



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, D Archer, G S Dowding, S Y Goss, A P Hadley, T Hall, B Heywood, I Jones, C Morgan, P H Murphy, J Parbrook, K H Turner, R Woods

Our Ref TB/TM

Your Ref

Contact Tracey Meadows t.meadows@tauntondeane.gov.uk

Extension 01823 356573

Date 20 April 2016

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 28 April 2016

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

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Yours sincerely

A handwritten signature in blue ink, appearing to read "Bruce Lang".

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 28 April 2016 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 24 March 2016 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

To receive and record any declarations of interest or lobbying in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

The Chairman/Administrator 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 wishing to speak at this meeting there are a few points you might like to note.

A three minute time limit applies to each speaker and you will be asked to speak after the officer has presented the report but before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Where an application is involved it has been agreed that the applicant will be the last member of the public to be invited to speak. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Town and Country Planning Act 1990 and Other Matters (Enforcement)

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The West Somerset Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

Report No: Twenty

Date: 20 April 2016

<u>Ref No.</u>	<u>Application/Report</u>
3/26/14/026	Outline planning application for the erection of 10 dwellings, access, replacement allotments, public car park and associated works. Land north of Huish Lane, Washford, Watchet, TA23
3/26/14/025	Outline planning application for the erection of 6 dwellings, access, public footpath / cycleway and associated works. The Nursery Site, A39, Washford, Watchet, TA23 ONT

6. **Exmoor National Park Matters** - **Councillor to report**

7. **Delegated Decision List** - **Please see attached**

8. **Appeals Lodged**

Appeal against the refusal of the erection of one dwelling in the garden at The School House, Main Road, Sampford Brett, TA4 4LG (planning application 3/28/15/008).

Appeal against the refusal of the outline application for the erection of a dwelling house on land off 6 Cherry Tree Way, Watchet, TA23 0UB (planning application 3/37/15/024).

9. **Appeals Decided**

Outline planning application (all matters reserved except access) for construction of dormer bungalow on land adjoining 1 Marshwood Cottages, Blue Anchor, Minehead, TA24 6JY (planning application 3/05/15/010) – Planning Appeal dismissed.

Construction of two houses together with road and new junction on land to the east of Capton Road, Sampford Brett, TA4 4JZ (planning application 3/28/15/004) – Planning Appeal dismissed.

10. **Reserve date for site visits – no site visit required for these applications.**

11. **Next Committee date – Thursday 26 May 2016**

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact (Consequences)							

Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;

Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

PLANNING COMMITTEE

Minutes of the Meeting held on 24 March 2016 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor I Aldridge
Councillor S Dowding
Councillor S Goss
Councillor A Hadley
Councillor B Heywood

Councillor I Jones
Councillor C Morgan
Councillor J Parbrook
Councillor K Turner
Councillor R Woods

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Director for Planning and Environment – Tim Burton
Planning Officer – Hamish Laird
Legal Advisor Martin Evans - Mendip DC
Democratic Services Officer – Tracey Meadows

P82 Apologies for Absence

There were apologies for absence from Councillors D Archer, T Hall and P Murphy.

P83 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 25 February 2016 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor C Morgan and seconded by Councillor K Turner.

The motion was carried.

P84 Declarations of Interest or Lobbying

All Councillors declared that they had received correspondence on behalf of application No.3/04/15/004. Councillor Morgan declared that that the appellant for application No. 3/39/15/011 Mr R Morgan was not a relation. Councillor Heywood declared that he had been lobbied personally on application No. 3/04/15/004. He also declared a personal interest on application No. 3/04/16/002. Councillor Hadley declared that he knew the applicant for application No. 3/04/16/002.

P85 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P85	3/04/15/004	Proposed residential development of 13 properties including associated landscaping, parking	Mr Bullock	Agent	In favour
			Mr Clarke Julie	Local Residents	Against

		and a new vehicular and pedestrian access from Ellersdown Lane, Brushford, Dulverton	Christensen Jane Erith Godfrey Knock Nick Thwaites		
P85	3/04/16/002	Permeable surfacing to pedestrian footpath and car parking area to serve single dwelling(resubmission of 3/04/15/010 at Bramblehurst, Mill Lane, Brushford, Dulverton	Mr Page	Applicant	In favour
P85	T/37/16/001	Reduce Beech (A) by 20%, fell Beech (B) and fell field Maple (A) at 51 Brendon Road, Watchet			

P86 Town and Country Planning Act 1990 and Other Matters

Report Eighteen of the Planning Team dated 24 March 2016 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

RESOLVED That the Recommendations contained in Section 1 of the Report be Approved (in so far as they relate to the above), including, where appropriate, the conditions imposed and the reasons for refusal, subject to any amendments detailed below:

Reference Location, Proposal, Debate and Decision

3/04/15/004 Proposed residential development of 13 properties including associated landscaping, parking and a new vehicular and pedestrian access from Ellersdown Lane to the north of Ellersdown Lane, Brushford, Dulverton

Comments raised by the speakers included:

- Concerns with the physical proximity that the 13 new dwellings will have on the near neighbours;
- Distance only 17 metres from nearest property;
- Previous applications on this site have been refused;
- Overbearing, noise and light pollution and loss of privacy;
- 8 properties will have an 100% overbearing impact;

- No evidence to state that this development has any economic or social benefits as there are no shop, limited public transport and lack of jobs in the area;
- 2015/15 Rural housing needs survey stated that there was no need for this type of development in Brushford;
- Not against developments in Brushford but this development needs to be in accordance with the views and wishes of the people that live here and not to the detriment of our village way of life;
- Any new development should have small scale houses that are in proportion with the size of the village and in keeping with the community spirit;
- Brushford has already been protected from development even further by being downgrade to a secondary village due to the lack of facilities;
- In 1988 on refusal of two houses, the Government Inspector examined the Adopted Local Plan and refused to move the village boundary line. This resulted in the refusal for the development of 20 houses on the site;
- Does not comply with new and existing Local Plan;
- There will be increased vehicle movements;
- No spaces designated for visitors cars;
- The site will be affected by run off after prolonged rain fall resulting in flooding;
- Damage to the 100 meters of ancient hedge row should this application be approved;
- Inadequate access provision and poor visibility at junctions;
- Does not comply with NPPF plans;
- Brushford has been identified by the emerging Local Plan as a secondary village which is capable of supporting a modest level of new development which is located within the settlement boundary;
- Brushford has not seen any new residential permissions since 2012 and the site was capable of supporting 27 units;
- This site will have 4% affordable housing units, fully in line with West Somerset's Council policy;
- Fully consulted with the villagers on their concerns regarding traffic, drainage and residential amenities;
- Highways, Environmental Health and Somerset County Council have not raised any objections on this application;
- There will be no detrimental impact on residential amenity;
- Local materials will be used and the development will be sensitively designed to minimise visual impact;
- No objections were raised from consultees;

The member's debate centred on the following issues:

- There were pressing needs for homes, this need cannot be ignored so there will be extra houses in Brushford but the whole village needs to be happy with the development;
- West Somerset need to supply 2,900 homes to meet Government targets;
- Overlooking was one of the subjects raised on the site visit;
- Concerns with access on the site, if you moved the entrance you could retain the hedge and stop run off from the development;
- No idea when the development will be finished, will be unfair for residents to live on a building site for years;
- Affordable housing was needed in this district not open market;

- Local Plan states that only 5 houses are to be built at any one time;
- Concerns with the suitability of the site with regard to location as this is a green field site, there are brown field sites that are more suitable in that area;
- Concerns that this development was sustainably as stated in the National Planning Policy Framework as there were no schools, jobs, shops or Doctor's surgery;
- None of the dwellings are life time dwellings, there are no bungalows for older people, the development was not appropriate for this area;
- The translocation of the hedge, how can this be done successfully as this hedge was acting as a bund;
- Highways issues have not been clearly addressed on our website;
- Clarity was needed on the issues with flooding on the site and how this would be dealt with;

Councillor K Turner proposed and Councillor B Heywood seconded a motion that the application be **REFUSED**

The motion was carried.

Reason

1. The proposed access and associated widening of Ellersdown Lane would require the removal of the roadside bank and hedge which would significantly alter the character and appearance of the lane to its detriment and erode the rural character of the area. The proposal is therefore contrary to the provisions of policies BD/2, LC/3, T/3 and TW/3 of the adopted West Somerset Local Plan (2006) and policies SV1, NH3, and NH10 of the emerging West Somerset Local Plan to 2032;
2. The proposed development would result in additional vehicle movements in Ellersdown Lane and the junction with Pounds Close which are likely to result in conflicts that would represent harm to the free flow of traffic and represent a highway safety issue. The proposal is therefore contrary Policy T/3 of the adopted West Somerset Local Plan (2006).

Reference Location, Proposal, Debate and Decision

3/04/16/002 Permeable surfacing to pedestrian footpath and car parking area to serve single dwelling (resubmission of 3/04/15/010) at Bramblehurst, Mill Lane, Brushford, Dulverton

The member's debate centred on the following issues:

- To prevent any vehicle movements on the site along the line of the footpath, happy to see that condition 8 in the report has covered this issue;
- Concerns with access for the maintenance of the stream;

Councillor C Morgan proposed and Councillor K Turner seconded a motion that the application be **APPROVED**

The motion was carried.

Reference Location, Proposal, Debate and Decision

Change of use and conversion of barn to holiday unit at Roebuck Farm, Crowcombe

This item was withdrawn

Reference Location, Proposal, Debate and Decision

T/37/16/001 Reduce Beech (A) by 20%, fell Beech (B) and fell Field maple (A) at 51 Brendon Road, Watchet

The member's debate centred on the following issues:

- The Conservation Committee agree with Watchet Town Council that Beech Tree 'B' should be retained but have not said why;
- The recommendation was a good compromise;

Councillor C Morgan proposed and Councillor R Wood seconded a motion that the application be **APPROVED**

The motion was carried

P87 Exmoor National Park Matters

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting in March of the Exmoor National Park Planning Committee. This included:

Only 1 item to report; Simonsbath Sawmill, Simonsbath, Minehead, Somerset Planning permission was sought for the levelling and re-surfacing of part of the yard of Simonsbath Sawmill together with additional external lighting to yard area.

P88 Delegated Decision List (replies from Officers are in italic)

Ref No 3/21/16/005 – 3A park Street, Minehead, Display of illuminated and non-illuminated signage (retrospective)

- Why was this application refused and were the applicants going to be forced to take this sign down. *The refusal was for something different than what is there at the moment, but what is there was unauthorised (the illumination). There was a new application that has been submitted at the moment that sought to overcome all these issues.*

Ref No C/01/15/002 – Upcott Farm, Upcott Lane, Bicknoller, split decision

- I can see what has been approved but not what has not been approved. *The approval of details regarding condition 4. There were problems with conditions 3 and 4 in that the proposed landscaping details required under condition 3 were unacceptable to comply with pre commencing elements and lack of information in the form of a pre planting detail showing exact species and number of proposed plants which had not been submitted therefore this*

condition was not discharged. There were also other issues with visibility splays and access details in Upcott Lane and the A358 required for condition 5, those were unacceptable because the following advice received from the County Highway Authority, the proposed visibility splays was not sufficient to increase visibility to 250 meters on a 60 mile per hour road, proposed 60 meters was unacceptable and remained substandard at this point. This was not discharged on highway safety grounds.

Ref No T/37/16/002 – 51 Brendon Road, Watchet, Fell Pine (A) or remove its lower branches and fell pine (B)

- Congratulations to the Officers for refusal of the Pines that were iconic on the above property.

P89 Appeals Lodged

Appeal against the refusal of an erection of a detached two-bedroom dwelling to the existing footprint of two garages to the west of Higher Park, Minehead, Planning application 3/21/15/081)

P90 Appeals Decided

Removal of conditions 3 and 4 from planning permission 3/39/11/046 in order to create a single car parking space for Riverside at 18 Bridge Street, Williton.(planning application 3/39/15/011) – planning appeal dismissed.

Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by new boundary walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area at 3 Seaview Terrace, Watchet (planning applications 3/37/15/003 and 009) – Planning Appeal dismissed.

Erection of three holiday units (resubmission of 3/39/14/025) at Shells Cottage, Shells Lane, Washford, Watchet – Planning Appeal dismissed.

P91 Miscellaneous Report from the Assistant Director Planning and Environment

Mr Burton updated the Planning Committee on the current Government consultation on Technical consultation on the implementation of planning changes.

Resolved that:- Members noted the content of the report and delegated responsibility for the submission of the Council's response to the Assistant Director Planning and Environment.

P92 Reserve date for site visit – Monday 21 March

P93 Date of next meeting – Thursday 24 March

The meeting closed at 7.40pm

Application No:	3/26/14/026
Parish	Old Cleeve
Application Type	Outline Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	
Applicant	Savills incorporating Smiths Gore
Proposal	Outline planning application for the erection of 10 dwellings, access, replacement allotments, public car park and associated works
Location	Land north of Huish Lane , Washford, Watchet, TA23
Reason for referral to Committee	The comments of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant permission subject to the applicant entering into a legal agreement to secure:

- 100% affordable housing to be provided.
- Financial contribution towards education of £15,321.25
- Financial contribution towards other community infrastructure of £9,678.75
- Phasing of development to ensure that the replacement allotments and car parking area are provided prior to any works commencing on the construction of the dwellings.

