.1.1</p>
<p>Highways:</p> <ul style="list-style-type: none"> • Safety concerns- Increase in vehicular traffic, No pavement through village or on access to dwelling, close to unrestricted speed zone- cars often going faster, road popular with cyclists • Poor visibility at junction • Insufficient access for emergency vehicle • No turning space for vehicles in the site

Officer comment:

Refer to section 10.1.5

Character and appearance

- Does not follow linear form of village
- Harmful to character and appearance of area
- Visible from war memorial
- Within Blackdown Hills National Landscape
- Lowering of stone wall at access will have an adverse impact on the character and appearance of the area.
- Bigger than the bungalows to the road frontage
- Not surrounded by development- site to south hasn't been built, only gardens to north.

Officer comment:

Refer to section 11.1.2 (character and appearance/AONB); 11.1.5 (stone wall)

The development will be visible from the war memorial along with views from a range of vantage points, however it will not be unduly prominent and will not result in harm to the character of the area or the Blackdown Hills National Landscape.

The wall appears to be outside land controlled by the applicant and the lowering is not required to make the visibility splays acceptable.

Other matters

- Phosphate impact has been underestimated
- Most favourable representations are from outside the parish.
- Impact on protected trees
- Similar to previous application that was refused
- Impact on wildlife
- Insufficient garden for proposed dwelling
- Increased surface water runoff
- Boundary with Nutbeam Farmhouse and Ridgedown drawn incorrectly- development encroaches into adjoining property
- Loss of privacy to adjacent dwellings
- Not affordable housing

<ul style="list-style-type: none"> • Limited space for refuse collections
<p>Officer comment:</p> <p>Refer to sections 11.1.3 (trees); 11.1.4 (garden size); 11.1.5 (surface water) 11.1.6 (loss of privacy); 11.1.7 (wildlife); 11.1.10 (refuse).</p> <ul style="list-style-type: none"> • The phosphate discharge from the site has been assessed in accordance with the Councils approved methodology. The Councils phosphate officer and Natural England are in agreement with the method and findings. There is no evidence therefore that the phosphate impact has been underestimated. • The development is below the scale of development required to require a percentage as affordable housing. There is no policy requirement to require one unit to be affordable. • The red line on the site location plan appears to tie in with the relevant land registry plans. The applicant has signed certificate A to certify that they own the site area as defined on this plan. Whilst land ownership is not a planning consideration, based on the site location plan, it appears that there are no obvious discrepancies or errors to suggest that the applicant has signed an incorrect certificate. Notwithstanding this, the responsibility rests with the developer to make the correct declaration.
<p>Support:</p> <ul style="list-style-type: none"> • Minimal visibility of the site • Adjacent development has been approved • Already exceptions to linear character in village • Lack of bungalows in the area • New residents will contribute positively to the community/local businesses • Shown as outside AONB on the TDBC policy document • Applicants have built a number of other properties in the village over the years
<p>Officer comment:</p> <p>Refer to section 11.1.2 (character and appearance/AONB);</p> <p>Whether the applicants have or have not built in the village before is not a material planning consideration</p>

8. 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 strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Deane 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).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council published a Local Development Scheme in October 2023 to set out a timetable for the preparation of the local plan.

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

CP8 - Environment,
CP1 - Climate change,
DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
A1 - Parking Requirements,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,
SB1 - Settlement Boundaries,

Blackdown Hills National Landscape Management Plan-

Policy PD2

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

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

Neighbourhood plans:

There is no neighbourhood plan in place for Blagdon Hill

The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

Chapter 2- Achieving sustainable development

Chapter 4- Decision making

Chapter 5- Delivering a sufficient supply of homes

Chapter 9. Promoting sustainable transport

Chapter 11. Making efficient use of land

Chapter 12 Achieving well designed and beautiful places

Chapter 15- Conserving and enhancing the natural environment

9. Commentary on Development Plan

To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.

Furthermore the relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. The assessment of the 'planning balance' means there will inevitably be aspects of this proposal that do not strictly meet policy objectives set out in the Development Plan policies and so it for the decision-maker to weigh up the positives against any actual or perceived negatives to reach a recommendation/decision in the public interest.

10. Material Planning Considerations

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

10.1 The principle of development

The proposal relates to a site outside of any defined settlement boundary and within a countryside location as defined by Policy SP1 and as such the site is treated as open countryside. The acceptability is further dependent on assessment against Policy SB1 of the Site Allocations and Development Management Plan (SADMP), which requires further assessment against policies CP8, DM1 and DM2 of the Core Strategy.

