

Application No:	3/05/18/009
Parish	Carhampton
Application Type	Outline Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 300994 Northing: 142203
Applicant	Mr P Baker
Proposal	Outline planning permission with some matters reserved, except for access, for the erection of 3 dwellings
Location	Land to the south of Garlands, Withycombe Lane, Withycombe TA24 6RF
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Subject to the receipt of a legal agreement securing £5,000 per dwelling for recreation/community infrastructure that planning permission be granted.

Recommended Conditions

- 1 Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun not later than two years from the approval of the last of reserved matters to be approved, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

(A1) DRNO 1341.2/201 PROPOSED SITE LAYOUT

(A2) DRNO 1341.2/202 PROPOSED SITE ELEVATION

(A3) DRNO 1341.2/200 PROPOSED SITE PLANS

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

- 3 There shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access to the carriageway nearside edge 43m to the north and 43m to the south as shown on the submitted details (1341.2/200, Proposed site plans).

Such visibility splays shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

- 4 Any proposed entrance gates erected at the main entrance to the site, shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

- 5 Prior to occupation of the development hereby permitted the proposed access, over at least the first 5 metres of its length as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

- 6 Prior to first occupation of each individual dwelling hereby permitted, access to a covered electric vehicle charging point to serve that dwelling shall be made available. These shall be provided within the garages (or through shared charge points) in accordance with a detailed scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: In the interest of highway safety and residential amenity.

- 7 No hard surface shall be placed at the site until foul and surface water drainage works have been implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework, associated Planning Policy Guidance and the Non-statutory technical standards for sustainable drainage systems. The results of the assessment shall be provided to the Local Planning Authority for scrutiny as part of the assessment. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event, plus an appropriate allowance for climate change. The submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, including details of land ownership; maintenance responsibilities; a description of system; the identification of individual assets, services and access requirements; details of routine and periodic maintenance activities.

The approved drainage schemes shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for the lifetime of the development.

Reason: In the interests of highway safety and water management at the site.

- 8 No work shall commence on constructing the dwellings themselves until a scheme for flood resilient/resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To avoid surface water flooding on the land.

- 9 No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the dwellings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: To protect the character and appearance of the area.

- 10 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining

walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety.

- 11 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: To ensure that there is a satisfactory access to the dwellings.

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 paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, 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 The applicant is reminded that the public right of way (public footpath WL/3/8) crosses the lower part of the land and if the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

- 3 The applicants attention is drawn to the comments returned from Wessex Water and the need to protect existing water infrastructure in the area.

Proposal

The proposal is for the erection of three dwellings. The application is for outline planning permission with matters reserved except for access. The proposed access will use the access granted on appeal for the adjoining site.

Site Description

The proposal site of approximately 0.39 ha, sits off the unclassified Withycombe Lane, Carhampton approximately 250m south of the A39. The site can also be accessed on foot via a public footpath from Hill Lane and Meadowside. It is situated beside an existing open space play area.

The site has an established field access off Withycombe Lane and there is also a nearby residential access serving Garlands, a residential bungalow.

The proposed three new dwellings are shown on the submitted indicative layout as occupying the higher part of the agricultural paddock. The topography of the agricultural field rises to the south and to Bowerhayes Lane and the eastern boundary and the top of the field and then flattens out towards Garlands bungalow.

Boundaries at the site comprise of typical field boundary hedging to the east, south and west. The northern elevation (which adjoins residential curtilages) is both hedging and the rear of outbuildings plus post and rail fencing.

Relevant Planning History

3/05/02/003 - Erection of disabled persons bungalow - Refused on 15/03/02 and dismissed on appeal (dated 24/1/03), primarily for being outside of (then adopted) settlement limits and the consequential impact upon the countryside.

3/05/17/016 - Outline application with all matters reserved except for means of access for the erection of 5 dwellings and associated works. Refused on 30/1/18. An appeal was allowed on 31 May 2018 as the inspector considered that the development would not generate an unacceptable level of highway risk and subject to a condition concerning attenuation the development would not be at an increased risk of surface water flooding nor would it increase the risk to adjoining properties or to the road.