Recommended Condition(s) (if applicable)

- 1 Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "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 three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final 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: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

- 2 No development shall be commenced until details of the design; implementation, maintenance and management of the sustainable drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. Those details shall include:
- a) 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 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;
 - b) Any works required 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);
 - c) Flood water exceedance routes, both on and off site;
 - d) 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.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

- 3 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.

Reason: In the interests of highway safety.

- 4 The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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. 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.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 7 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 interests of highway safety.

- 8 Prior to the commencement of the development, a Measures Only Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft measures to promote sustainable travel as well as targets. 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: To encourage the use of sustainable modes of transport..

- 9 There shall be obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 10 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the submitted Blackdown Environmental Ecological Survey Report (dated November 2014) and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the enhancement of places of rest for bats and nesting birds

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application concerns were raised by a statutory consultees and neighbours. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given

above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 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. Application forms can be obtained by writing to Transport Development Group, Somerset County Council, County Hall, Taunton , TA1 4DY or by telephoning 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

Proposal

This is an outline planning application with all matters reserved (other than access) for the erection of 10 dwellings, provision of replacement allotments and the creation of a public car park to serve the remaining and proposed allotments.

The application proposes that all of the dwellings would be affordable and a separate application (3/26/14/0025) has been submitted for the erection of 6 open market dwellings on the former nursery site, approximately 250 metres to the east. The applications have been submitted as a package of developments that the applicant wishes to be considered together.

This application for the 10 dwellings includes indicative plans to show two terraces of 5 dwellings, with one of the terraces facing onto Huish Lane and the other terrace facing the allotments to the north. The access, which is being applied for as part of this outline application would be achieved by widening and extending the existing access road that serves the terrace of houses to the east - known as Huish Mews.

The indicative layout plans also show the replacement of allotments from the proposed housing site to a location further to the north as well as a public car park, to be used by allotment holders.

Site Description

The site is currently in use as allotments and is on the northern side of Huish Lane, Washford. To the east is a terrace of 7 dwellings that were constructed in 2008/09, that are set back from the road and footway by a few metres. To the west of the site is a strip of land and residential dwelling known as Ashcroft.

The northern part of the site (where the replacement allotments and car park are proposed), is currently an agricultural field that would be converted to allotments. On the southern side of Huish lane is Huish Meadow, which is a small cul-de-sac of

5 bungalows and houses.

Relevant Planning History

None

Consultation Responses

OLD CLEEVE PARISH COUNCIL

Comments dated 18 February 2015

This application was considered by Old Cleeve Parish Council on 16th February and the following issues are raised:-

Indicated as flood zone 2 & 3 no report included.

Application forms are incorrectly completed:- form stamped 19th January reference 03/39/14/026? (Williton Parish).

Q3.- Only access marked for consideration.

Q4.- Description of proposal not answered.

Q5.- Refers to planning/access statement - this has not been included specific to this site.

Q6.- New public rights of way, answered no? - Access document 14449-To2 (Transport statement) not included or document R/14417/001.

Q7.- Waste storage answered, no.

Q10.- Vehicle parking spaces too small, minimum 6m x 3m. per vehicle space. allowance may be required for persons with disability. Cycle storage space not indicated.

Q11.- Foul sewer levels and proposed floor levels not given. Foul sewer in locality is known to surcharge and cause flooding at peak times.

Q12.- Flood risk - no details given. Development may give rise to adjacent land flooding. Surface water disposal details, soakaway answer is not specific enough.

Q13.- Biodiversity - answered yes. No specific details given or mitigation measures.

Q15.- Trees and hedges - no details given.

Q17.- Ten units are indicted, however without accurate indicative plans adequacy of accommodation and compliance with policies of good standard of design cannot be judged. The single bedroom units scale (no dimensions given) 3.2m x 5.8m without allowance for wall thickness. It is unlikely that good quality affordable housing can be accommodated within this foot print. Should the LPA approve of this density of development consideration should be given to removing all 'permitted' development rights to avoid future extensions and over development of the site, to maintain the maximum amenity land.

The comments on design and access statement will follow shortly.

Comments dated 24 February 2015

Further to our previous comments made on the applications 3/26/14/025 and 3/26/14/026, we would now like to make the following comments on the additional information provided on the 17th February 2015.

Arboricultural Impact Assessment Document.

Clause 6.0 Conclusions - Reference is made to the potential increase to the arboricultural interest, amenity value and bio diversity value. No details are given to the 'new hedge' its extent other than what is implied by the indicative plan. However, reference and mitigation is made in the Ecology report.

Ecology Survey Document

Clause 6.3.5. - Slow Worms are indicated on site. Site clearance measures are required to prevent death or injury. It should be noted that the allotment soils will need to be removed for construction purposes. It is recommended that these arisings should be relocated to the 'new' allotments site prevent loss of this valuable resource and what is at present arable/water meadow. No levels of existing or proposed are stated.

Design and Access Statement

Clause 2.1.2 - This information is NOT entirely correct and over states facilities available in Washford.

Clause 4.1.2 - The 'indicative' plan is far too basic to evaluate the capacity and impact of the site for the number of dwellings proposed. The proportionate footprint of the dwellings is unlikely to provide the necessary high quality dwellings required under the present and proposed policies or housing standards, either to purchase or rent.

Access and Highway Considerations

Clause 10.- No reference is made to the sub standard junctions with the A39, either Walnut Tree Corner or Willow Grove. Previous highway policies recognised the increased risk at these junctions due to developments in Huish Lane.

Clause 10.1.2 - Access to facilities is again overstated, some do not exist or are considered not suitable for access by walking, cycling (recent planning application refusals) due to lack of safe footpaths, street lighting and A39 road crossing.

Hydrock report R/14417/001

Highway safety Clause 2.4 - Whilst the 'official' recorded statistics are noted these do NOT take into account the numerous 'unrecorded' incidents. Old Cleeve Parish Council carried out a 'snapshot' survey during 2013 focused on the A39/Huish Lane junction and recorded ten vehicle incidents of various magnitude between 9th February and 31st October. Similarly the Washford Post Office situated at Abbey Road/Willow Grove/Cat Lane junction and recorded nine incidents resulting in property damage since 2013 to date.

Existing Accessibility by Non-Car Modes of Travel

Pedestrian Accessibility Clause 3.2 - Washford has limited and discontinuous safe footpaths. There are no safe crossing points on the A39 giving access to bus stops and some facilities.

Clause 3.3 - Cycle Accessibility - Whilst distances to increased facilities is possible, only the brave or very experienced riders will attempt to cycle the A39. Old Cleeve Parish Council refutes the comment that cycling represents a 'viable' transport alternative!

Public Transport 3.4

As noted elsewhere access to the bus stops requires negotiating the hazardous A39, limited footways, no dedicated safe crossing points, no shelters at two points.

Proposed Pedestrian/Cycle Link

Clause 4.2.6 of Clause 4.2.7. - Whilst Old Cleeve Parish Council welcomes this link proposal there are potential issues to be resolved. An informal noggin - type surface may not be suitable for persons with mobility issues. It requires a high degree of regular maintenance and responsibility is not determined. Drainage and lighting issues, potential dog fouling and associated costs. Pedestrian and access to the adjacent farmland.

Parking Policy

Clause 4.3 - Whilst the Somerset County Council parking strategy is stated, the indicative site plan is somewhat short in evidence. The minimum vehicle parking space of 6m x 3.0m is not indicated or provision for disabled. No dedicated cycle storage is indicated. It is considered that an accurate indicative plan and provision (cycles and waste storage) is indicated rather than leaving it to a reserved matters stage. Experience has shown that often these matters are compromised rather than designed to the best and practical standards.

We trust that these comments and those of the previous emails on these two planning applications will be taken in consideration when these applications are determined.

Comments dated 26 August 2015

The documents were reviewed by the Old Cleeve Parish Council at the meeting of 24th August 2015 and raise the following concerns:

- 1 The applicant states your reference as 3/39/15/003, this would appear to be a Williton application submitted in 2015? How does this relate?
- 2 It is considered that these applications have been processed in a most unsatisfactory, tardy manner having been submitted in late 2014 and validated in January 2015. Some eight months have elapsed without decision, clearly

past the eight weeks decision period or extended thirteen weeks if agreed in writing.

In our view if the applications were inadequate in information they should have been withdrawn or refused.

A resubmission, without further charge would have provided a full 21 days for both public and Parish Council consultation.

- 3 Clearly the revised documents are dated as received on the 23rd July 2015 but not circulated until the 15th August, stating that only 14 days are to be permitted for reconsultation. Why?

The public consultation held in October 2014 raised a number of concerns over these proposals – how are they to be consulted?

- 4 The revised footpath link reverts back to the original proposal and pre-application public consultation.

Whilst it is appreciated this has benefits to the tenant farmer, the route was considered to have a number of shortcomings. The route is tortuous, the surface unsatisfactory for long term durability and sustainability. Who will be responsible for its maintenance? Lighting will be essential NOT optional, who pays for the power and future maintenance.

Post and rail fencing in the short term is inadequate as stock fencing would be required.

The proposed hedge species is not specified or its long term responsibility for maintenance determined.

Old Cleeve Parish Council would not be prepared to take on these responsibilities, perhaps these burdens would remain with the Wyndham Estate?

- 5 Affordable Housing

Reference is made to the 'size' of affordable housing however no indicative details are submitted to ascertain the adequacy of such housing. To use the term 'one bedroom' or 'two bedroom' without qualifications is considered inadequate and was one of the main concerns raised at the public meeting.

To commit a development site to 10 No. units without evidence of adequacy would in our opinion be irresponsible.

Magna Housing have not developed the sites gained in Belle Vue/Quarry Road and sold them due to lack of viability and housing demand, likewise the ten or more 'affordable' dwellings at Washford Mill, whilst commenced have been suspended.

6 Density

The Nursery Site layout would appear more than adequate to support the 6 No dwellings and there is some merit in this part of the proposal. However there are still highway concerns associated with the A39 in terms of safety. The link footpath position follows the route of the current spring and water course. There would appear to be no statement how this problem will be addressed. The indicated path constructions will not, in our opinion, be suitable or feasible in this location.

7 General Note

It is disappointing that our previous and public concerns over the accuracy of some of the supporting documents have not been addressed and remain valid to these applications. (Please refer to previous comments).

ARCHAEOLOGY

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

DRAINAGE BOARD

This site lies outside of the Board's operating area therefore the Board has no input regarding the application.

COUNTY EDUCATION

Old Cleeve First School has a net capacity of 90 places, but there are currently 118 pupils on roll; and the rolls are forecast to remain fairly steady for the foreseeable future, without taking into account new development. St Peter's First School at Williton, the next nearest first school to Washford, has a capacity of 120, with 134 pupils on roll so this is also over-subscribed. Whilst the developments the subject of these two applications are of a relatively modest size, they would nevertheless still result in further pressure being placed on education facilities in the area and developer contributions to be used to mitigate this should be secured through a Section 106 agreement in the event that they are approved.

The County Council estimates that 30 first school places are required for each 210 dwellings, so the 16 dwellings proposed would equate to two first school places. The notional cost per place is £12,257, so the total amount sought should be £24,514. The sums attributable to each application would be calculated as follows:

Former Nursery (3/26/14/025)

Six dwellings / $16 \times 24514 = \text{£}9,192.75$

Land North of Huish Lane (3/26/14/026)

10 dwellings / 16 x 24514 = 15,321.25

Please do not hesitate to contact me if you would like any further information, but in the meantime, thank you for your assistance.

HOUSING ENABLING LEAD

I note that the scheme proposes to deliver 10 affordable homes in total with 7 being delivered as Social Rented (4 x 1 bedroom houses and 3 x 2 bedroom houses) and the remaining 3 being delivered as an Intermediate Tenure (2 x 1 bedroom houses and 1 x 2 bedroom house).

Rented Housing

As of today there are 745 households registered with Somerset Homefinder Choice Based Lettings for re-housing within West Somerset. Of these, 14 have selected Old Cleeve Parish as their first preference for re-housing.

9 have an assessed need for 1-bedroom accommodation
4 have an assessed need for 2-bedroom accommodation
1 has an assessed need for 3-bedroom accommodation

Low Cost Home Ownership

Despite the difficulty in obtaining mortgages, the demand for Low Cost Home Ownership remains fairly steady across the District. Experience shows that most Low Cost Home Ownership opportunities are purchased by households who do not register an interest in advance. As an indication, today there are 22 households registered with Help to Buy South West who have expressed a preference to purchase a low cost home in West Somerset. Of these 10 have a local connection with the District and would likely qualify to pursue a property on this site.

General Comments

The number of properties being proposed here looks high to meet the indicative need. However, I am mindful of the proximity of the proposed Park and Ride linked to Hinkley Point and the potential this has to impact both the availability and cost of housing in Washford.

The size of dwellings proposed matched the need for smaller accommodation.

No discussions have taken place regarding those dwellings proposed to be delivered as Intermediate Tenure and it is not clear whether these are proposed to be offered for rent or to purchase. Previous experience would indicate that one-bedroom dwellings are not particularly popular when offered for low cost home ownership but I look forward to having future discussions around delivery models should planning approval be granted.

ECOLOGY

The application site is within 50 metres of the Washford River which is a designated County Wildlife Site. If carefully managed, there is no reason to believe that the development would necessarily damage the watercourse, but, if you are minded to approve the application, the developers should be required to submit a Construction Environmental Management Plan (CEMP) stating the measures they will take to avoid harm being caused. This CEMP should be submitted and agreed by WSC before any work can commence on site.