Policy SP1 defines sustainable development locations and clearly states that 'outside of the settlements identified above, proposal will be treated as being within Open Countryside', however the site is located alongside the settlement limit for Blagdon Hill and accessed from within the settlement limit. Blagdon Hill is identified as a village that has scope for small scale residential development within settlement limits. Whilst this site is outside the settlement limits it is physically and functionally well related to the settlement boundary and village. Policy SB1 seeks to *"maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in the Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:*

A It accords with a specific development plan policy or proposal: or

B Is necessary to meet a requirement of environmental or other legislation;

and

In all cases, is designed and sited to minimise landscape and other impacts".

For the reasons outlined in this report, the proposed dwelling and its associated development would accord with the objectives SB1 outlined above.

Policy DM2 applies to the site as it is located within the open countryside. Policy DM2 lists development and uses that can be supported in principle in such locations.

This does not include the provision of open market housing. Nonetheless, this omission alone does not preclude such development from being permissible. This was confirmed in the Bagley Road appeal (APP/D3315/W/17/3179264) where the Inspector determined that:

'the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict'.

As per the Inspector's aforementioned decision, where applications in the open countryside are not supported by Policy DM2 they fall to be assessed against Core Strategy Policy CP8. This states that development will be permitted outside of settlement boundaries where it will (inter alia):

- be in accordance with national, regional and local policies for development

within rural areas (including those for protected Natura 2000 and Ramsar sites); and

- be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and
- protect, conserve or enhance the interests of natural and historic assets; and not exacerbate, and
- where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water); and
- protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and
- conserve and expand the biodiversity of the Plan Area; and provide for any necessary mitigation measures.

Policies DM1 and CP8 are clearly relevant and up-to-date development plan policies in determining this application. The application is assessed against these policies in the report below and it is considered to comply with the relevant requirements in terms of the planning impacts, in particular it is considered to comply with the above bullet points within Policy CP8. This is set out in the relevant sections of the report below.

In terms of sustainability, the village has already been deemed to be an appropriate location for small scale development in Policy SP1 and the proposal for one dwelling would accord within this principle. As mentioned above, the siting of a dwelling in this location is physically and functionally closely linked to the village and creates a consistent edge to the western side of the village.

Concerns have been raised by local residents that the village is not sustainable and lacks basic facilities. There is nevertheless a recreation ground and public house. This is a relatively low level of facilities, however, the village has been deemed in the local plan to be appropriate for small scale infill development. The siting of the dwelling outside but adjacent to the settlement line makes no difference to the accessibility or sustainability of the dwelling in planning terms. Accordingly the assessment above against Policy CP8 remains a primary consideration in determining whether the proposal is acceptable in planning terms.

Concerns have been raised that the development if approved would set an undesirable precedent. In this regard, the application is considered to be acceptable on its individual merits. Any future application on other sites in the village must also be considered on the same basis and accordingly concerns over precedent in this instance are not considered to be valid planning objections.

10.2 Design of the proposal/Character and appearance of the area

The Council's Landscape Officer has been consulted and it is noted that they do not object to the application. The previous application for two, two storey dwellings was refused on grounds of adverse impact on the character and appearance of the area and being contrary to the linear character of the village. The refusal reason cited the 'siting, scale and height' as being problematic in this regard.

It is acknowledged that the development would be contrary to the linear character of the village, however that character is not without exception elsewhere. A significant proportion of the dwellings on the road frontage are modern and accordingly there are no heritage impacts. The key consideration is whether the proposed development will be harmful to the character and appearance of the area.

The application has been amended to a single dwelling and the height reduced to single storey. The bungalow would measure between approximately 5.1 and 5.6 metres in height depending on the elevation where the measurement is taken. The ridge height would be approximately 1.9 metres below the ridge of Cherry Cottage, the dwelling adjacent to the site access and approximately 0.3 metres below 'Braeside', the dwelling adjacent to the northern end of the site. There would be a greater set down from the ridges of Underwood and Nutbeam Farmhouse which are the dwellings located to the south of the access.

The change from a two storey dwelling to single storey is considered to make a significant difference to the previous application in terms of visual impact and the way that the dwelling is perceived when viewed from nearby vantage points. The dwelling would be visually subservient to the buildings on the road frontage. The existing character and pattern of development will therefore not be altered to a significant degree and therefore on balance, the impact is considered to be acceptable. It is further noted that the site to the south is likely to be developed in the future given that outline planning permission was granted in 2020 which will dilute the impact of the proposed dwelling. Even if this adjoining site remains in its current condition, the proposal is nevertheless still considered to be acceptable.