Consultation Responses

Carhampton Parish Council - Members agreed to lodge a strong objection to this application on the basis that this application should be dealt with in conjunction with Application 3/05/17/016 which had been approved on appeal. The current

application would mean a total of 8 dwellings being built on this parcel of land which Members were aware was the subject of annual flooding during the winter months. They were extremely concerned that there was a suggestion within the application that surface water would be drained using a soakaway which, in their opinion, would not provide the necessary drainage during periods of flooding.

Members were also concerned that the application sought to provide 3 car parking spaces per dwelling resulting in a potential total of 24 vehicles needing access to the site from a single-track roadway without any pedestrian footpath. Members were of the opinion that such an increase in volume of traffic could not be sustained on that road.

The application form stated that the site was not close to a stream but Members were certain that such a stream was closer than 100m to the site.

Members were made aware that Wessex Water could not refuse to provide a connection to the local sewerage system but could refuse to allow surface water drainage to enter the sewerage system which would then, they believed, add to the existing problems of flooding elsewhere in the village. These problems occurred because the sewerage system has numerous connections in the village which historically have a combined connection, so that when there are prolonged periods of rain the sewerage system in the village is overloaded resulting in Wessex Water having no alternative but to use its surcharging facility at the lower end of the village. Several residents near this surcharge facility have made complaints over the years of raw sewerage coming into their gardens. Members were firmly of the opinion that, without further improvement to the sewerage system in the village, any new connections will only exacerbate this problem

Members were also concerned that despite there now being two applications for the same site totalling 8 dwellings, the threshold of 10 had not been reached to ensure provision of some affordable housing within the development.

Members noted that the plans proposed a footpath connection to Meadowside. This would necessitate the applicant obtaining permission from the land owners on the other side of the river and permission to install a crossing over the river.

Members were aware that the vehicular splay at the site entrance had already been constructed despite full planning permission not yet in place.

Members asked that a copy of the letter of objection to the original application (for 5 dwellings) be attached to the letter of objection to this application and that a copy of both letters be sent to Wessex Water to draw attention to the flooding and sewerage problems construction of these dwelling would inevitably cause.

I hope that these comments will be taken into account when determining the application.

Rights of Way- I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (**public footpath WL 3/8**).

We have no objections to the proposal, but the following should be noted:

1. Specific Comments

With regard to the proposed access road which crosses the public footpath WL 3/8, the applicant will need to demonstrate to ourselves and Highways colleagues that this crossing point is safe for the public to use. The change of surface to the PROW will need to be agreed through a S278 agreement.

We request clarity on the proposed boundary extent, as well as the treatment of the boundaries for this application and the neighbouring application 3/05/17/016.

2. General Comments

Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- Create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary Closure:

www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/.

Highways Development Control - The proposed development is to be served off an existing access, off Withycombe Lane. The site has the benefit of outline planning consent for up to 5 dwellings, under application number 3/05/17/016, whilst it is obvious that the two applications are designed to be read together the due process at this stage requires this application to be considered on its own merits, although the possible interaction with the consented development has been considered where appropriate.

This proposal would generate an average of 24 additional vehicle movements onto Withycombe Lane per day. The speed limit at the access to Withycombe Lane is derestricted although observed vehicle speeds appeared to be approximately 30mph from the north and 25mph from the south. The suitable visibility splays have been addressed within the previous planning application and are replicated within this application, the proposed visibility splays on drawing number 1341.2/201 are therefore considered acceptable.

The approach road is generally suitable for single vehicular flow, although there are passing areas. Consideration has to be made regarding the fact that Withycombe Lane is perceived as a rural highway for low level vehicular movements and whether such a volume increase of vehicle movements on a perceived rural road would have to be weighed up within the planning balance of the application.

On balance of the above, it is inevitable that the proposal will result in a material increase in the number of vehicle movements onto the local highway and although it would be difficult to sustain an objection due to the increase in vehicle movements in this instance the Local Planning Authority should be mindful of the nature of Withycombe Lane.

This proposal would seem to be in conflict with the indicative layout of the previous application 3/05/17/016 and due consideration should be given to the requirement for a revised layout to provide sufficient parking and turning space for the previously consented dwellings in accordance with the Somerset Parking Strategy (SPS). The proposed alignment, as set out in the red line of the application, of the highway from Withycombe Lane to the proposed area for the three dwellings is inappropriate.