The application site is bounded mostly by hedges and rows of trees. The hedges are mainly intact and species-rich and it is important that these are conserved. The CEMP suggested above should cover the measures that will be taken to safeguard the hedges and lines of trees during construction.

A reptile survey undertaken in 2013 indicates that there is a breeding population of Slow-worms on site, although numbers appear to be low. If you are minded to approve the application, I would recommend a condition is imposed requiring submission and prior approval of a reptile mitigation strategy. The approach to reptile mitigation that is outlined in Appendix 5 of the Ecology Report is broadly acceptable but lacks the necessary detail such that a condition could be imposed requiring compliance with the measures that are outlined there.

In addition, if you are minded to approve this application I would recommend that conditions be imposed:

(a) To require that a detailed landscaping scheme and layout plan be drawn up and agreed prior to any commencement of the development. Such a scheme/plan should identify current features of wildlife value to be retained and measures to be taken to enhance biodiversity in line with the proposals in Appendix 5 of the Ecological Survey Report, and;

(b) That stipulate that any trees, shrubs and sections of hedgerow that must be cleared to facilitate the development are removed outside of the bird nesting season, or, if this is not possible, then under the supervision of an ecologist. (An informative note should be added to any planning certificate reminding developers of the legislation protecting nesting birds).

I hope these comments are of help to you in determining the application. Please do not hesitate to contact me if you need me to expand on any point or you need further information.

SOMERSET COUNTY HIGHWAYS

The proposal relates to a planning application for the erection of 10 dwellings.

In terms of traffic movements the proposal is for 10 residential units. TRICS datasets indicate that the average dwelling would generate 6-8 movements per day. The applicant has provided information relating to trip generation, which indicates that there will be 6 two-way movements in the AM and 7 two-way movements in the PM

which roughly translates to one vehicle every nine to ten minutes. In addition the applicant has indicated that the proposal would generate a total of 55 movements thorough out the day (0700-1900). The Highway Authority has interrogated the figures and would agree with the information, which has been provided in the Transport Statement. As a consequence the traffic impact of this proposal is not considered to be severe in terms of the National Planning Policy Framework (NPPF) and therefore an objection on traffic impact grounds cannot be substantiated.

The allotments will be retained and the levels of movements associated with these are unlikely to change from existing as such the Highway Authority does not envisage an issue with these.

Having spoken with the Travel Plan Team and a Measures Only Travel Plan will be required for this development.

Turning to the design details the applicant has proposed to 'upgrade' the existing point of access. The Highway Authority held pre application discussions with the applicant and the proposed access arrangement of 4.8m wide shared surface access with a 0.5m margin is acceptable but the applicant should note that it would need to be constructed to adoptable standards. As for visibility the applicant has proposed splays of 2.4m x 43m in either direction, which is considered to be acceptable. Although please note that there should be no obstruction over 300mm within the splay.

Regarding the internal layout it is unlikely that the Highway Authority would pursue adoption. However we would require the internal layout to be built to an adoptable standard as the Advance Payment Code (APC), under Section 219 to 225 of the Highways Act 1980, would apply. The applicant has proposed 22 cars parking spaces based on the requirements set out in Somerset County Council's Parking Strategy which is considered to be acceptable. As for turning it is appreciated that the plan submitted as part of the application is indicative however the applicant would need to make sure that turning is achievable for all parking spaces within the site.

Any future submission would need to provide details on the site drainage and it particular where the applicant is proposing to discharge its surface water drainage. As for the internal site layout any site attenuation would need to be a minimum of 5.0m from the carriageway.

This application is linked to another proposal, which is currently being processed by the Local Planning Authority for 6 residential units. Part of both proposals requires a footway/cycleway link between these sites. As stated in the Highway Authority's response to planning application 3/26/14/025 further design detail would need to be provided for this link but it is unlikely that the Highway Authority would look to adopt it.

Turning to the replacement allotments it is noted that the applicant has proposed a new parking area. This is considered to be beneficial as it is envisaged that it would see a reduction in the need for vehicles to park on the adopted highway.

Therefore to conclude the proposal will see an increase in vehicle movements however it is unlikely to be significant enough to warrant an objection on traffic impact grounds. In regards to the internal layout the applicant is urged to take account of the points raised above prior to any submission of any further application.

Therefore on balance the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant planning permission the following conditions would need to be attached.

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.

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

The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

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

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.

Prior to the commencement of the development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel

Plan should include soft measures to promote sustainable travel as well as targets. 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.

There shall be obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

NOTE:

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. Application forms can be obtained by writing to Transport Development Group, Somerset County Council, County Hall, Taunton , TA1 4DY or by telephoning 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

LOCAL LEAD FLOOD AUTHORITY

The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has not provided details of the proposed drainage designs for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The Flood Risk Management (Drainage) Team has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

Condition: No development shall be commenced until details of the design; implementation, maintenance and management of the sustainable drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. Those details shall include:

1. 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 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;

2. Any works required 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);

3. Flood water exceedance routes, both on and off site;

4. 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.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

WESSEX WATER

Wessex Water can advise the following comments in response to your consultation letter.

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

Representations Received

19 letters of objection (from 12 addresses) raising the following issues. Please note that some letters cover both applications 3/26/14/025 and 3/26/14/026

- Huish lane is already congested at times and has severe parking problems.
- This is further exacerbated at school pick up and drop of times
- More traffic in Huish Lane since the erection of the 7 houses at Huish Mews.
- Too many houses for the space available
- The local facilities that are available have been overstated by the applicants.
- The parking bays are too small.
- Huish Lane is dangerous to walk along.
- Washford does not have the facilities for extra housing – people will still need to drive to Williton or Minehead.
- This is not a mix of housing
- Loss of allotments
- Lack of detail
- One-bedroom properties would be too small and not needed.
- Loss of value
- The school is at capacity and cannot accommodate more development.
- This will cause other properties to flood.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

West Somerset Local Plan

UN/2 Undergrounding of Service Lines and New Development

- BD/1 Local Distinctiveness
- SP/5 Development Outside Defined Settlements
- SP/1 Settlement Hierarchy
- PO/1 Planning Obligations
- BD/2 Design of New Development
- NC/4 Species Protection
- H/5 Affordable Housing on Rural Exception Sites
- R/6 Public Open Space and Small Developments

Emerging West Somerset Local Plan

- SD1 Presumption in favour of sustainable development
- SC1 Development at primary and secondary villages
- SD1 Presumption in favour of sustainable development
- SC3 Appropriate mix of housing types and tenures
- SC4 Affordable Housing
- SC5A Self containment of settlements.
- TR2 Reducing reliance on the private car
- NH3 Nature conservation and the protection & enhancement of bii
- NH4 Green Infrastructure
- NH10 Securing high standards of design
- CF1 Maximising access to recreational facilities

Determining issues and considerations

It is considered that the main issues for determining this outline planning application (with all matters reserved other than access) are:

- Planning policy (sustainable location for development)
- Accessibility
- Allotment provision.
- Residential amenity
- Highway safety
- Drainage
- Design
- Affordable Housing and
- Planning Obligations

Planning Policy

In the adopted Local Plan - that pre-dates the publication of the NPPF - Washford is identified as a village and has a defined development limit. Policy SP/3 of the adopted plan supports development within the village where it comprises conversions, infilling or the redevelopment of previously developed land. The application site is outside of the defined development limits and therefore does not comply with the provisions of the adopted planning policy SP/3.

However, this application is for 100% affordable housing and when considered on its own (and not linked to application 3/26/14/0025 – erection of 6 dwellings), the

relevant adopted development plan policy consideration is H/5 – Affordable Housing on Rural Exception Sites. This policy allows for affordable housing developments on land that adjoins a rural centre or village.

The emerging West Somerset Local Plan to 2032 has currently reached 'Submission' stage in its progress towards eventual adoption and, as such it can be used as a material consideration in the determination of development proposals. The examination sessions were held in March 2016 and it is considered that the emerging plan is given significant weight as a material consideration.

Emerging Local plan Policy SC1 – Hierarchy of Settlements, identifies Washford as a primary village where limited development will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area. Limited development is defined as individual schemes of up to 10 dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about maximum of 30% of this increase in any five year period. In effect, this definition suggests that about 91 dwellings can be built within or adjoining Washford up to 2032 and this development should be further limited to about 27 dwellings in any 5 year period. Even when considered in combination with jointly submitted application, the total number of dwellings being proposed falls well below the approximate limits.

Although outside the current development limit in the adopted local plan, the emerging local plan does not have defined development limits and seeks to locate development either within or in close proximity to the built up area of the defined settlements. The proposal is immediately adjacent to the built up area of Washford and is well related to some existing essential and social facilities within the settlement such as the allotments, Memorial Hall, playing fields, nursery and school. The post office, church and public house are a greater walking distance and along roads that do not have dedicated footways, while the other children's play area, hairdressers and bus stops (for buses travelling towards Minehead) require crossing the busy A39.

Accessibility

Section 5 of Policy SC1 states that:

"Development within or in close proximity (within 50 metres) to the contiguous built-up area of ... primary villages will only be considered where it can be demonstrated that:

- A. It is well related to existing essential services and social facilities within the settlement, and;
- B. There is safe and easy pedestrian access to the essential services and social facilities within the settlement, and;
- C. It respects the historic environment and complements the character of the existing settlement, and;
- D. It does not generate significant additional traffic movements over minor roads to and from the national primary and county highway route network

E. it does not harm the amenity of the area or the adjoining land uses.”

The roads around Washford do not have a consistent provision of footways and while some of the more recent housing developments have footway provision around the highway network, some of the older parts of the settlement do not.

It is considered that there are no obvious highway improvements that could be carried out which would provide a continuous off road footway to all of the local facilities that would be beneficial to existing residents as well as potential future occupants. It is therefore necessary to consider the proposal in the knowledge that occupants would need to walk in the highway to access some of the local facilities – in the same way as existing residents. On the basis that this is most likely to be along some of the less trafficked roads in the settlement where existing residents already walk, and unlikely to include walking along the A39, it is considered that safe pedestrian access would exist.

Allotment provision.

As the proposal includes the construction of dwellings on existing allotment land, it is necessary to provide replacement facilities of equal or better value. The application includes the provision of replacement allotments in the agricultural field to the north as well as the provision of a new car park for allotment holders to use. As the existing allotments do not have any dedicated off-street parking, it is considered that the provision of new parking is a planning gain that should be attributed positive weight in the decision making process.

In order to secure the provision of the replacement allotments at an appropriate time, it is considered that a Section 106 agreement could be used to control the phasing of development. It is recommended that if planning permission is granted, then the replacement allotments and parking area should be provided prior to any works commencing on the housing part of the development site. This would ensure that there is continuous provision of allotments.

Residential amenity

As this is an outline application, the design and layout of the dwellings is not for consideration at this stage. Therefore it is not possible to consider any detailed impacts on residential amenity from the dwellings. Due to the size of the site, it would be possible to design a scheme that has sufficient distances from neighbouring properties so as not to cause any significant loss of residential amenity.

Comments have been received regarding the size of the dwellings that are shown on the indicative layout plan. It is agreed that some of these appear to be very small (approx. 3.5m wide and 5m deep), however the site is of a sufficient size that even if these dwellings were bigger, they could be accommodated within the site without resulting in a cramped appearance.

Highway safety

Although the application is made in outline, the highway access to the site is to be determined at this stage. The proposal includes improvements to the existing access that serves the 7 dwellings at Huish Mews.

This access is directly onto the Huish Lane and therefore would generate more traffic movements over the lane to get to the primary and county highway route network approximately 110m to the east. Criteria D of Policy SC1 seeks to avoid significant additional traffic movements over minor roads to and from the national primary and county highway route network. The County Highway Authority have stated that traffic impact of this proposal is not considered to be severe in terms of the National Planning Policy Framework (NPPF) and have concluded that they consider that it is unlikely that they could uphold an objection on traffic impact grounds.

Drainage

As the development is for 10 dwellings, the Local Lead Flood Authority is required to respond as a statutory consultee. They have made no objection and have suggested a planning condition requiring details of a sustainable drainage scheme to be submitted to and approved in writing by the local planning authority.

Design

As this application is made in outline, the appearance, scale and layout of the dwellings is reserved for subsequent approval. No details other than an illustrative layout plan have been submitted and the council needs to be satisfied that the site is large enough to be able to accommodate 10 affordable dwellings in a satisfactory manner.

The housing part of the site is approximately 0.2 hectares which, ordinarily, would be considered to be quite small to accommodate 10 dwellings. However, the proposed design and access statement suggest that the development would comprise 6 one-bedroom properties and 4 two-bedroom properties. Therefore, it would be possible to accommodate such a development on this site and should outline planning permission be granted, it is expected that a satisfactory layout and design can be found for this site at the subsequent reserved matters stage.

Affordable Housing

As a standalone application, this development would be for 100% affordable housing which is clearly a greater amount than the normal policy requirements.

However, the applicants have submitted it as part of a package of applications which include 6 open market dwellings to be provided at the former plant nursery to the

east. Overall, the package of applications would see the provision of 16 dwellings, 10 of which would be affordable. This equates to a provision of 62.5% affordable housing which is much higher than the 35% set out in emerging planning policy SC4. This over provision is acceptable and should be given positive weight in the decision making process.

Planning Obligations

Policy PO/1 of the local plan allows for the provision of planning obligations to provide or contribute towards infrastructure or community facilities directly related to the proposed development and commensurate with the development proposals.