The western site boundary is contiguous with the western boundary of the dwellings to the south and the potential development land associated with Nutbeam Farmhouse to the north. Once developed, this would form a consistent and coherent boundary edge to the village. The hedge and trees on the western boundary would be retained, providing an appropriately soft boundary and visual buffer to the development. The applicant has proposed a 10 metre deep tree planting belt in the field beyond the western site boundary. It is considered that this amount of tree planting is not necessary for this scale of development. A planning condition to secure a revised planting scheme is included within the recommendation which will secure an alternative planting scheme.

Concern has been raised by local residents that the site is not surrounded by development and therefore permission should not be granted. Whilst not surrounded on all sides, it is nevertheless reasonably contained by the western site hedgerow as described above and for the reasons outlined above is considered to have an acceptable impact on the character and appearance of the area and the Blackdown Hills National Landscape.

External materials are stated to be a mixture of natural stone, render and timber cladding to the walls and slate to the roof. A condition is considered necessary and reasonable to secure agreement of these finishing materials, including the provision of samples where necessary.

Contrary to the assertions of the applicant, the site is considered to be located within the Blackdown Hills AONB / National Landscape. Accordingly the National Landscape Management Plan policies apply. The Blackdown Hills National Landscape Officer has commented that the proposal appears out of scale with the dwellings to the front. It is acknowledged that the footprint is larger than those adjacent properties, however the plot size is also larger. Furthermore the crucial aspect of the scale in this location is the ridge height. Given that this is kept low, the building will appear subservient to the existing development and will not be unacceptably dominant or intrusive in this sensitive location. The development would not intrude unacceptably into the open countryside to the extent that the character of the area or the landscape are harmed. Accordingly it is considered that the proposal would comply with Policies DM1 and CP8 of the Core Strategy, the advice in the District Wide Design Guide, December 2021, policy PD2 of the Blackdown Hills National Landscape Management Plan and Chapters 12 and 15 of the NPPF.

10.3 The impact on trees and landscaping

There is an Oak and an Ash tree on the western site boundary which are protected by a tree preservation order. The Councils Tree Officer has commented that the building would be built up to the edge of the root protection area. They comment that they do not object to the proposal provided that the trees are protected during construction and the applicant submits an Arboricultural Method Statement. This will include all protection measures during construction and can be secured with a planning condition. A further condition will be included to ensure that there are no trenches dug or other ground disturbance within the tree root protection areas. Subject to these conditions the proposal will comply with Policy ENV1 of the Site Allocations and Development Management Plan.

10.4 Quality of Accommodation

The dwelling meets the relevant floor space standards in policy D10 of the Site Allocations and Development Management Plan. Concerns have been raised by local residents over the size of the garden, stating that it is too small. It is considered that the size of the garden is reasonable for a property

of this size and therefore accords with Policy D12 of the Site Allocations and Development Management Plan.

10.5 Access, Highway Safety and Parking Provision

The Highway Authority have commented that 'standing advice' applies. This refers the assessment and full consideration of the highway impacts to the planning officer. These were considered in detail under the previous planning application and at that time was considered to be acceptable. The site circumstances have not changed, however the number of dwellings proposed has reduced from two to one. The reduction in the number of dwellings will result in a lower traffic movement generation compared to the previous application. Overall, the impact on highway safety is considered to be acceptable.

There is sufficient visibility to the South, however visibility to the north is substandard as the visibility splay shown on the site plan intersects the adjacent stone wall on the site frontage, however given the height of this wall, it does not completely obstruct sight of all vehicles in a northerly direction. The applicant proposes demolishing part of this wall to achieve an improved visibility splay, however this wall whilst within the highway margin appears to be within the title of an adjoining property and therefore there is no certainty that these works could be secured via a planning condition. It is also noted that there have been no recorded accidents on or in the vicinity of the access. This provides some evidence that the access has operated reasonably safely over time.

The application would provide some mitigation and improvement over the existing access situation. This would include the widening of the first part of the access to allow for 2 vehicles to pass one another. A planning condition would also be considered reasonable to formalise the surface to a standard consolidated surface and for drainage to be installed. The applicant has submitted a vehicle tracking plan which indicates that a 7.7 tonne delivery vehicle and fire appliance can turn within the upgraded access.

Overall, despite the technical lack of compliance with the visibility splays required for a new access in the standing advice document, given that this is an existing access, the additional vehicles would not be so significant so as to deem the impact on highway safety to be unacceptable. Furthermore, the improvements to the technical standard of the access would offset some of the concerns over increased vehicular use and would allow these additional movements to take place safely.