The road leading from the agreed indicative layout for the previously approved five dwellings is designed in such a way that it could prove to be a hazard to highway safety. It is likely that vehicles would be driven in such a way that the sharp corner is not observed, resulting in vehicles potentially crossing into the path of oncoming traffic or unsuspecting pedestrians accessing or using the Public Right of Way or the link to Meadowside.

The road layout does not appear to include sufficient provision for the access and turning of all large vehicles associated with the dwellings, however this is technically possible to achieve given the space within the site, this should be addressed and submitted at reserved matters. The indicative layout of the site would seem to provide sufficient parking and turning for domestic vehicles.

Public Rights of Way (PROW) – This proposal seems to cut across an existing Public Right of Way, numbered WL 3/8. The applicant may need to consult with the SCC PROW Team in regards to this.

Although this application is at outline stage the applicant should be aware of the following:

The internal layout of the site will result in the laying out of a private street, and as

such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This may include any private roads/drives that serve more than 2 dwellings. These roads will need to be constructed to an acceptable standard as approved by the Highway Authority.

Forward visibility at any bends within the estate must be provided (based on actual bend radii and likely speeds) and offered for adoption. Visibility splays from any private drives/roads on to the main through route should be 2.4m x 25m (based on 20mph), these do not need to be offered for adoption but must be provided. Where there is any vehicle crossover (over a footway) then there must also be a pedestrian/vehicle inter-visibility splay provided (again, these areas of visibility are not put forward for adoption but must be provided).

There should be adequate pedestrian inter-visibility at tactile crossing points (1.5m x SSD for speeds at that location).

There should be no obstruction to visibility within any visibility areas within the estate that exceeds a height greater than 300mm above adjoining carriageway level. General – If there are areas which the Developer would like to put forward for adoption this will need to be discussed at the technical detail stage and no presumption should be made that all areas would be adopted. Can the applicant please confirm the future maintenance arrangement for the internal access road. If a Management Company is to be set up then SCC will require full contact details. The applicant would need to consider how refuse collections to the site will be made. Consideration will need to be given to the reticence of some refuse collection companies to make collections via private drives.

Whilst the Highways Authority would not raise an objection to the principle of 3 No. dwellings on this site there are issues described above that would need to be addressed, although this could be done at Reserved Matters stage, in order to provide a safe and appropriate layout of the access road.

In the event the Local Planning Authority are minded to grant consent the Highways Authority recommend the following conditions be attached:

1. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access to the carriageway nearside edge 43m to the north and 31m to the south. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

2. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

3. 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.

4. The developer must keep highways, including drains and ditches, in the vicinity of the proposed works free from mud, debris and dust arising from the works at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

5. The Developer will be held responsible for any damage caused to public highways by construction traffic proceeding to or from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs will be taken by the Developer representative in the presence of the SCC representative showing the condition of the existing public highway adjacent to the site, and a schedule of defects agreed prior to works commencing on site.

6. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority

Wessex Water Authority - Wessex Water has no objections to this application providing items shown in **bold** are resolved prior to determination of the application. Notes below are provided for the applicant:

The planning application

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via sustainable drainage systems and soakaway.

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found at development.west@wessexwater.co.uk

Are existing public sewers or water mains affected by the proposals?

Wessex Water will not permit the build over public water mains.

Your contractor must undertake private survey to determine the precise location of the two existing public water mains which crosses the site. Easements are usually 3 metres either side of public main, for larger deeper or critical mains this easement may increase. Subject to application mains can sometimes be diverted, at the applicants cost, to achieve suitable easements. Further details can be found at development.west@wessexwater.co.uk

In the circumstances it is recommended that a revised drawing showing how the existing water mains will be protected is submitted to the planning authority prior to planning decision.

Is the surface water strategy acceptable to Wessex Water?

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via sustainable drainage systems and soakaway.

The strategy is currently acceptable to Wessex Water, subject to agreement in detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work. Soakaways will be subject to Building Regulations

The use of soakaways currently attracts a discount in the sewerage infrastructure charge, proof of arrangements will be required when applying for foul sewerage connection.

There must be no surface water connections to the foul sewer network.

Landscape Officer - The proposal for additional dwellings, partly falls on slightly higher land than the adjoining proposed housing plot. It will push the urban edge further into the open countryside.

If permission is granted details of proposed landscaping are required showing planting to the south.