In seeking to negotiate and secure planning obligations the local planning authority has to have regard to paragraphs 203 and 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010. Planning obligations should only be sought where they meet all of the following three tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The local planning authority has an adopted SPD in respect of planning obligations (adopted December 2009). The guidance in the SPD sets the local planning authority's priorities for planning obligations and how these should be secured.

The SPD sets out an indication of the potential value of planning obligations for contributions in addition to the provision of affordable housing. It details what could be achieved whilst enabling the development to be commercially viable. These contributions would include costs such as community recreation contributions, highway improvements and contributions towards education.

For residential development outside of Minehead, Watchet and Williton this range is suggested to be between £2,000 - £5,000 per plot - although individual applications are assessed on their own individual merits and circumstances.

Where a developer is able to demonstrate that necessary contributions would result in the scheme becoming unviable, the local planning authority should seek to take a flexible approach in securing any obligations (as advocated by paragraph 205 of the Framework).

The wording of any Section 106 agreement would allow the contributions to be spent on projects that are local to the application site and the allocation of the contribution would be managed through the Council's Planning Obligations Group process. This group will look at the Parish Council top 5 priorities for the area when determining how any Section 106 obligation is spent. The top 5 priorities for Washford are:

- To demolish and erect new public toilet facilities for Blue Anchor sea front.
- Additional parking in Huish Lane.
- Pedestrian crossings for Washford.

- Refurbishment of the village hall including energy saving scheme.
- Contributions toward cycle path from Minehead to Washford.

It is therefore considered that a total contribution of £2,500 per affordable dwelling and £5,000 per open market dwelling should be sought through a Section 106 Agreement. This amount should include the education contribution identified below.

The County Council – as Education Authority - have confirmed that the local schools are currently oversubscribed and any further development will result in further pressure being placed on education facilities. They have suggested the following contributions being sought from each development:

- Former Nursery (3/26/14/025) – 6 dwellings = £9,192.75
- Land North of Huish Lane (3/26/14/026) - 10 dwellings = 15,321.25

Conclusion

If considered in combination with the linked application for 6 open market dwellings, these proposals will result in the provision of 16 dwellings in Washford which is identified in the emerging local plan as a primary village that should provide about 91 dwellings over the plan period. The schemes are well related to the existing built up area and it would be possible to design a detailed scheme that respects the character and appearance of the area.

Subject to the applicants entering into an appropriate legal agreement to secure the following, it is recommended that outline planning permission be granted:

- 100% affordable housing to be provided.
- Financial contribution towards education of £15,321.25
- Financial contribution towards other community infrastructure of £9,678.75
- Phasing of development to ensure that the replacement allotments and car parking area are provided prior to any works commencing on the construction of the dwellings.

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

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Application No 3/26/14/026
Outline planning application for
the erection of 10 dwellings,
access, replacement allotments,
public car park and associated
works

Land north of Huish Lane ,
Washford, Watchet, TA23
19 January 2015

Planning Manager
West Somerset Council
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council



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Application No:	3/26/14/025
Parish	Old Cleeve
Application Type	Outline Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	Easting: 305165 Northing: 141120
Applicant	Smiths Gore
Proposal	Outline planning application for the erection of 6 dwellings, access, public footpath / cycleway and associated works.
Location	The Nursery Site, A39, Washford, Watchet, TA23 0NT
Reason for referral to Committee	The comments of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant permission subject to the applicant entering into a legal agreement to secure:

- Provision and subsequent maintenance of footpath/cycle way and 150 sq m of public open space
- Financial contribution towards education of £9,192.75
- Financial contribution towards other community infrastructure of £20,807.25
- Phasing of development to ensure that affordable housing is provided on the Huish Lane Site (should permission be granted for that development)

Recommended Conditions

- 1 Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “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 three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final 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: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

- 2 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigations in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority.'

Reason: In the interests of preserving and recording any heritage assets.

- 3 No development shall be commenced until details of the design; implementation, maintenance and management of the sustainable drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. Those details shall include:

- a) 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 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;
- b) Any works required 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);
- c) Flood water exceedance routes, both on and off site;
- d) 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.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

4

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.

Reason: In the interests of highway safety.

- 5 The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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. 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.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of 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 interests of highway safety.

- 9 Prior to the commencement of the development, a Measures Only Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Such Travel Plan should include soft measures to promote sustainable travel as well as targets. 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: To encourage the use of sustainable modes of transport..

- 10 There shall be obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 11 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the submitted Blackdown Environmental Ecological Survey Report (dated November 2014) and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the enhancement of places of rest for bats and nesting birds

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National

Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application concerns were raised by a statutory consultees and neighbours. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

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. Application forms can be obtained by writing to Transport Development Group, Somerset County Council, County Hall, Taunton , TA1 4DY or by telephoning 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

Proposal

This is an outline planning application with all matters reserved (other than access) for the erection of 6 dwellings and provision of a public footpath/cycleway from the site to Huish Lane.

The application proposes that all of the dwellings would be for open market sale and a separate application (3/26/14/0026) has been submitted for the erection of 10 affordable dwellings on the allotments, approximately 250 metres to the west. The applications have been submitted as a package of developments that the applicant wishes to be considered together.

This application for the 6 dwellings includes indicative plans to show 6 detached properties across the site and 150 sq m of open space. The access, which is being applied for as part of this outline application would be achieved by widening and upgrading the existing access that served the former plant nursery that operated on the site until December 2012.

The plans also show the creation of a new footpath/cycleway from the application site to the access road that serves Huish Mews to the west of the site. Amendments have been received regarding the route of the path through the fields and to the north of the existing dwellings along the A39 and Huish lane. The path is shown to be 1.5 metres wide, unlit and with a hoggin type surface. It is proposed that this would not be put forward for adoption by the County Highways Authority.

Site Description

The former use of the site was as a plant nursery which ceased trading in December 2012. The site currently has the appearance of an overgrown field, although, when in operation as a nursery, there were polytunnels and other associated structures on the land.

To the east of the site are two properties known as The Linhay and The Old Byres and to the west is Langtry Country House, which is set back from the A39 by approximately 70 metres.

Opposite the existing and proposed access is Abbey Barn, which has been converted to a dwelling, and Monkscider House, which also provides guest accommodation.

Relevant Planning History

None

Consultation Responses

OLD CLEEVE PARISH COUNCIL

Comments dated 18 February 2015

Old Cleeve Parish considered this application for the erection of 6 dwellings, access, public footpath/cycleway & associated works at The Nursery Site, A39. They would like to make the following comments.

Indicated as flood zone 2, no report enclosed.

Application forms incorrectly completed:-

Q3 - Only access marked for consideration.

Q4 - Description of proposal not answered.

Q10- Cycle spaces not included.

Q11- Foul sewer incorrectly indicated. Sewer is contained within the adjacent property, 'The Old Byres'.

Q12- Flood risk, spring fed pond on site, potential to cause flooding elsewhere, no levels given. Flood risk to proposed footpath route.

Q15- See Arboricultural report, protection of walnut tree and hedgerows.

Planning Design and Access Statement

The statement refers to former nursery site alone!

Clause 2.1.2 is incorrect, the Washford Mill shops and craft centre closed many years ago. One of the pubs and doctors surgery is located at Torre, Previous planning applications for development have considered this location as 'unsustainable' due to lack of pavement and lighting to Abbey Road to access facilities in Washford.

Clause 4.1.4- No details of public footpaths provided i.e - surface, security, lighting, ownership and future maintenance.

Landscape Impact

Clause 3.2.5. The scheme has the 'potential' to satisfy policies BD1,2,3, however as no 'indicative designs or levels are included no true judgement can be made at this stage.

Clause 3.2.7 - Access to facilities have again been overstated as some of these are considered outside limits or have ceased to exist.

Clause 3.2.8 - Flood risk, No details are provided, historically a spring, ditch and pond exist upon the site. In heavy rain periods the location is subject to flood. (local knowledge) Zone 2.

Economic sustainability

Clause 9.3.3 - Job creation is optimistic, construction work is by its nature temporary and transient.

Clause 9.3.4 - This site cannot be compared with the recent Minehead, Hopcott Road development, the scale and scope of facilities in Minehead bears little in common with Washford.

Social Sustainability

9.4.1 to 9.4.5 - Reference is again made to developments in Minehead.

The affordable housing criteria has changed since this document was prepared. No additional permanent employment opportunities arise in the locality from this proposal.

Access and Highway Considerations

Clause 10.1.2 - Out of date information, service and facilities have declined.

Clause 10.1.4 The nursery was operated seasonally, mid March to October and specialist. The traffic movements suggested are questionable.

Comments dated 23 February 2015

Further to my email of 18/02/15 Old Cleeve Parish Council would like to comment on the 'Design and Access Statement (Nursery Site).

This statement is specific to the nursery site, however some items will be applicable to Huish Lane. Without a 'proper' document, comments are as follows:-

Section 6 - Local planning policy

This is perhaps unlikely to be achieved due to changes in affordable housing trigger numbers.

Clause 6.2.4. - Generates increased traffic on minor roads (Huish Lane/Willow Grove) both junctions are poor with high vehicle incidents.

Clause 6.2.7. - It is considered that the development will not be 'harmonious' addition but will degrade the balance. The existing Huish Mews does not sit comfortably within its position with poor landscape and choice of materials.

Clause 9.2.5. and 9.2.6. - are questionable as without at least an indicative scheme no sound judgement can be made. Experience has shown that once a commitment has been made at outline, rarely does the following detail satisfy the concerns. Poor initial planning promotes poor detail or compromise.

Clause 9.2.7.- Incorrect or outdated information provided, bus stops are not accessible by safe footpaths.

Clause 9.2.8.- Flood zone 2 & 3, no details provided.

Clause 9.2.9.- Ecology statement required for site (report included applies only to nursery site).

Clause 9.3. - Employment only temporary, transient jobs for construction work. No long term local jobs created.

Traffic concerns

Both 'Walnut Tree' corner/A39 junction and Willow Grove junctions are poor, numerous traffic incidents occur over and above those recorded by the Police/Highways. Any development in Huish Lane will only exacerbate this situation.

Concern is also raised over the additional developments in Minehead and A39 route as heavy traffic will increase proportionally. Incident rates will increase. The separate transport plan has not been included. No details of the proposed link footpath/cycleway are included.

The Community Involvement to be sent under separate cover.

Comments dated 23 February 2015

Community Involvement (Both applications).

Clause 3.3.2. - Old Cleeve Parish is one of the larger parishes covering from Blue Anchor Bay to Brendon Hill and includes, Chapel Cleeve, Old Cleeve village, Washford, Bilbrook, Roadwater village and former Brendon Hill village. Hungerford and Golsoncott also are contained. The expression of interest, as stated, stipulates Old Cleeve and not Washford?

Clause 3.4.6. & 3.4.7. - The increase in traffic using the notorious poor junctions, Walnut Tree corner and Willow Grove and Huish Lane parking still raise considerable concern.

Clause 3.5.4. - Old Cleeve Parish Council attended the 4 hours consultation and requested the count of attendees. The Parish Council cannot agree with the apparent lack of responses (5) as considerably more responses were witnessed.

In addition to the reported questions and answers the following concerns were raised:-

- The loss of the prepared ground of the longstanding allotments. The further

- allocated allotment land is poor and subject to water logging.
- Compensation to allotment holders.
 - Details of footpath, surface, lighting, maintenance.
 - Design of dwellings, even if indicative.
 - Design of dwellings on allotment site too great.
 - Traffic and parking concerns.
 - Capacity issues with school.
 - Lack of employment locally.
 - Poor access to bus services.
 - Surcharging of foul sewer in Lower Washford.
 - No gas in village, how are properties to be heated?

We now appreciate that further plans have been sent to us and received on 17th February. However the Parish Council could only comment on the plans they had to hand on 16th February and it was confirmed that we could discuss them at that Parish Council meeting .

We shall comment on the new plans received on 19th February shortly.

Comments dated 26 August 2015

The documents were reviewed by the Old Cleeve Parish Council at the meeting of 24th August 2015 and raise the following concerns:

- 1 The applicant states your reference as 3/39/15/003, this would appear to be a Williton application submitted in 2015? How does this relate?
- 2 It is considered that these applications have been processed in a most unsatisfactory, tardy manner having been submitted in late 2014 and validated in January 2015. Some eight months have elapsed without decision, clearly past the eight weeks decision period or extended thirteen weeks if agreed in writing.

In our view if the applications were inadequate in information they should have been withdrawn or refused.

A resubmission, without further charge would have provided a full 21 days for both public and Parish Council consultation.

- 3 Clearly the revised documents are dated as received on the 23rd July 2015 but not circulated until the 15th August, stating that only 14 days are to be permitted for reconsultation. Why?

The public consultation held in October 2014 raised a number of concerns over these proposals – how are they to be consulted?

- 4 The revised footpath link reverts back to the original proposal and pre-application public consultation.

Whilst it is appreciated this has benefits to the tenant farmer, the route was considered to have a number of shortcomings. The route is tortuous, the surface unsatisfactory for long term durability and sustainability. Who will be responsible for its maintenance? Lighting will be essential NOT optional, who pays for the power and future maintenance.

Post and rail fencing in the short term is inadequate as stock fencing would be required.

The proposed hedge species is not specified or its long term responsibility for maintenance determined.

Old Cleeve Parish Council would not be prepared to take on these responsibilities, perhaps these burdens would remain with the Wyndham Estate?

5 Affordable Housing

Reference is made to the 'size' of affordable housing however no indicative details are submitted to ascertain the adequacy of such housing. To use the term 'one bedroom' or 'two bedroom' without qualifications is considered inadequate and was one of the main concerns raised at the public meeting.