The application states that four parking spaces would be provided within the site in addition to the space within the garage. This technically exceeds the maximum level of provision in Policy A1 of the Development Management Plan, however some of this space is likely to be used for turning which reduces the expected number of parking spaces to 2, plus the spaces in the

garage. The level of parking is considered to be reasonable for this location and accordingly is acceptable in this regard.

Concerns have been submitted by a neighbour over surface water drainage. This would be improved over the existing situation via a drainage condition.

Concerns have been raised by a neighbour over the lack of public transport and footpaths in the village. It is acknowledged that bus services are limited and the village does not have a footway. Accordingly the local facilities such as the recreation ground are not a safe or convenient option on foot. Notwithstanding this, Blagdon Hill village has been deemed to be an appropriate location from a general sustainability perspective for small scale proposals within settlement limits.

Accordingly, and notwithstanding the lack of compliance with the settlement boundary and other adverse issues identified above, the lack of footway and public transport would not preclude the proposed development in principle.

The Transport Statement states that cycle parking would take place within the curtilage of the properties. This could be secured via a planning condition to ensure that adequate, covered space is provided. Having regard to the above it is considered that the proposal would have an acceptable impact on highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10.6 The impact on neighbouring residential amenity

The proposed dwelling would be located a sufficient distance from surrounding properties to ensure that there would be no loss of amenity for these adjoining occupiers. There would be regular vehicular movements at the access, however this already serves several properties and any agricultural user for the site. Accordingly, the application would not make a notable difference in terms of noise and disturbance to the existing situation.

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

Ecology:

The applicant submitted an ecological survey which confirms that there is a low likelihood of protected species within the site. The Council's Ecologist has agreed with the contents of the report and commented that they do not object subject to conditions to ensure crested newt and reptile friendly vegetation removal, external lighting, protection of trees, enhancements and no vegetation removal during bird nesting season unless supervised by an ecologist. Subject to these conditions the proposal would have an acceptable impact on ecology within the site. A neighbour has expressed concern over the impact on ecology within the site, however the ecology would be acceptably safeguarded with the imposition of the above conditions in accordance with Policy CP8 of the Taunton Deane Core Strategy.

Ramsar site

As set out in the section 7 of the report above, the applicant has secured third party phosphate credits in order to achieve nutrient neutrality. A Reservation certificate confirming that WCI has reserved the requisite number of P-Credits (0.3 kg) to ensure the proposed development would be nutrient neutral.

Payment of the credits will be secured via a planning condition.

Natural England have commented that they do not object provided that the mitigation can be secured. Subject to the securing of the credits via a planning condition, the development will be nutrient neutral and will therefore not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar site in accordance with Policy CP8 of the Taunton Deane Core Strategy and the statutory duty under Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017.

10.8 Waste/Recycling facilities

It is considered that there would be sufficient space within the layby for the siting of bins associated on collection day.

10.9 Flood risk and energy efficiency

The site is located in flood zone 1. Policy DM5 of the Core Strategy requires that development proposals seek to mitigate the impacts on climate change. This is further explained in the Councils 'Climate Positive Planning' guidance document below. The policy lists various measures such as minimising the use of energy by using an appropriate layout, design, landscaping and orientation and minimising water consumption.

In this context, the dwelling has a large south facing roof slope and therefore the dwelling is well orientated for solar gain and therefore complies with DM5 (a). Current building regulations meet the energy efficiency standard in the 'Code for Sustainable Homes' standard required by the policy.

A condition requiring an improvement in water consumption to the optional standard within the building regulations of 110 litres a day will be included within the decision in accordance with DM5

Subject to this condition it is considered that the development demonstrates a sufficient degree of compliance with Policy DM 5 of the Core Strategy.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of a dwelling is CIL liable regardless of size.

This proposed development measures approximately 223 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £28,000.00. With index linking this increases to approximately £45,250.00.

12 Planning balance and conclusion

- 12.1 The general requirement of paragraph 11 of the NPPF is that all planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan, unless material considerations indicate otherwise. In this instance, the proposal is considered to comply with the requirements of the development plan for the reasons outline in this report.
- 12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

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:**

(A3) DrNo 01 Rev C Location Plan

(A1) DrNo 32 Rev A Proposed Plan & Elevations

(A2) DrNo 3342.001 Tree Survey & Constraints Plan

(A1) DrNo 31 Rev C Proposed Site Plan

(A1) DrNo 33 Rev A Proposed Site Sections

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

- 3. The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.**

The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policy CP8 of the Taunton Deane Core Strategy and Paragraphs 180 and 188-188 of the National Planning Policy Framework.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, including roof extensions or outbuildings shall be added to the building(s) or erected in the site other than that expressly authorised by this permission without the further grant of planning permission.**

Reason: To prevent over development in an area of housing at unusually high density; to ensure that the proposed development does not harm the character and appearance of the area.