South West Heritage Trust - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objection on archaeological grounds.

Tree Officer - Regarding this proposed development in Withycombe, it should be possible to build without harming the off-site oaks, which I note have not been plotted. The one to the south east, on the east side of Withycombe Lane, is a particularly fine old specimen. They can be seen on the aerial photos.

Although these trees are off-site, there may be issues of shading and perceived threat of branches or trees falling once the proposed houses are occupied. They are potential candidates for TPO, although they'd be in a substantial queue.

The boundary hedges must be well protected during construction works.

I couldn't help noticing the quality of the grassland there – a good unimproved meadow, which may have implications for the biodiversity aspect.

Representations Received

None received.

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 West Somerset Local Plan to 2032, retained 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.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
NH1	Historic Environment
NH13	Securing high standards of design
CC2	Flood Risk Management
CC6	Water Management
TR2	Reducing reliance on the private car
ID1	Infrastructure delivery
C4	Affordable Housing

Determining issues and considerations

The main issues and considerations in this case are:

- Principle of development
- Impacts on the character and appearance of the area
- Public right of way
- Impacts on residential amenity
- Flooding and drainage
- Highway safety
- Planning Obligations

Principle of development

Carhampton is designated as a Primary Village within the local plan.

The principle of developing the adjoining site and the proposed access has already been granted planning permission (at appeal) for the provision of 5 dwellings and therefore the visibility splays are considered acceptable. This application seeks to extend the development on the agricultural/equestrian land to incorporate a further three detached dwellings across the higher ground to the south/south-western corner of the land. If both schemes were developed this would mean a total of 8 dwellings at a low density across the land.

In the Inspector's consideration of the adjoining site (ref 3/05/17/016), it was considered that the two main issues were:

- a) the effect of the development on highway safety on Withycombe Lane and the level of traffic which would be generated by the development and also whether
- b) whether the proposal was appropriate in this location in relation to flood risk within the site or whether it would increase flood risk elsewhere.

It was concluded that although Withycombe Lane is generally suitable for singular vehicular flow, the short distance between the access to the site and the junction of the main road together with an improved visibility at the access weighed in favour of the proposal and that the development did not conflict with local policies SC1 (4D) and TR2 re an increase in traffic movements over a minor road and would not generate an unacceptable level of highway risk. The submitted details of this case, and in particular dwg. no. 1341.2/201 show the approved revised entrance and visibility splays.

Regarding flood risk the Inspector concluded that from the evidence previously provided for the development of 5 dwellings, that subject to technical investigation, they saw no reason why the site could not be developed without increasing flood risk on the site or adjoining areas.

The conclusion on flooding was that the outline submission included an indicative layout as this proposal does. It would therefore, be down to consideration of a

detailed layout and design of the scheme where technical requirements and appropriate attenuation measures (SUDS) can be secured by condition as reserved matters stage. The Inspector found that the development would not be contrary to advice within the NPPF (para 163) or local policies CC2 or CC6 of the local plan. Therefore it is not proven that development would increase the flood risk to adjoining properties or to the road.

In terms of local planning policy SC1 (a +b), the site is located immediately adjacent to development within the village and the public footpath crossing the site is to be retained. This allows pedestrian access from the site into the centre of the settlement. Similarly the approval of details regarding the internal layout and boundaries of the site are also to be considered at Reserved Matters stage.

As Carhampton is a primary village where limited development is acceptable (policy SC1). Limited development means that for developments of up to 10 dwellings no more than a 10% increase in the number of dwellings in Carhampton over the plan period should be allowed where 30% of that increase is only allowed in any five year period. 30% is approximately 10 dwellings. It is considered that the 10 dwellings in any five year period has not been exceeded

Given the above considerations it is concluded that the merits of this proposed development of 3 dwellings across this generous site is acceptable in principle in terms of local policies SC1, SD1, SV1, TR2, CC2, CC6 of the adopted West Somerset Local Plan.

Impacts on the character and appearance of the area

The Council's Landscape and Tree Officer has commented that a landscaping scheme for planting further to the south and protection of the current roadside boundary hedges would be required. These comments are noted, however, at this stage only the principle of development and the access to the site is being considered. Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

The Historic Environment Officer has confirmed that there are no archaeological implications to this proposal and therefore no objections on archaeological grounds.