To commit a development site to 10 No. units without evidence of adequacy would in our opinion be irresponsible.

Magna Housing have not developed the sites gained in Belle Vue/Quarry Road and sold them due to lack of viability and housing demand, likewise the ten or more 'affordable' dwellings at Washford Mill, whilst commenced have been suspended.

6 Density

The Nursery Site layout would appear more than adequate to support the 6 No dwellings and there is some merit in this part of the proposal. However there are still highway concerns associated with the A39 in terms of safety. The link footpath position follows the route of the current spring and water course. There would appear to be no statement how this problem will be addressed. The indicated path constructions will not, in our opinion, be suitable or feasible in this location.

7 General Note

It is disappointing that our previous and public concerns over the accuracy of some of the supporting documents have not been addressed and remain valid to these applications. (Please refer to previous comments).

ARCHAEOLOGY

The site overlies that of a deserted historic settlement as defined within the Historic Environment Record; as such the proposal is likely to impact on a heritage asset. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a desk-based assessment and a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128).

Further comments dated 1 September 2015

The site lies within an area part of which, is thought to contain heritage assets associated with a deserted medieval settlement.

For this reason I recommend that the developer be required to carry out archaeological investigations and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

'No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigations in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority.'

COUNTY EDUCATION

Old Cleeve First School has a net capacity of 90 places, but there are currently 118 pupils on roll; and the rolls are forecast to remain fairly steady for the foreseeable future, without taking into account new development. St Peter's First School at Williton, the next nearest first school to Washford, has a capacity of 120, with 134 pupils on roll so this is also over-subscribed. Whilst the developments the subject of these two applications are of a relatively modest size, they would nevertheless still result in further pressure being placed on education facilities in the area and developer contributions to be used to mitigate this should be secured through a Section 106 agreement in the event that they are approved.

The County Council estimates that 30 first school places are required for each 210 dwellings, so the 16 dwellings proposed would equate to two first school places. The notional cost per place is £12,257, so the total amount sought should be £24,514. The sums attributable to each application would be calculated as follows:

Former Nursery (3/26/14/025)
Six dwellings / 16 x 24514 = £9,192.75

Land North of Huish Lane (3/26/14/026)
10 dwellings / 16 x 24514 = 15,321.25

Please do not hesitate to contact me if you would like any further information, but in the meantime, thank you for your assistance.

HOUSING ENABLING LEAD – comment on related application 3/26/0026

I note that the scheme proposes to deliver 10 affordable homes in total with 7 being delivered as Social Rented (4 x 1 bedroom houses and 3 x 2 bedroom houses) and the remaining 3 being delivered as an Intermediate Tenure (2 x 1 bedroom houses and 1 x 2 bedroom house).

Rented Housing

As of today there are 745 households registered with Somerset Homefinder Choice Based Lettings for re-housing within West Somerset. Of these, 14 have selected Old Cleeve Parish as their first preference for re-housing.

9 have an assessed need for 1-bedroom accommodation
4 have an assessed need for 2-bedroom accommodation
1 has an assessed need for 3-bedroom accommodation

Low Cost Home Ownership

Despite the difficulty in obtaining mortgages, the demand for Low Cost Home Ownership remains fairly steady across the District. Experience shows that most Low Cost Home Ownership opportunities are purchased by households who do not register an interest in advance. As an indication, today there are 22 households registered with Help to Buy South West who have expressed a preference to purchase a low cost home in West Somerset. Of these 10 have a local connection with the District and would likely qualify to pursue a property on this site.

General Comments

The number of properties being proposed here looks high to meet the indicative need. However, I am mindful of the proximity of the proposed Park and Ride linked to Hinkley Point and the potential this has to impact both the availability and cost of housing in Washford.

The size of dwellings proposed matched the need for smaller accommodation.

No discussions have taken place regarding those dwellings proposed to be delivered as Intermediate Tenure and it is not clear whether these are proposed to be offered for rent or to purchase. Previous experience would indicate that one-bedroom dwellings are not particularly popular when offered for low cost home ownership but I look forward to having future discussions around delivery models should planning approval be granted.

ECOLOGY

Thank you for consulting me on this application which is accompanied by an Ecological Survey Report by Blackdown Environmental Ltd which was updated in November 2014. I am satisfied with the report and, broadly, I agree with its main conclusions which I would summarise as being:

- No sites that are designated for their nature conservation interest will be adversely affected by development on the former nursery site;
- There are no habitats of significant value for wildlife on the application site but there are some features of biodiversity value that should be retained in the development if possible. These features include some species-rich hedgerow forming a part of the site boundary and a mature Walnut Tree in the south eastern corner. (I would add to this the group of fruit trees standing in rank grassland in close proximity to the Walnut);
- The main potential ecological impact of developing the site is likely to be in terms of protected species. With regards to this, a reptile survey carried out in September 2013 was negative, despite the presence of apparently suitable habitat. The site is likely to support nesting birds in hedges, trees and scrub on the site;
- Opportunities to enhance the site for biodiversity which would be compatible with the proposed development include planting new species-rich hedgerow and provision of bat boxes on trees and buildings.

If you are minded to approve this application I would recommend that conditions be imposed:

(a) To require that a detailed landscaping scheme and layout plan be drawn up and agreed prior to any commencement of the development. Such a scheme/plan should identify current features of wildlife value to be retained and measures to be taken to enhance biodiversity in line with the proposals in Appendix 5 of the Ecological Survey Report, and;

(b) That stipulate that any trees, shrubs and sections of hedgerow that must be cleared to facilitate the development are removed outside of the bird nesting season, or, if this is not possible, then under the supervision of an ecologist. (An informative note should be added to any planning certificate reminding developers of the legislation protecting nesting birds).

I hope these comments are of help to you in determining the application. Please do not hesitate to contact me if you need me to expand on any point or you need further information.

SOMERSET HIGHWAYS

The proposal relates to the erection of 6 dwellings.

The Highway Authority provided the Local Planning Authority with some pre

application comments where we raised concerns over the increase use of the existing access. In response to these concerns the applicant has provided a Transport Statement (TS) to try and address these concerns.

The TS has provided TRICS analysis for the existing horticultural use. From the information provided the applicant has indicated that in the AM Peak the existing use would have generated 13 two-way movements with 10 two-way movements in the PM Peak, which is considered to be acceptable. Turning to the proposed use the applicant's TRICS data shows that there will be 3 two-way movements in the AM Peak and 5 two-way movements in the PM Peak. From the information provided it is apparent that in terms of peak time times the proposed trip generation would be lower. However it should be noted that the level of daily trips for the proposed use could be higher.

Therefore based on the above information it is unlikely that the Highway Authority would be able to uphold an objection on traffic impact grounds.

The Highway Authority also raised concerns over the delay for vehicles wanting to exit onto the A39 and the obstruction caused to other road users whilst a car is waiting to turn right. However based on the evidence put forward for the TRICS data the impact of the proposal at the junction would be minimal although the Highway Authority still maintains there would be some delay for vehicles exiting onto the A39.

Turning to the internal details it is appreciated that this application is for outline permission however the applicant should take note of the points being raised prior to the submission of any reserved matters application.

Regarding the point of access it is noted that the TS has proposed a carriageway width of 5.5m with a radii of 6.0m, which is considered to be acceptable. It is noted that a footway appears to be proposed across the site frontage the Highway Authority would question the need for including this as it appears to encourage pedestrians to walk in the carriageway. Consequently this should be omitted from any future submission.

In terms of visibility the applicant can achieve splays of 2.4m x 43m in either direction based on Manual for Streets design guidance although it is noted that to the left of the access a splay of 2.4m x 110m. This is considered to be acceptable as the proposal is located within the 30mph limit. Though it is noted that the site is located in close proximity to the speed limit change as a consequence some vehicle speeds pass the site would be higher than 30mph, although 85%tile speed data has not been provided. It is noted that the TS has proposed to extend the 30mph limit further away from the village.

In regards to the layout please note that a 0.5m wide margin would be required. If the applicant decides to utilise a shared surface then the first 6.0m of the access including the bell mouth should be finished in bitmac. Would the applicant be looking for the Highway Authority to adopt? If not they should note that the proposal would result in the laying out of a private street as such under Sections 219-225 of the Highways Act 1980 it would be subject to the Advance Payments Code (APC). The TS has provided turning information for a waste vehicle, which is considered to be

acceptable although please note that the Highway Authority is working to an 11.4m long waste refuse vehicle.

Any site attenuation for drainage would need to be a minimum of 5.0m from the carriageway therefore any reserved matters application would need to be accompanied by a drainage plan. Although the applicant should note that permission would need to be sort from the relevant body before any connection is made.

The Highway Authority previously raised concerns over the lack of a pedestrian link as such the applicant has proposed a new footway/cycleway to link into the village. No further details have been provided as part of the application. Although it is likely that it would remain private as the Highway Authority would have no interest in adopting it as it does not link into the adopted highway. However the applicant should note that it would need to have a width of 3.0m and provide some level of lighting. In addition consideration would also need to be given to the design and layout of where it exits onto the highway.

To conclude the level of traffic movements is considered to be acceptable although the Highway Authority would still maintain that there would be some delay for vehicles exiting onto the A39. As for the internal design it is appreciated that this is an outline application but the applicant is urged to take note of the points raised above prior to the submission of any further applications. Regarding the proposed amendment to the speed limit this would be subject to a Traffic Regulation Order (TRO) and a process which is outside the planning system.

Finally further details further information would be required for the proposed footway although the application should note that the Highway Authority would not be looking to adopt this.

Therefore on balance the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant planning permission the following conditions would need to be attached.

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.

The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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. 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.

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

The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

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

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.

Prior to the commencement of the development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft measures to promote sustainable travel as well as targets. 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.

There shall be obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

NOTE:

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. Application forms can be obtained by writing to Transport Development Group, Somerset County Council, County Hall, Taunton , TA1 4DY or by telephoning 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

Further comments dated 21 December 2015

The Highway Authority has been consulted by the Local Planning Authority in regards to the submission of additional, which in this case relates to the proposed pedestrian link to the village.

I would draw your attention to the Highway Authority's previous observations dated 21st September 2015 in which we stated that the proposed footway should be privately managed but it should be provide a minimum width of 3.0m and provide some level of lighting.

From the details shown on drawing 212.53-54_103 Rev C it is apparent that the applicant has not taken account of advice provided by the Highway Authority as the footway is only 1500mm wide and there is no indication that it will be lit. Although this is disappointing it will not change the Highway Authority's original recommendation of no objection as the footpath will remain private.

LOCAL LEAD FLOOD AUTHORITY

The application site is for the erection of 6 dwellings and encompasses an area of 0.6hae, therefore is falls below the specification of development that required the LLFA to act as a statutory consultee.

The LLFA has no comments.

WESSEX WATER

Wessex Water can advise the following comments in response to your consultation letter.

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

Representations Received

26 letters of objection (from 14 addresses) raising the following issues. Please note that some letters cover both applications 3/26/14/025 and 3/26/14/026

- The road is already congested and cars turning into the development would cause more problems
- The use of the new access cannot be compared to the previous use as a nursery (which was seasonal)
- Surface water drainage details have not been put forward – concern of flooding downstream.
- Potential for further development to happen as a result of the pathway.
- The local facilities that are available have been overstated by the applicants.
- If approved, the 30 mph signs should be moved further east.
- Lack of details of the levels of the site – both before and after.
- The footpath would go through the centre of a paddock (which floods)
- Washford does not need any more dwellings
- Will the footpath be surfaces, lit, fenced? – who will maintain it?
- This is not a mix of housing
- Lack of detail
- Concern that the drainage will not be adequate.
- Loss of value of neighbouring property
- Impact on neighbouring B&B's
- Potential loss of trees and wildlife.
- Potential loss of privacy
- The footpath should be in place at the start of the build

- Loss of residential amenity by people using the footpath.
- The footpath should be moved further away from residential properties.
- Permission has previously been given for the barn conversions on the A39 without the need for a footpath – why is it needed now?
- Concerns that the footpath will lead to a much larger development.
- Footpath would be a security risk.
- The school is at capacity and cannot accommodate more development.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

West Somerset Local Plan

UN/2	Undergrounding of Service Lines and New Development
BD/1	Local Distinctiveness
SP/5	Development Outside Defined Settlements
SP/1	Settlement Hierarchy
PO/1	Planning Obligations
BD/2	Design of New Development
NC/4	Species Protection
H/5	Affordable Housing on Rural Exception Sites
R/6	Public Open Space and Small Developments

Emerging West Somerset Local Plan

SD1	Presumption in favour of sustainable development
SC1	Development at primary and secondary villages
SD1	Presumption in favour of sustainable development
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SC5A	Self containment of settlements.
TR2	Reducing reliance on the private car
NH3	Nature conservation and the protection & enhancement of bii
NH4	Green Infrastructure
NH10	Securing high standards of design
CF1	Maximising access to recreational facilities

Determining issues and considerations

It is considered that the main issues for determining this outline planning application (with all matters reserved other than access) are:

- Planning policy (sustainable location for development)
- Accessibility
- Residential amenity
- Highway safety
- Drainage
- Design
- Affordable Housing and
- Planning Obligations

Planning Policy

In the adopted Local Plan - that pre-dates the publication of the NPPF - Washford is identified as a village and has a defined development limit. Policy SP/3 of the adopted plan supports development within the village where it comprises conversions, infilling or the redevelopment of previously developed land. The application site is outside of the defined development limits and therefore does not comply with the provisions of the adopted planning policy SP/3.