- 5. Prior to the construction of the buildings above DPC level details of the materials including the submission of samples to be used in the construction of the external surfaces of the buildings 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 locality and the Blackdown Hills National Landscape in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

- 6. Unless otherwise agreed in writing, there shall be no trenching, digging or any other ground disturbance, including the provision of any required services, cables, drainage, wires such as water, electricity telecoms etc within the established root protection zones as illustrated on the Tree Constraints Plan No 3342.001.**

Reason: To ensure the enhancement of the development by the retention of existing trees during the construction phase to comply with Policy ENV1 of the Taunton Site Allocations and Development Management Plan.

- 7. Prior to the commencement of any works on site, including site clearance, storage of materials and the bringing of any machinery onto the site, tree protection fencing shall be erected on site in full accordance with the details on the Tree Constraints Plan No 3342.001.**

Written notice shall be provided to the Local Planning Authority within two days of the fencing having been erected.

Such fencing shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

All other measures stated within the Tree Constraints Plan No 3342.001 shall be implemented and complied with for the full duration of the build.

Reason: To ensure the enhancement of the development to preserve the character and appearance of the area and the Blackdown Hills National Landscape.

- 8. (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 or the Blackdown Hills National Landscape in accordance with Policy CP8 of the Taunton Deane Core Strategy.

- 9. The access road from the public highway shall be hard surfaced in accordance with details that shall be submitted and approved in writing by the Local Planning Authority. The access shall be completed in accordance with the approved details prior to the first occupation of the dwelling hereby approved.**

Reason: In the interests of highway safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

- 10. A drainage scheme to prevent the discharge of surface water onto the highway shall be submitted and approved in writing by the Local Planning Authority. The drainage scheme shall be completed in accordance with the approved details prior to the first occupation of the dwelling hereby approved.**

Reason: In the interests of highway safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

- 11. A scheme of cycle storage for 4 bicycles shall be submitted and approved in writing by the Local Planning Authority. The approved cycle storage shall be installed on site prior to the first occupation of the dwelling hereby approved and shall thereafter be retained for those purposes.**

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport to comply with Policy DM1 and the National Planning Policy Framework.

- 12. Where external lighting is to be installed, prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/23 Bats and artificial lighting in the UK (ILP and BCT 2023), 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. Lux levels should be below 0.5 Lux on key and supporting features or habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.**

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

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

these operations and any findings will be submitted to the Local Planning Authority by a qualified ecologist.

Reason: In the interests of UK protected and priority species and in accordance with Policy CP8 of the Taunton Deane Core Strategy.

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

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended) and to comply with Policy CP8 of the Taunton Deane Core Strategy.

- 15. As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission granted. The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to first occupation:**

- a. Retain the existing site wet feature as identified in the Ecological Impact Assessment.**

- c. Installation of a Woodstone Sparrow Nest Box (or similar) on a building within the site.**

d. Installation of a bat box to the southern elevation of a building on site.

e. All garden boundary fencing installed within the site should allow hedgehogs to pass through by creating a gap at the base of each fence elevation measuring 150mm x 150mm to allow hedgehogs to navigate through the site and forage within new property gardens.

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.

- 16. Details of the proposed boundary treatments on the application site shall 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 dwelling hereby approved.**

Reason: To safeguard the character of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

- 17. No individual dwelling hereby approved shall be occupied until 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.**

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 (the Supplemental Planning Document – Districtwide Design Guide) and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (Sept 2023).

Notes to applicant.

- 1. In accordance with paragraph 38 of the National Planning Policy Framework 23 the Council has worked in a positive and creative way and**

has imposed planning conditions to enable the grant of planning permission.

2. The storage of materials/waste will be undertaken on areas of hard standing or bare ground. Waste should be stored in skips or removed off site as soon as possible and away from suitable retained or off-site habitat to avoid creating refuges which could be colonised by amphibians. Any mounds of soil should be compacted around the base to avoid creating refuges which newts could occupy.
3. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
4. The applicant is advised that there is a Wessex Water foul sewer within the site. The applicant must contact Wessex Water in relation to protection of this infrastructure.
New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.