Given the comments above and the fact that this is an outline application, it is considered that further future information would fully consider the impacts on the site and the wider area. As such, this development and the indicative layout as submitted accords therefore with local policies NH5 and NH13 of the West Somerset Local Plan to 2032.

Public right of way

The Rights of Way Group confirms that a public footpath crosses the lower part of the site. An informative note is also attached to this decision reminding the applicant of considerations required regarding the protection of this route. The public right of way

enables occupants of Garlands and future residents access to facilities and services in Carhampton by foot via Meadowside, Hill View Road and Park Lane.

In response to the Parish comments about a footpath connection to Meadowside and the need for the applicant to gain permission to install further crossings from the landowner, this is a civil matter and not controlled under the planning remit.

It is therefore considered that the proposal at this stage is acceptable and accords with local policies NH5 and NH13.

Impacts on residential amenity

No comments have been received concerning any adverse impact the proposed development would have on neighbours. The proposal site is within 50m of the contiguous build up of the residential area of Meadowside containing terraced and semi-detached dwellings. To the north it is noted there are three residential bungalows.

Conditions are recommended should outline planning permission be granted. These include those suggested by the planning Inspector in the earlier appeal case meaning that there will be no significant impacts on residential amenity in the area. The development therefore accords with local policy NH1.

Flooding and drainage

The site is located within flood zone 1 and is designated as having an extremely low risk of flooding by the Environment Agency, and therefore a Flood Risk Assessment is not required.

From the Inspector's appeal decision she concluded that the Parish Council had raised issues of land slip and also provided photographs of flooding at the main junction with Withycombe Lane and the A39, not outside the main entrance to the site and these were given limited weight in the Inspector's decision.

Comments returned from Wessex Water are noted, and an informative note is added to draw the applicant's attention to the need to protect existing water mains which cross the site. This would be subject to details at reserved matters stage in regards to the scale and layout of the site.

Additional flooding issues are discussed in the Principle section of this report above.

It is therefore considered that the proposal accords with local policies CC2 and CC6 of the West Somerset Local Plan to 2032.

Highway Safety

The Highway Authority does not raise an objection to the principle of developing three dwellings on the site and that the indicative layout does seem to provide

sufficient parking and turning for domestic vehicles. They do however, have concerns regarding the indicative road layout and sufficient provision for access and turning of large vehicles associated with the dwellings. This should be addressed and submitted as Reserved Matters stage.

To reiterate, the Planning Inspector considered that the improved visibility at the main access to this site weighed in favour of the proposal and that the development did not conflict with local policies SC1 (4D) and TR2 with regard to an increase in traffic movements over a minor road and would not generate an unacceptable level of highway risk.

This proposal is therefore considered acceptable in highway terms subject to further detail being agreed with Highways at a later stage should both the development (s) go ahead.

Planning Obligations

The Parish Council have commented that the threshold of 10 dwellings has not been reached to ensure that affordable housing is provided. As only 3 dwellings are proposed, off site contributions are not now required on sites of less than five dwellings as noted in the NPPF and as such a contribution as outlined in Policy SC4 can not be requested. This has been confirmed by the Policy team.

Recreation/community infrastructure contributions can however be required as outlined in guidance contained within Policy ID1: Infrastructure Delivery of the local plan, and also via adopted Council policy (Planning Obligations SPD, 2009) . These are based on a contribution of £2,000 - £5,000 per dwelling, starting at the upper end of the range, depending on evidence being provided on the viability of the scheme and the level of contribution that can be paid. This should be provided for 2 or more dwellings in Carhampton. The Agent has indication that the applicant will be providing a unilateral agreement of £5,000 per dwelling and as such is in accordance with the Council's SPD and policy ID1.

Conclusion

It is considered that the proposal meets all of the relevant policies of the adopted West Somerset Local Plan and the NPPF. In addition an appeal has recently been allowed on the adjoining site for five dwellings which is a material planning consideration. It is therefore recommended that subject to the applicant entering into a legal agreement for the provision of £5,00 per dwelling towards recreation/community infrastructure, outline planning permission be granted subject to conditions.

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



Application No 3/05/18/009
Outline planning permission with
some matters reserved, except
for access, for the erection of 3
No. dwellings
Garlands, Withycombe Lane,
Withycombe
Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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Northing: 142103