The emerging West Somerset Local Plan to 2032 has currently reached 'Submission' stage in its progress towards eventual adoption and, as such it can be used as a material consideration in the determination of development proposals. The examination sessions were held in March 2016 and it is considered that the emerging plan is given significant weight as a material consideration.

Emerging Local Plan Policy SC1 – Hierarchy of Settlements, identifies Washford as a primary village where limited development will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area. Limited development is defined as individual schemes of up to 10 dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about maximum of 30% of this increase in any five year period. In effect, this definition suggests that about 91 dwellings can be built within or adjoining Washford up to 2032 and this development should be further limited to about 27 dwellings in any 5 year period. Even when considered in combination with jointly submitted application, the total number of dwellings being proposed falls well below the approximate limits.

Although outside the current development limit in the adopted local plan, the emerging local plan does not have defined development limits and seeks to locate development either within or in close proximity to the built up area of the defined settlements. The proposal is immediately adjacent to the built up area of Washford and (subject to the provision of the footpath/cycle way) would be well related to some existing essential and social facilities within the settlement such as the allotments, Memorial Hall, playing fields, nursery and school. The post office, church and public house are a greater walking distance and along roads that do not have dedicated footways, while the other children's play area, hairdressers and bus

stops (for buses travelling towards Minehead) require crossing the busy A39.

Accessibility

Section 5 of Policy SC1 states that:

“Development within or in close proximity (within 50 metres) to the contiguous built-up area of ... primary villages will only be considered where it can be demonstrated that:

- A. It is well related to existing essential services and social facilities within the settlement, and;
- B. There is safe and easy pedestrian access to the essential services and social facilities within the settlement, and;
- C. It respects the historic environment and complements the character of the existing settlement, and;
- D. It does not generate significant additional traffic movements over minor roads to and from the national primary and county highway route network
- E. it does not harm the amenity of the area or the adjoining land uses.”

If the occupants of the potential development were required to walk along the A39 to access these services, then the proposal would fail criteria B of the above policy. With the provision of the footpath and cycle way that links the development site to Huish Lane, it would be possible for occupants to have a much safer access to the local facilities and once Huish Lane is reached, they would have the same level of access as occupants of neighbouring dwellings.

The roads around Washford do not have a consistent provision of footways and while some of the more recent housing developments have footway provision around the highway network, some of the older parts of the settlement do not.

It is considered that there are no obvious highway improvements that could be carried out which would provide a continuous off road footway to all of the local facilities that would be beneficial to existing residents as well as potential future occupants. It is therefore necessary to consider the proposal in the knowledge that occupants would need to walk in the highway to access some of the local facilities – in the same way as existing residents. On the basis that this is most likely to be along some of the less trafficked roads in the settlement where existing residents already walk, and unlikely to include walking along the A39, it is considered that safe pedestrian access would exist.

Residential amenity

As this is an outline application, the design and layout of the dwellings is not for consideration at this stage. Therefore it is not possible to consider any detailed impacts on residential amenity from the dwellings. Due to the size of the site, it would be possible to design a scheme that has sufficient distances from neighbouring properties so as not to cause any significant loss of residential

amenity.

The proposed footpath/cycle way that would link the development to Huish Lane will pass to the north of existing dwellings on the A39 and Huish Lane. Amendments have been made to the alignment of the route so as not to result in any significant loss of residential amenity. It will pass 1 and 2 Huish Barns at a distance of 6.5 metres but there are only two small windows in the walls facing the path and it is not considered that the use of the path would result in significant harm to residential amenity.

Highway safety

Although the application is made in outline, the highway access to the site is to be determined at this stage. The proposal includes improvements to the existing access that was previously used to serve the plant nursery. This would be directly onto the A39 and therefore would not generate any more traffic movements over minor roads to get to the primary and county highway route network. The proposal would therefore be in compliance with Criteria D of policy SC1.

The County Highways Authority have made comments on the application and after reviewing the submitted transport assessment, they consider that it is unlikely that they could uphold an objection on traffic impact grounds. They conclude that the level of traffic movements is considered to be acceptable although they maintain that there would be some delay for vehicles exiting onto the A39

Drainage

As the development is for less than 10 dwellings, the Local Lead Flood Authority is not required to respond as a statutory consultee. They have made comment on the linked application for 10 affordable dwellings and have suggested a planning condition requiring details of a sustainable drainage scheme to be submitted to and approved in writing by the local planning authority. It is considered that an identical condition could be imposed on this application should permission be granted.

Design of dwellings

As this application is made in outline, the appearance, scale and layout of the dwellings is reserved for subsequent approval. No details other than an illustrative layout plan have been submitted and the council needs to be satisfied that the site is large enough to be able to accommodate 6 dwellings in a satisfactory manner. The site is 0.6 hectares which is certainly large enough to accommodate 6 detached dwellings and, the immediate character of the area (other than Langtry Country House) includes a much higher density than what is shown on the illustrative layout plan.

Should outline planning permission be granted, it is expected that a satisfactory layout and design can be found for this site at the subsequent reserved matters

stage.

Affordable housing and link to the associated planning application.

As a standalone, application, this development does not include any affordable housing. However, the applicants have submitted it as part of a package of applications which include 10 affordable dwellings to be provided on the Huish Lane site to the west. Overall, the package of applications would see the provision of 16 dwellings, 10 of which would be affordable. This equates to a provision of 62.5% affordable housing which is much higher than the 35% set out in emerging planning policy SC4. This greater provision of affordable housing is acceptable and should be given positive weight in the decision making process.

Provided that planning permission is granted for the 10 dwellings, it would be possible to achieve an acceptable affordable housing provision that could be secured by an appropriate legal agreement. Should permission not be granted for the linked development of 10 dwellings, then the emerging policy would require a financial contribution to provide off-site delivery for an equivalent of 2 dwellings (35%).

Planning Obligations

Policy PO/1 of the local plan allows for the provision of planning obligations to provide or contribute towards infrastructure or community facilities directly related to the proposed development and commensurate with the development proposals.

In seeking to negotiate and secure planning obligations the local planning authority has to have regard to paragraphs 203 and 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010. Planning obligations should only be sought where they meet all of the following three tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The local planning authority has an adopted SPD in respect of planning obligations (adopted December 2009). The guidance in the SPD sets the local planning authority's priorities for planning obligations and how these should be secured.

The SPD sets out an indication of the potential value of planning obligations for contributions in addition to the provision of affordable housing. It details what could be achieved whilst enabling the development to be commercially viable. These contributions would include costs such as community recreation contributions, highway improvements and contributions towards education.

For residential development outside of Minehead, Watchet and Williton this range is suggested to be between £2,000 - £5,000 per plot - although individual applications are assessed on their own individual merits and circumstances.

Where a developer is able to demonstrate that necessary contributions would result in the scheme becoming unviable, the local planning authority should seek to take a flexible approach in securing any obligations (as advocated by paragraph 205 of the Framework).

The wording of any Section 106 agreement would allow the contributions to be spent on projects that are local to the application site and the allocation of the contribution would be managed through the Council's Planning Obligations Group process. This group will look at the Parish Council top 5 priorities for the area when determining how any Section 106 obligation is spent. The top 5 priorities for Washford are:

- To demolish and erect new public toilet facilities for Blue Anchor sea front.
- Additional parking in Huish Lane.
- Pedestrian crossings for Washford.
- Refurbishment of the village hall including energy saving scheme.
- Contributions toward cycle path from Minehead to Washford.

It is therefore considered that a total contribution of £2,500 per affordable dwelling and £5,000 per open market dwelling should be sought through a Section 106 Agreement. This amount should include the education contribution identified below.

The County Council – as Education Authority - have confirmed that the local schools are currently oversubscribed and any further development will result in further pressure being placed on education facilities. They have suggested the following contributions being sought from each development:

- Former Nursery (3/26/14/025) – 6 dwellings = £9,192.75
- Land North of Huish Lane (3/26/14/026) - 10 dwellings = 15,321.25

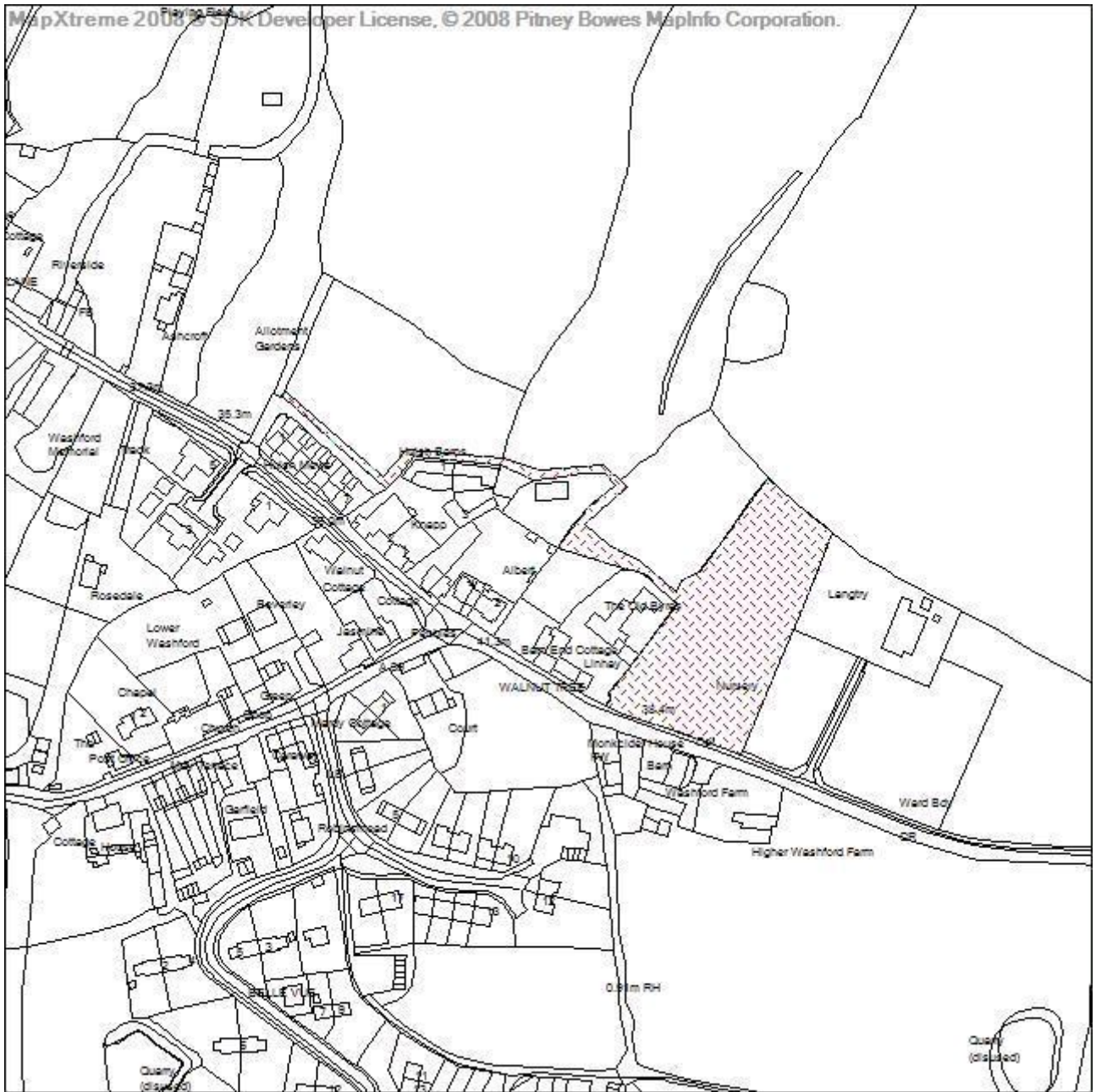
Conclusion

If considered in combination with the linked application for 10 affordable dwellings, these proposals will result in the provision of 16 dwellings in Washford which is identified in the emerging local plan as a primary village that should provide about 91 dwellings over the plan period. The schemes are well related to the existing built up area and it would be possible to design a detailed scheme that respects the character and appearance of the area.

Subject to the applicants entering into an appropriate legal agreement to secure the following, it is recommended that outline planning permission be granted:

- Provision and subsequent maintenance of footpath/cycle way and 150 sq m of public open space
- Financial contribution towards education of £9,192.75
- Financial contribution towards other community infrastructure of £20,807.25
- Phasing of development to ensure that affordable housing is provided on the Huish Lane Site (should permission be granted for that development)

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



Application No 3/26/14/025
 Outline planning application for
 the erection of 6 dwellings,
 access, public footpath /
 cycleway and associated works.
 The Nursery Site, A39,
 Washford, Watchet, TA23 0NT
 23 July 2015
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/01/16/001	Yard Farm, Kingswood, Stogumber, TA4 3TW	Replacement roof tiles with natural slate, replace two existing rooflights with conservation velux roof windows and install one new conservation velux roof window	16 March 2016	Grant	EP
3/02/16/002	The Old Rectory, Brompton Ralph, Taunton, TA4 2RY	Change of use of land from agriculture to mixed equine/agricultural use. Proposed agricultural barn, stables and menage, widening of existing field access and track. Resubmission of 3/02/15/004	21 March 2016	Grant	HL
3/02/16/003	Rock Cottage, Brompton Ralph, Taunton, TA4 2RU	Erection of double garage, stables, tack room and hay/feed store plus widening of access and driveway	31 March 2016	Grant	AL
3/05/16/002	Carhampton Community Orchard, Main Road (A39), Carhampton, Minehead, TA24 6LX	Display of a memorial and historical information board	21 March 2016	Grant	AL
3/16/15/010	Land north west of The Plough Inn, Holford, TA5 1RY	Outline planning permission for a detached dwelling	24 March 2016	Refuse	HL
3/17/16/001	Church Cottage, Tanners Hill, Huish Champflower, Taunton, TA4 2EY	Erection of single storey extension to rear and insertion of 3	12 April 2016	Grant	BM

dormer windows

Ref No.	Application	Proposal	Date	Decision	Officer
3/18/16/002	Beechcroft, Pardlestone Lane, Kilve, Bridgwater, TA5 1SQ	Erection of 3 bay stable adjacent to existing property.	21 March 2016	Grant	BM
3/21/16/008	2 and 4 Park Terrace, Minehead, TA24 5NE	Change of Use from a shop (A1) to a ground floor flat (C3) and retention of existing first floor flat	30 March 2016	Grant	SK
3/21/16/009	29A The Avenue, Minehead, TA24 5AY	Change of use of shop (Class A1) to one flat (Class C3)	22 March 2016	Grant	SK
3/21/16/010	Westerley, King Edward Road, Minehead, TA24 5JB	Conversion of garage to create two self-contained sheltered housing apartments	23 March 2016	Grant	SK
3/21/16/011	The Factory Shop, Mart Road, Minehead, TA24 5BJ	Display of replacement signage	23 March 2016	Grant	SK
3/21/16/012	Land to the east of 43 Lime Close, Minehead, TA24 8ER	Variation of condition 2 on planning permission 3/21/14/094 in order to enlarge the size of the proposed porch to accommodate a WC.	22 March 2016	Grant	SK
3/21/16/013	Braeside, The Ball, Minehead, TA24 5JJ	Erect a single storey lean-to extension on the north elevation.	24 March 2016	Grant	BM
3/21/16/017	7 The Parade, Minehead, TA24	Alterations to rear ground floor retail	12 April	Grant	HL

5NL storage area plus proposed change of use of the first and second floor storage spaces (Class B8) to four residential flats (Class C3) 2016

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/16/018	Glen Lyn Residential Care Home, 2 Tregonwell Road, Minehead, TA24 5DT	Erection of a single storey lean-to extension to the north elevation	08 April 2016	Grant	SW
3/28/16/001	Apple Acre, Croft Meadow, Sampford Brett, Taunton, TA4 4LB	Erection of pitched roof over rear extension and utility room (amended scheme to application ref: 3/28/15/007).	31 March 2016	Grant	BM
3/31/16/002	Derby House, Station Road, Stogumber, TA4 3TQ	Change of use of one room from retail (Class A1) to residential (Class C3) (retrospective)	05 April 2016	Grant	EP
3/32/15/016	The Smithy, Burton, Stogursey, Bridgwater, TA5 1QB	Creation of off road parking to the front of the property.	07 April 2016	Grant	BM
3/32/16/003	Hillside Farm, Cockwood, Stogursey, Bridgwater, TA5 1RH	Change of use of a range of agricultural buildings and outside yard to commercial uses.	22 March 2016	Grant	HL
3/32/16/004	Hillside Farm, Cockwood, Stogursey, Bridgwater, TA5	Erection of a steel portal framed extension to the existing agricultural	22 March 2016	Grant	HL

1RH
engineering building
erected under
application no.
3/32/03/016.

Ref No.	Application	Proposal	Date	Decision	Officer
3/37/16/006	Flat 1, Belmont,51 Brendon Road, Watchet, TA23 0AX	Conversion of Flat 1 into two flats	05 April 2016	Grant	HL

Ref No.	Application	Proposal	Date	Decision	Officer
C/10/15/002	Higher Marsh Farm, Marsh Lane, Dunster Marsh,TA24 6PH	Approval of details reserved by condition 4 (relating to the provision of an archaeological watching brief), condition 5 (relating to contamination on the site), condition 6 (relating to a site remediation scheme), condition 10 (relating to provision of surface water drainage), condition 11 (relating to provision of additional surface water storage capacity), condition 14 (relating to the prevention of pollution), condition 16 (relating to on-site highway infrastructure), condition 18 (relating to provision of drainage at accesses), condition 19 (relating to cycle storage/parking provision), condition 23 (relating to additional habitat and wildlife surveys) condition 25 (relating to the protection of the WW2 Pillbox) and condition	21 March 2016	Grant	BK

27 (relating to retention and demolition of natural stone walls within and around the site) in relation to planning permission 3/10/11/001.

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/16/004	Land at Seaward Way, TA24 6AJ	Approval of details reserved by conditions 4 (relating to a Construction Environmental Management Plan), 14 (relating to proposed mitigation measures in relation to slow worms and bird box locations) and 15 (relating to a method statement for construction works sensitive to protected species) in relation to planning permission 3/21/15/017	22 March 2016	Grant	AL
C/31/16/001	Capton Farm, Capton Lane, Stogumber, Taunton, TA4 4LX	Approval of details reserved by conditions 3 (relating to external lighting) and 5 (relating to a hard and soft landscaping scheme) in relation to planning permission 3/31/16/001	11 April 2016	Grant	HL
CA/21/16/006	Avondale, Martlet Road, Minehead, TA24 5QD	To fell two Cypress trees	07 April 2016	Raise No Objection	DG
NMA/16/16/001	Moorhouse Distribution Site, Kilton Road, Holford, TA5 1SS	Non-material amendment to planning permission 3/16/15/006 in order to shorten the flank wall on the northern side of	07 April 2016	Grant	SK

the entrance and to replace with hedgerow planting, retain an existing side gateway on the southern side of the entrance and widen the entrance between the two stone walls from 4.5 metres to 4.8 metres in order to allow access to the site for farm machinery

Ref No.	Application	Proposal	Date	Decision	Officer
NMA/36/16/001	Bittiscombe Manor, Upton, Somerset, TA4 2QL	Non-material amendment to planning permission 3/36/15/001 in order to change the approved glazed link structure to a frameless system, widen the entrance doors to barn 2, relocate the entrance door to barn 1, install additional rooflights to the principal elevation, change the location of the flue on the roof of barn 1, relocate a rooflight and add an extra rooflight and reduce window opening in size.	05 April 2016	Grant	SK
T/21/16/001	Channel House Hotel, Church Path, Minehead, TA24 5QG	Pine trees (T1, T2, & T3) - reduction of the lateral branches extending over the footpath/road by approx. 2 metres and removal of deadwood throughout the crowns, of all 3 trees.	21 March 2016	Grant	DG
T/26/16/001	43 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JF	To prune Ash Tree	31 March 2016	Grant	DG

Appeal Decision

Site visit made on 15 March 2016

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 April 2016

Appeal Ref: APP/H3320/W/15/3140700

Land adjacent to 1 Marshwood Cottages, Blue Anchor, Somerset TA24 6JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Crown Estate against the decision of West Somerset Council.
 - The application Ref 3/05/15/10, dated 27 July 2015, was refused by notice dated 23 September 2015.
 - The development proposed is outline planning application (all matters reserved except access) for construction of a dormer bungalow.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline form. Whilst approval was sought in respect of the proposed access arrangements the appearance, landscaping, layout and scale of the proposal are all reserved for future consideration.

Main Issue

3. Whether the proposed dwelling would be in a sustainable location having regard to access to employment, shopping, leisure, education and other services and facilities.

Reasons

Sustainability

4. The appeal site is a cultivated area of land which forms a gap between existing buildings within the built-up area of the small village of Blue Anchor. The village follows the B3191 towards the Somerset coast, where there is a large static caravan park. Blue Anchor has few facilities, consisting of a garage with car sales opposite the appeal site and a café on the sea front, about 450 metres away. A station serves the West Somerset Railway is on the sea front and a 'Nisa' convenience store is located within the caravan park. However, both of these facilities only operate on a seasonal basis.
5. There is a bus service running from a stop on the sea front outside the café which connects the village with the nearby town of Minehead and other settlements in the surrounding area.¹ Although the bus passes the appeal site

¹ Webberbus service 16

- and the bus stop is within a reasonable walking distance, the road leading to it lacks footways, has little lighting and is the main road to the sea front. This significantly reduces the attractiveness of the route for pedestrians. Moreover, the bus service is relatively infrequent, with services currently running at two-hourly intervals in either direction. The Council has suggested that rural bus services in Somerset are vulnerable to cuts or changes to service patterns as a result of a reduction in bus subsidies. This could adversely affect the ability of prospective occupiers to travel by public transport in future.
6. To my mind, all the above makes it less likely that any future occupiers of the appeal site would use public transport. As a consequence, access from the appeal site to employment, shopping, leisure, education and other activities in nearby settlements would therefore almost exclusively be reliant on the private car. As the appellant has pointed out, a realistic approach is required to considering sustainability in rural areas. However, this does not extend to permitting development in a location such as in this case, which is largely lacking in facilities and services and which has limited access to sustainable transport modes. Even at the small scale proposed, the proposal would not promote a positive change in the proportion of journeys made by non-car modes. It follows that the appeal site cannot be considered as a sustainable location in transport terms.
 7. The village does not have a settlement limit in the adopted West Somerset District Local Plan (LP) and is considered to be countryside for the purposes of planning policy. The proposal would therefore fail to accord with saved Policy SP/5 of the LP, which only permits development in the countryside outside of settlement limits where amongst other matters, it both benefits economic or social activity without leading to a significant increase in car travel and it maintains or enhances environmental quality.
 8. To permit the proposal would also be inconsistent with paragraphs 34 and 35 of the Framework. These seek to ensure that development generating significant movement is located where the need to travel will be minimised and the use of sustainable transport modes for the movement of goods and people can be maximised, with priority given to pedestrian and cycle movements and with access to high quality public transport facilities.
 9. The proposal would also fail to accord with Policy OC1 of the emerging West Somerset Local Plan (WSLP), which limits development outside of listed settlements to that required in connection with an established long-term need to serve agriculture, forestry and other rural land-based enterprises, the conversion of traditional rural buildings or for affordable housing.
 10. The appellant considers that the Council cannot demonstrate a five-year housing land supply. I have been referred to an appeal decision in East Devon in April 2014², where the Inspector concluded that he could give little weight to the housing requirement in the emerging Local Plan until the OAN had been tested at Examination and it was therefore not possible for him to conclude that the Council could demonstrate a five-year supply of housing land in respect of that appeal. The appellant says a similar situation applies in this case. Whilst the Council considers that it has a five-year housing land supply, I have not been provided with any detailed evidence to support that assertion.

² Reference APP/U1105/A/14/2229344 & APP/U1105/A/14/2229348

11. The absence of a five-year housing land supply in respect of this appeal would reduce the weight that I could attach to the conflict with the saved LP Policy SP/5, as it is a relevant policy for the supply of housing. It would also reduce the weight given to Policy OC1 of the emerging WSLP, for similar reasons. The effect would be that in accordance with paragraph 14 of the Framework, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It will therefore be necessary to weigh the adverse impacts caused by the proposal against any benefits that would arise.

Other matters

12. The appellant has referred to planning permissions granted for a new dwelling on land 100 metres from the appeal site in 2007, 2009 and 2011. I am not aware of the full circumstances of that development and am thus unable to draw any comparison with the proposal before me. I also acknowledge that planning permission was granted for erection of a single dwelling at the appeal site in March 1981. However, it is likely that national and local planning policies would have been very different at that time.
13. I acknowledge that development of the appeal site would not result in a '*new isolated home in the countryside*' as meant by paragraph 55 of the Framework, it is not located in an area of national or local landscape importance and there would be little impact on the wider landscape. I also acknowledge that the appeal site is within the built-up part of the village and it would be possible to develop in a manner which integrated with the existing pattern of development in the village, without harm to the living conditions of the occupiers of adjoining residential properties. Further, I note that the appeal site is in Flood Zone 1 and that there would be no adverse impact on wildlife interests. However, none of these matters would outweigh the harm I have identified above.

Planning Balance & Conclusions

14. Paragraph 7 of the Framework identifies three interdependent dimensions to sustainable development-economic, social and environmental. I accept that there would be some limited economic benefits arising from development of the appeal site, in particular short-term employment during the construction phase. There would also be an increase in the use of the facilities and services in nearby settlements by incoming residents, which would accord with paragraph 55 of the Framework. There would also be social benefits arising from the proposal, in particular as it would increase the supply of required new housing. In this respect I acknowledge the appeal decision I have been referred to concerning a new dwelling on land north of Ebford Lane, Ebford, Devon EX3 0QU.³ I also acknowledge the appellant's comments regarding the short-term deliverability of the proposal.
15. Nevertheless, even if the Council does not have a five-year supply of housing land in respect of this appeal, the benefits of the proposal would be small-scale. When assessed against the policies of the Framework taken as a whole, these benefits would be significantly and demonstrably outweighed by the adverse environmental impacts that would be caused by permitting a new

³ Reference APP/U1105/A/13/2210594

dwelling at the appeal site. The adverse impacts would be caused by the appeal site's lack of sustainability in transport terms. The proposal would therefore not amount to sustainable development as defined in the Framework.

16. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR

Appeal Decision

Site visit made on 15 March 2016

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 April 2016

Appeal Ref: APP/H3320/W/15/3139906

Land to east of Capton Road, Sampford Brett, Taunton, Somerset TA4 4JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Grainger against the decision of West Somerset Council.
 - The application Ref 3/28/15/004, dated 28 May 2015, was refused by notice dated 9 November 2015.
 - The development proposed is construction of two houses together with road and new junction.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposed development would be in a sustainable location having regard to access to employment, shopping, leisure, education and other services and facilities.
 - The effect of the character and appearance of the area.
 - The effect on highway safety.

Reasons

Sustainability

3. The appeal site forms part of an open field which lies immediately to the south of existing dwellings in the small village of Sampford Brett. The village has few facilities apart from the church and the village hall. There is a small shop attached to the petrol filling station (Quantock Garage) on the A358, about 600 metres from the appeal site at the end of East Lane. Otherwise, the nearest employment of note and shopping, leisure, education and other services and facilities can be found in Williton, which lies around 1.5 kilometres to the north west. Two bus services run at roughly 30-minute intervals from a stop on the A358 near Quantock Garage, with services to Williton, Taunton and Minehead.¹

¹ Webberbus service 18 and First service 28

4. The field has been the subject of two appeal decisions in 2013 and 2014 respectively, each concerning outline planning permission for six dwellings, including two affordable dwellings.² Both appeals were dismissed on grounds including a lack of sustainability in transport terms. The latest proposal concerns a detailed scheme for two detached dwellings utilising the part of the field fronting onto Capton Road and includes the detailed design of an access road and a pavement across part of the frontage leading onto the land.
5. A revised transport statement (TS)³ prepared on the appellant's behalf concludes that the future occupants of the dwellings could access the bus stop and the Garage shop as well as Williton, the walking distance to all of which compares favourably with the guideline levels of acceptable walking distances. Consequently, it is suggested that future occupants would not be totally dependant on the private car.
6. The revised TS has therefore reached similar conclusions in respect of that prepared for the 2014 appeal. Nevertheless, in that appeal the Inspector found that the Garage shop would not be able to provide for top-up shopping and regular access would be necessary to the larger stores in Williton and potentially further afield. He observed that the propensity to walk is governed not only by distance but also by the quality of the walking environment. He considered that the distance to public transport links and schools was very significant when considering accessibility for pedestrians and that the location of the appeal site did not provide a suitable or acceptable walking environment due to the narrowness of the roads, steep gradients and poor forward visibilities, with much of the routes being unlit. As a result, it was considered that Capton Road, East Lane and Sampford Rocks would be uninviting and potentially unsafe routes for pedestrians.⁴ Consequently, the Inspector concluded that the appeal site was not sustainable in transport terms as it lay in an area very poorly served by public transport, walking or cycling options, with limited services and facilities.
7. I have no evidence that the Garage shop has significantly changed in terms of the range of goods sold since the previous decision and I have been given to understand that it does not open on weekends. I therefore share the previous Inspector's findings regarding the limited utility of the Garage as a source for top-up shopping. Moreover, having visited the appeal site and the local roads including those referred to above, I have not found any reason to question the previous Inspector's assessment of their constraints and the distances to services and facilities. I acknowledge that the current appeal is for two dwellings, that the roads through the village are lightly trafficked with low vehicular speeds and that the TS states there is no recorded accident data involving pedestrians and cyclists. I also acknowledge that there is some potential for inter-visibility between cars and pedestrians and cyclists using the roads. Even so, none of this would address the deterrent created by the perception of local roads as being largely unattractive and uninviting routes for walkers and cyclists to conveniently and safely access public transport links and other services and facilities.
8. My attention has also been drawn to the two long distance recreational walking routes (the Macmillan Way and the Coleridge Way) which pass along the main

² APP/H3320/A/12/2181749 & APP/H3320/A/13/2202484.

³ FMW Consultancy May 2015

⁴ Paragraphs 13 -15 APP/H3320/A/13/2202484

- street through the village. However, recreational walkers will be using those routes for largely different reasons to pedestrians or cyclists wishing to access public transport links and other services and facilities. It does not follow that the local roads would be any more inviting or attractive to such users as a result of the presence of these recreational routes.
9. I have not had my attention drawn to any change in the services or facilities which can be accessed from the appeal site since the previous appeal. Therefore, I have not found any reason why I should not share the clear conclusions of the previous appeals in respect of the lack of sustainability of the appeal site in transport terms.
 10. The appellant has made reference to a development taking place at Crossways, Sampford Rocks, which was permitted by the Council in December 2014⁵. I viewed that site during my visit. However, to my mind the appeal site does not compare favourably in sustainability terms with Crossways, which is in proximity to a pedestrian footway on the A358 leading to a bus stop within a reasonable walking distance.
 11. The revised TS suggests that the appellant is willing to accept a planning condition which requires him to implement travel planning measures to promote sustainable modes of travel. However, in the 2014 appeal the Inspector concluded that such a condition would not adequately encourage public transport or outweigh the failings of the local road network as a pedestrian or cycling route to services and facilities, so as to offset the unsustainable location.⁶ I have not been given any evidence to suggest that I should come to a different conclusion.
 12. I find that the proposal would therefore fail to accord with saved Policy SP/1 of the adopted West Somerset District Local Plan (LP), which requires development proposals to be considered in accordance with the size and function, individual characteristics and constraints of the settlement. It would also fail to accord with saved Policy SP/5 of the LP, which only permits development in the countryside outside of settlement development limits where amongst other matters it benefits economic or social activity without leading to a significant increase in car travel and it maintains or enhances environmental quality.
 13. The proposal would also fail to accord with Policy SC1 of the emerging West Somerset Local Plan (WSLP), which limits development outside of listed settlements to that required in connection with an established long-term need to serve agriculture, forestry and other rural land-based enterprises. It would also fail to accord with Policy OC1 of the WSLP, which also limits development in the countryside to the conversion of traditional rural buildings or for affordable housing. Further, the proposal would fail to accord with WSLP Policy TR1 which requires development to encourage the use of sustainable transport modes and Policy TR2 which among other matters, seeks to reduce reliance on the private car by locating development where it complements existing service and facility provision in settlements and the surrounding area without generating new unsustainable transport patterns. Whilst the WSLP has been submitted for Examination, in accordance with paragraph 216 of National Planning Policy Framework (the Framework) some weight could be attributed to

⁵ Reference 3/28/14/013

⁶ Paragraph 16 APP/H3320/A/13/2202484

these policies as they are generally consistent with the policies in the Framework.

14. The proposal would not amount to '*new isolated homes in the countryside*' as meant by paragraph 55 of the Framework. Nevertheless, it would be inconsistent with paragraph 35 of the Framework, which seeks to ensure that development should be located and designed where practical to, amongst other things give priority to pedestrian and cycle movements and have access to high quality public transport facilities.
15. The appellant contends that the Council cannot demonstrate a five-year supply of housing land for the purposes of this appeal. However, the Council considers that it is in a position to demonstrate a five-year supply. Neither of the main parties has supplied any evidence in this respect although the appellant has made reference to the examining Inspector querying the evidence base for the WSLP. The absence of a five-year housing land supply in respect of this appeal would reduce the weight that I could then attach to the conflict with the LP Policies SP/1 and SP/5 as they are relevant policies for the supply of housing. It would also reduce the weight I could attach to the emerging WSLP Policies SC/1 and OC/1 for similar reasons.
16. The above would have the effect that, in accordance with paragraph 14 of the Framework, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It will therefore be necessary to weigh the adverse impacts caused by the proposal against any benefits that would arise. I will consider this matter further below.

Character and appearance

17. The appeal site rises steadily in a southerly direction away from the garden boundaries of adjoining dwellings and is above the carriageway level of Capton Road. The adjoining dwellings are well spaced properties set in generous landscaped gardens. Nevertheless, due to its location beyond built development on the edge of the village with its hedgerow and bank fronting Capton Road and being adjoined on three sides by undulating open countryside, the appeal site and its surroundings have a strongly rural character.
18. Whilst the proposed dwellings would be partially 'dug in' to the rising ground level, on account of their substantial size and scale they would appear as very obvious residential features in the rural scene when viewed from Capton Road. They would be viewed in combination with the proposed access road and pedestrian footway, together with the extent of the associated ground works, the partial removal of the hedge and bank and the widening of Capton Road. This would all have an urbanising effect on the otherwise largely open, rural landscape beyond the edge of the village. As a result, the proposal would appear alien and incongruous and would unacceptably harm the rural character and appearance of the surroundings.
19. I acknowledge the individual designs of the proposed dwellings, which in part reflects their rural context and the replacement hedge planting proposed along the frontage. I have taken account of the computer-generated imagery of the dwellings in their context supporting the proposal. Whilst such imagery can be useful, based on what I saw during my site visit I am not convinced that the

images fully represent how the proposal would actually be experienced in the surroundings.

20. The proposal would therefore fail to accord with saved LP Policy BD/1, which requires development to be sympathetic to the scale and layout of existing buildings and spaces within a distinct neighbourhood, street or in the countryside and to respect local land form, field patterns and tree and hedgerow cover. It would also fail to accord with saved LP Policy BD/2. This requires developments to amongst other matters respect the scale and character of their surroundings, have regard to the relationship with adjoining buildings and open spaces, be of a design in scale and harmony with adjoining buildings and the area as a whole, have boundary treatments respecting the predominant character and have landscaping which includes the retention of existing trees and hedgerows where their removal would otherwise cause harm.
21. Further, the proposal would fail to accord with saved LP Policy T/3 which requires development involving the construction or improvement of highways to be of a design which amongst other matters minimises the environmental impact, has no adverse effects on the character of sensitive or distinctive landscapes and uses materials and street furniture sympathetic to the locality, including indigenous landscaping schemes to integrate into the surrounding area.

Highway safety

22. The Inspector dealing with the 2014 appeal concluded that whilst the impacts of development of the appeal site for six dwellings would not be severe in terms of vehicular traffic, it would not achieve the Framework objective of providing a safe and suitable access for all.⁷
23. As well as reducing the scale of the proposed development since the 2014 appeal, the appellant proposes highway improvements by providing the footway across part of the frontage which could also act as a pedestrian refuge, together with widening the carriageway. The new estate road would be provided with 2.4m by 43m visibility splays onto Capton Road. The revised TS states that the traffic generated by two dwellings would amount to around nine two-way trips over a 24-hour period, equating to a 1.4% increase in traffic through the village based on a traffic survey undertaken. The Council have not suggested a different figure or suggested that the visibility proposed from the access would be inadequate.
24. Based on the appellant's evidence, the proposal, which represents a third of the level of development previously proposed, would result in a minimal increase over existing traffic levels. Notwithstanding the constraints of the local highway network, the proposal would not lead to further significant pedestrian and vehicular conflict on the roads leading to and from the village. I have found no reason to suggest that the proposed visibility from the access would lead to dangerous conditions on Capton Road from vehicles exiting the appeal site.

⁷ Paragraphs 27 -29 APP/H/3320/A/13/2202484

25. I acknowledge the Council's concern that the access arrangements have the potential to serve future development beyond the site of the current appeal. However, I have to consider the proposal on its individual merits.
26. Therefore, the proposal would achieve the objectives in paragraph 32 of the Framework of providing a safe and suitable access to the appeal site for all people, whilst not resulting in severe residual cumulative impacts. For the above reasons I have therefore concluded that the proposal would not be harmful to highway safety conditions. However, this would not outweigh the harm due to the unsustainable location of the appeal site in transport terms and the harm to the character and appearance of the area identified above.

Other matters

27. The appellant makes reference to the appeal site being included within the Council's Strategic Housing Land Availability Assessment (SHLAA) as being available for six houses. Even so, this matter was also considered at the previous appeal where the Inspector concluded that inclusion of the appeal site in the SHLAA does not in itself carry weight in favour of granting permission if the site is not sustainable.⁸ In the absence of any evidence being provided of a material change in circumstances since the 2014 appeal I have no reason to revisit the Inspector's findings in this respect.
28. The appellant has referred to matters of surface water drainage, which has been raised by third parties including Sampford Brett Parish Council, as well as the impact of the proposal on biodiversity, which was also raised in third party representations. However, the Council did not object to the proposal on either of those grounds and I have found no reason to disagree with their assessment.
29. I have also considered the points raised by the appellant in the grounds of appeal. These include the detailed nature of the application provided in comparison with the previous outline appeals and the manner in which the Council processed the planning application. I have taken the former into account. Aside from considering the merits of the proposal, the matters raised in the latter respect fall beyond the remit of what I can consider in a planning appeal.

Planning balance and conclusion

30. Paragraph 7 of the Framework identifies three interdependent dimensions to sustainable development-economic, social and environmental. I accept that there would be some limited economic benefits arising from the proposal, in particular short-term employment during the construction phase and from an increase in the use of the facilities in Williton and other nearby settlements by future occupants of the proposed dwellings. There would also be social benefits arising from the proposal, in particular as it would increase the supply of new housing to a limited extent. I would afford this moderate weight as a benefit even if the Council does not have a five-year supply of housing land in respect of this appeal.
31. Nevertheless, the benefits of the proposal would be small-scale. When assessed against the policies of the Framework taken as a whole, these benefits would be significantly and demonstrably outweighed by the adverse

⁸ Paragraphs 22-26 APP/H3320/A/13/2202484

environmental impacts that would be caused by permitting the proposal. There would be adverse impacts arising from the appeal site's lack of sustainability in transport terms and the adverse effects of the proposal on the character and appearance of the area. As a result, the proposal would not amount to sustainable development as defined in the Framework.

32. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR