

SWT Planning Committee

Thursday, 5th December, 2019,
1.00 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

Members: Simon Coles (Chair), Roger Habgood (Vice-Chair),
Ian Aldridge, Sue Buller, Ed Firmin, Marcia Hill, Martin Hill,
Mark Lithgow, Chris Morgan, Simon Nicholls, Craig Palmer,
Ray Tully, Brenda Weston, Loretta Whetlor and Gwil Wren

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Planning Committee on Thursday 14 November 2019.

(Pages 5 - 10)

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

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

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

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| <p>5. 10/18/0017</p> <p>Change of use, conversion and extension of existing buildings and new build to create 2 No. dwelling houses (as amended by revised site plan including the access lane within the red edge) at Pay Farm, Willand Road, Churchstanton</p> | <p>(Pages 11 - 22)</p> |
| <p>6. 38/19/0294</p> <p>Erection of two storey extension to side elevation at 44 Richmond Road, Taunton (resubmission of 38/19/0204)</p> | <p>(Pages 23 - 28)</p> |
| <p>7. 38/19/0003</p> <p>Redevelopment including the erection of 22 no. dwelling houses with associated access, parking and Local Equipped Area for Play (LEAP) at Fairwater Yard, Higher Palmerston Road, Taunton</p> | <p>(Pages 29 - 58)</p> |
| <p>8. 3/26/19/016</p> <p>Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works at former nursery site, Washford, near. Watchet.</p> | <p>(Pages 59 - 76)</p> |
| <p>9. 3/37/19/002</p> <p>Erection of 10 No. dwellings with associated works at Land to the south of Stoates Mill, Watchet</p> | <p>(Pages 77 - 104)</p> |
| <p>10. 19/19/0009</p> <p>Erection of 12 No. dwellings with associated works in field located to the west of Station Road and south of Home Orchard, Hatch Beauchamp</p> | <p>(Pages 105 - 130)</p> |
| <p>11. 3/32/19/019</p> <p>Erection of a residential development comprising of 27 No. dwellings, relocation of children's play area and associated works on land at Paddons Farm, Stogursey.</p> | <p>(Pages 131 - 150)</p> |
| <p>12. Latest appeals lodged and decisions received</p> | <p>(Pages 151 - 152)</p> |

A handwritten signature in black ink, appearing to read "James Hasset". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JAMES HASSETT
CHIEF EXECUTIVE

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

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SWT Planning Committee - 14 November 2019

Present: Councillors Roger Habgood, Norman Cavill, (in place of Chris Morgan), Marcia Hill, Martin Hill, Mark Lithgow, Craig Palmer, Ray Tully, Brenda Weston, Loretta Whetlor and Gwil Wren

Officers: Martin Evans (Shape Legal Partnership), Tracey Meadows (Democracy and Governance), Rebecca Miller (Principal Planning Specialist), Denise Grandfield and Rosie Walsh (Project Manager)

(The meeting commenced at 1.00 pm)

84. Apologies

Apologies were received from Councillors Coles, Morgan and Nicholls

85. Minutes of the previous meeting of the Planning Committee

(Minutes of the meeting of the Planning Committee held on 24 October 2019 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 24 October 2019 be confirmed as a correct record.

Proposed by Councillor Habgood, seconded by Councillor Marcia Hill

The **Motion** was carried.

86. Declarations of Interest or Lobbying

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No	Description of Interest	Reason	Action Taken
Cllr B Weston	38/18/0465 & 38/18/0467	Ward Member for Priorswood	Personal	Spoke and Voted
Cllr M Lithgow	38/19/0315/LB	Lobbied by the design company	Personal	Spoke and Voted
Cllr C Palmer	3/21/19/078	Chairman of Minehead Planning Committee	Application discussed at the Minehead	Voted

			Planning meeting	
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87. **Public Question Time**

Mr P Cookson read a statement to the Committee regarding the self-sufficiency low carbon land use planning discussions that the Transition Town Wellington and XR colleagues were starting in Wellington, Langford Budville and Wiveliscombe. Notably that we, Transition Town Wellington and XR, would like to be invited to be formal consultee organisations in the formation of the Core Strategy policies and Site Allocation and Development Plan maps over the next few months.

The Chair replied that these comments would be passed onto the appropriate officers.

88. **Public Participation**

Application No	Name	Position	Stance
38/18/0465	Julian Perret	Project team	In favour
38/18/0467	Julian Perret	Project team	Infavour
3/21/19/078			
38/19/0315/LB	Mrs L Gardner	Applicant	Infavour
	Mr G Gardner	Applicant	Infavour
	Mr T Spurway	Architect	Infavour
46/19/0025	Application withdrawn		

89. **38/18/0465**

Replacement of 26 No. Woolaway homes and the erection of an additional 21 No. dwellings and a community facility building, Phase 1, on parcels of land at Bodmin Road, Dorchester Road, Wells Close, Cambridge Terrace and Rochester Road, Taunton

Items 38/18/0465 and 38/18/0467 were taken together but voted on separately

Comments from members of the public included;

- Bird surveys found that starlings, Swifts and house sparrows, both listed on S41 of the National Environment and Rural Communities Act 2006 were present on site;

- Low level Bat and Hedgehog present on site;
- The presence of Badgers were noted but no setts were found;

Comments from Members included:

- Pleased with the range of species on site;
- Foxes had also been seen on site;
- Hedgehog highways needed;

Councillor Wren proposed and Councillor Weston seconded a motion for the application to be **APPROVED** subject to changes to condition 09, with all other conditions being retained and subject to a Legal Agreement.

The **Motion** was carried

90. **38/18/0467**

Outline planning application with all matters reserved for the replacement and refurbishment of 186 Woolway homes and the erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton

Councillor Weston proposed and Councillor Wren seconded a motion for the application to be approved subject to the changes to Condition 04, with all other conditions being retained and subject to a Legal Agreement.

The **Motion** was carried

91. **3/21/19/078**

Erection of a single storey extension to the rear elevation, 60 Staunton Road, Alcombe, Minehead

No comments were made on this application.

Councillor Habgood proposed and Councillor Marcia Hill seconded a motion that the application be **APPROVED**

The **motion** was carried

92. **38/19/0315/LB**

Various external alterations to the front elevation of 2 Magdalene Lane, Taunton

Comments made by members of the public included;

- The door to the listed building was in a poor state of repair and not suitable for modern living;
- The building was land locked at the back, so the only access route was through the modern shop next door;
- The building was drafter and damp with no insulation and would cost a considerable amount of investment;
- The door was narrow and not accessible for wheelchair use;
- The building could become an eyesore if the alterations were not made;
- The alterations would enhance the town centre and increase footfall;
- The internet had taken away footfall so the alterations and changes proposed to offer an alternative venue to customers for arts and crafts would secure the fabric of the building;
- Windows were so small that no natural light came into the building;
- The proposed alterations would not have significant harm to the building;
- There was no significant loss of the Historic fabric of the building;
- These alterations would benefit members of the public and enhance the appearance of Magdalene Lane;

Comments made by Members included;

- We had a responsibility to look after Grade II listed buildings;
- We need to protect the integrity and design of this listed building;
- Replacing the windows would cause significant harm to the building;
- The original door in situ with a glass front would let day light into the building;
- We needed to advertise that this was a listed building to bring footfall to the premises;

Councillor Lithgow proposed and Councillor Palmer seconded a motion for the application to be **REFUSED**

The **Motion** was carried

REASON

The proposed alterations will have a significant adverse impact resulting in considerable loss of historic fabric and loss of character to the principal elevation of the listed building and will be contrary to policies CP8 and DM1 of the Core Strategy and Section 16 of the National Planning Policy Framework resulting in substantial harm to the fabric and character of the listed building.

93. **46/19/0025**

Replacement of single storey extension with two storey side extension a Perrymeade, West Buckland Road, West Buckland

Application withdrawn due to the Parish Council now finding the proposal acceptable and one of the 4/5 objectors had retracted his objection due to the amendments now being acceptable.

94. **Latest appeals and decisions received**

Reported that 2 appeals were received of which were noted.

(The Meeting ended at 1.58 pm)

10/18/0017

MR S YOUNG

Change of use, conversion and extension of existing buildings and new build to create 2 No. dwelling houses (as amended by revised site plan including the access lane within the red edge) at Pay Farm, Willand Road, ChurchstantonLocation: PAY FARM, WILLAND ROAD, CHURCHSTANTON, TAUNTON, TA3
7RJ

Grid Reference: 318866.113158

Full Planning Permission

Recommendation**Recommended decision: Refusal**

- 1 The proposed development is considered to be in an unsustainable location and the scale, size, extent of new building and poor design would detract from the character and appearance of this part of the AONB. The Local Planning Authority is also not satisfied that the proposed development will not result in substantial rebuilding and alterations to the existing barns. The development is therefore considered to be contrary to Core Strategy Policies SP1; SD1; DM1; DM2; DM4 and CP8 and Policies SB1 and D7 of the Sites Allocations and Development Management Plan.

Recommended Conditions (if applicable)

Notes to Applicant

Proposal

Planning permission is sought to convert 3 barns into a single 4 bedroom dwelling house, with a detached double garage. The two attached barns (known as Barn B) will be converted into three bedrooms, a bathroom and kitchen/diner, with a new build link extension to connect it to Barn A. The link extension will have a footprint of 9 by 8 metres and will provide a sitting room and hallway. The extension will have a sedum roof. The detached barn (Barn A) in the north east corner will be converted into a master bedroom with ensuite (making 4 bedrooms in total), and connected to the main part of Barn B through the proposed link.

It also proposed to demolish three barns which lie to the south of Barns A & B. These barns have been used for low key storage. A new replacement dwelling will be erected on the footprint of Barn D. This is designed as a 4 bedroomed property with a further 5th bedroom/study. The bedrooms are shown located on the ground floor. The proposal also provides a first floor level of accommodation containing a

sitting room with attached conservatory, a kitchen/dinning room and a utility room. All of these first floor rooms would have access to a long balcony on the property's south-western elevation. A new double garage and double workshop will be sited on the footprint of Barn C. A single storey link extension will connect the new dwelling with the new garage accommodation opposite.

Members will recall that an application to convert Barns A & B into a single dwelling and to erect a new garage was refused by Committee last month (see planning history below). The current application was to have been withdrawn in the event that planning permission for the single barn conversion was granted. However, the applicant now wishes this older application to be determined.

Site Description

The application site lies at the end of a long unsurfaced track which leads from the unclassified Willand to Higher Muntly Road, in Churchstanton. It lies amongst a group of former agricultural buildings within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The application relates to three barns of a traditional design located in the north east and north west of the site. Immediately to the south are a further 2 barns, one of block construction (Barn C) and the other clad in corrugated iron (Barn D). These two barns have been used for low key storage use. They are located within the red line of the application site and are proposed to be demolished.

To the east of the access track lies Paye Barton, a barn conversion which once formed part of Pay Farm. To the south lies a barn within separate ownership which is used to stable horses. Further south, a bungalow known as Pay Farm is in separate ownership.

Relevant Planning History

10/19/0023 Change of use of 3. No agricultural buildings to 1 No. 3 bedroom dwelling (Class C3) and associated works. This application was refused by the Planning Committee on 24th October, for the following reason:

"The proposed development is considered to be in an unsustainable location and by virtue of the master bedroom and en-suite being separate from the main dwelling, is considered to be poor design and would detract from the character and appearance of this part of the AONB. The Local Planning Authority is also not satisfied that the proposed development will not result in substantial rebuilding and alterations to the existing barns. The development is therefore considered to be contrary to Core Strategy Policies SP1; SD1; DM1; DM2; DM4 and CP8 and Policies SB1 and D7 of the Sites Allocations and Development Management Plan."

10/18/0027/LE - Certificate of Lawfulness for use of farm buildings as B8 storage. Still under consideration. This relates to Barns C and D to the south of the site.

10/18/0014/LE - Certificate of Lawfulness for use of barn as dwelling. Refused 2018. This relates to Barn A.

10/02/0015 - Change of use and conversion of agricultural building dwelling. Refused in September 2002.

10/01/0015 - Change of use and conversion of agricultural building dwelling.
Refused in September 2001.

10/01/0005 - Change of use and conversion of agricultural building dwelling.
Refused and dismissed on appeal in February 2002. The Inspector concluded that the extent of the alterations proposed, including a new roof structure and a new front elevation, was unacceptable. The proposal constituted major rebuilding in the open countryside, contrary to national and local plan policy.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL - The site is isolated and has no impact except on the two directly neighbouring properties. The reinstatement of the old stone buildings is an acceptable proposal. The removal of the modern barns and their replacement by a large, new build, house appears not in accordance with the AONB building design guide and an over development of the site.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs **in part, over** the access to the site at the present time (**public footpath T 6/6**). I have attached a scan of the Somerset County Council Definitive Map for your information.

We have no objections to the proposal, subject to inclusion of the following condition and informative:

DIVERSION REQUIRED -

The current proposal (proposed garden boundary structure) will obstruct the public footpath T 6/6. The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order. The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect.

Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

1. Specific Comments

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path T 6/6. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

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 the 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:

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

BIODIVERSITY - Butler Ecology carried out a Bat, barn owl and nesting bird survey of the site dated September 2017. The findings were as follows:

Designated Sites

Stapley plantation LWS lies immediately to the north of the site.

Dormice

SERC holds records for dormice in Stapley plantation LWS and so it is assumed that dormice are in the area, although the site does not include any significant dormice habitat.

Bats

The surveyor found no evidence of roosting bats in any of the six surveyed barns. In addition the surveyor found very limited opportunities for crevice dwelling bats in the buildings. However I support a precautionary approach to works.

I support the recommendation to erect five bat boxes post development.

Birds

The surveyor found evidence of nesting birds (swallows, pigeons, jackdaws and wrens) in the barn B, D and F. Ivy growing on the barns offered potential for birds. There was no evidence of barn owls using the site.

Works should be carried out outside of the bird nesting season

I support the recommendation to erect bird boxes post development and agree that

provision should be made for swallows.

Reptiles

The site includes potential for reptiles and so the surveyor has assumed that they are present and so has recommended habitat management pre development.

Suggested Condition for protected species:

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 Butler Ecology's submitted report, dated September 2017 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 retention and replacement and enhancement of places of rest for the species

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 bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat 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 Note

The condition relating to wildlife requires the submission of information to protect wildlife. The Local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the bats and birds that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

LANDSCAPE - I have no landscape objection to the conversions. Boundaries should be formed with native hedging.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice.

WESSEX WATER - No comment.

BLACKDOWN HILLS AONB SERVICE - Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these

issues (NPPF, para 172). The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape.

In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

Additionally, the Blackdown Hills AONB design guide for houses provides guidance on how residential buildings, extensions and alterations can be designed to conserve or enhance the distinctive landscape and built character of the Blackdown Hills.

The Blackdown Hills Area of Outstanding Natural Beauty is primarily an agricultural landscape that has retained a sense of remoteness and remains largely unspoilt by modern development. It is characterised by long views across ridge tops over field patterned landscapes with steep valleys and narrow winding lanes. As such the AONB Partnership believes that any development proposal in an isolated location such as Paye Farm requires very careful consideration of its impact on visual amenity and local landscape character, as well as associated special qualities.

In respect of the above therefore there is a fundamental concern in relation to this application in that the extent of new build within the scheme – one plot being completely new build, one involving a significant amount of new build – takes this proposal well beyond conversion and there appears to be no justification for setting aside the strict control of new dwellings in the open countryside. The residential intensification of the site and encroachment of additional domestic built form, including elements such as creation of a garden with domestic paraphernalia and activity, light spill, vehicle parking and movements and daily comings and goings, are areas of some concern in respect of conserving and enhancing local character.

SOMERSET CPRE - We are concerned that it does not conform to Taunton Deane's policy or the aims and objectives of the Blackdown Hills AONB.

Policy DM2 of the adopted Core Strategy is clear about development in the open countryside and sets out criteria for what is or is not acceptable. The demolition of the barns to create a plot for the construction of large dwelling house definitely does not meet the criteria and can only be considered as a proposal for a new dwelling outside settlement limits in the open countryside. Therefore without any specific need for the dwelling e.g. affordable housing, the proposal is contrary to adopted policy.

In terms of the proposed barn conversion (Plot 1) Policy DM2 requires that "the building must be of a permanent and substantial construction and of a size suitable

for conversion without major rebuilding or significant alteration or extension.” It is also arguable that this part of the proposal does not conform to policy.

Policies SP1 and CP8 of the Core Strategy are also relevant to this application as noted in Policy SB1.

Policy SB1 of the adopted Taunton Deane Adopted Site Allocations And Development Management Plan 2016 seeks to ensure that the integrity of the landscape value of the District is not undermined, which is particularly pertinent given that the site is in an AONB.

“Policy SB1: Settlement Boundaries. In order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:

A. It accords with a specific development plan policy or proposal; or
B. Is necessary to meet a requirement of environmental or other legislation; and
In all cases, is designed and sited to minimise landscape and other impacts.”
Again, the proposal is contrary to policy.

The primary purpose of the AONB designation is to conserve and enhance natural beauty and one of the aims of the Blackdown Hills Management Plan is that:
“New development, conversions and extensions are in keeping with the strong local architectural style of the Blackdown Hills, and are designed and built to the highest sustainable standards.”

We trust that the adopted plan policies and the aims of the Blackdown Hills AONB will be given due consideration and weight in the appraisal and consideration of this application and that in its’ current form it will be refused by the Council.

SOMERSET WILDLIFE TRUST - Fully support the recommendation of the Council's Biodiversity Officer and would request that any external lighting is designed to limit light pollution.

Representations Received

Ward Councillor Henley has requested that this application should be decided by the Planning Committee.

Ten letters of objection have been received and are summarised as follows:

- The proposal will result in a substantial amount of new building in the open countryside, within the Blackdown Hills AONB;
- It will increase traffic along a narrow and lengthy access track;
- Plot 1 will require substantial re-building to convert into residential use;
- Planning permission to convert Plot 1 has been refused three times in the past and dismissed on appeal, on the grounds it was not suitable for residential conversion;
- Plot 2 will be a total re-build with no element of conversion;
- Plot 2 will have a first floor balcony which will overlook the adjoining property at

- Pay Farm;
- There will be no space for the storage of waste and recycling boxes at the junction with the main road;
 - It will result in an increase in noise and disturbance.

Twelve letters of support have been received:

- The proposal will result in a good use of existing buildings;
- It will provide much needed housing;
- The existing buildings are part of the heritage of the AONB and will deteriorate further if not converted.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

SP1 - Sustainable development locations,
CP4 - Housing,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
SB1 - Settlement Boundaries,
D7 - Design quality,
SD1 - Presumption in favour of sustainable development,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 580sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £72,500.00. With index linking this increases to approximately £96,500.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New

Homes Bonus.

1 Year Payment

Taunton Deane Borough	£2,158
Somerset County Council	£540

6 Year Payment

Taunton Deane Borough	£12,949
Somerset County Council	£3,237

Determining issues and considerations

The Principle of Development

Under Policy SP1, a number of villages are identified as sustainable locations for development. The village of Churchstanton is not identified as one of these settlements which means that the site has to be considered as lying within open countryside. Policy DM2 allows for the conversion of existing buildings provided that they are of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension. A sequential approach must be followed in the following priority:

- i. Community uses;
- ii. Class B business uses;
- iii. Other employment generating uses;
- iv. Holiday and tourism.

The applicant has submitted an Economic & Commercial Viability Report in support of the application. It concludes that all the buildings within the application site are not suitable for community use. This is because the site is remote from the village and is accessed down a long track. There are already community facilities at Churchstanton primary school and the village halls at Churchinford and Hemyock. The buildings are not suitable for Class B uses such as offices, light industry or storage due to the restricted access down a rough track. The low eaves height will deter commercial occupiers as will the existing poor internet connectivity. Holiday lets are considered to be unviable. For all of the options, the cost of construction would be higher than the capital value of the units.

The application is supported by a structural survey which assesses the condition of all the barns and concludes whether they are suitable for conversion. The small barn in the north east corner of the site (Barn A) is single storey and of stone construction with a clay pantiled roof. The front elevation is rendered with doorway openings boarded up. There is some evidence of historic movement so that the tying and bracing of the roof structure is required. The building is structurally sound and apart from the rebuilding of the front elevation, little change is proposed other than the insertion of windows.

The small barn in the north west corner (Barn B) is of stone construction with a corrugated iron mono-pitch roof. The external stone walls are in a sound condition. It is attached to a larger stone barn with a pitched roof clad in a mix of cladding and sheeting. This barn has been extended at the front at some point so that it projects in front of the smaller attached barn. The front elevation is of blockwork and this

section will be rebuilt. It will also be necessary to remove the roof cladding and re-tile with clay pantiles. The existing roof trusses will be realigned and strengthened.

Barn D has concrete columns clad in corrugated sheets. The structural survey notes that it is in a very poor condition with corrosion to the wall panels which will require complete replacement. It is proposed to demolish this barn along with two other barns to the east and west. It will be replaced by a 5 bedroom dwelling with a footprint measuring 30 metres by 6 metres (replacing a 6 metres by 19 metre footprint). Barn C (19 metres by 9 metres) will be replaced by a large garage/workshop block measuring 14.5 by 6 metres. This new garage building will be linked to the main dwelling by a single storey link. The new dwelling will be partly 2 stories in height due to changes in levels across the site. It will have a 19 metre long first floor balcony on the west elevation.

It is concluded that the proposal fails to meet the requirements of Policy SP1, SD1, DM1, DM2, DM4 and CP8 of the Core Strategy and Policies SB1 and D7 of the SADMP. This is due to the extent of new building works which are tantamount to new dwellings within the open countryside and the AONB.

Ecological Impact

An ecological survey was carried out two years ago which identified that there is evidence of nesting birds within the barns. There was no evidence of bats. The County Ecologist is satisfied that further survey work prior to the commencement of the development can be secured by condition. These conditions will require that the buildings are inspected by a licensed ecologist for the presence of bats and a licence obtained if bats are found. Mitigation measures are also proposed for nesting swallows and potential slow worms on the site. A lighting specification will also be required to ensure that there is no disturbance to potential bats.

Highways and Public Right of Way

The site is accessed via a long and narrow track which serves Pay Farm, Paye Barton, an equine unit and the site itself. There is a public right of way (T6/6) which runs along this track, across the vehicular access to the site, then turns north west to the rear of the site. The plans have been revised to show that no part of the built development will encroach onto the right of way. There is therefore no requirement for a formal footpath diversion order to be carried out. Vehicles accessing the proposed barn conversion will drive along this right of way but this is no different from vehicles currently accessing the low key storage use on site. The question over whether the applicant has a right of way over this access track is a separate civil matter. Nevertheless, the applicant and his family have used this track for 20 plus years from when the site was in use as a mushroom farm.

Concerns have been raised about the increase in traffic on the access track which will result in noise and disturbance. It is also claimed that the safety of horses crossing from the barn to the fields opposite will be affected. Officers consider that the creation of two additional dwellings will not result in a significant increase in traffic to and from the site. It is also worth noting that if the existing barns on site were used for agricultural, industrial or storage purposes, the traffic generated would be likely to be greater with the use of larger vehicles.

With regard to waste collection, it is acknowledged that waste vehicles are not able to use the existing access track. Future occupiers will be required to transport their own waste to the public roadside for collection, in common with the two existing dwellings close to the site. County Highways has raised no objection to the proposal, but recommend the application of standing advice.

Impact on Residential Amenity

There are two existing residential properties in the vicinity of the application site. Paye Barton is situated 25 metres away to the east behind substantial screening. The bungalow at Pay Farm is located 80 metres away to the south. Pay Farm is accessed from a private driveway off the access track, with the access to Paye Barton and the site to the east of Pay Farm. Officers do not consider that the proposed barn conversion and the new dwelling will adversely affect the residential amenity of the neighbouring occupiers, who are located some distance away.

Visual Impact on the Blackdown Hills AONB

The site is visible from the public footpath to the east and west of the site but is not unduly prominent from wider views in the surrounding AONB. The existing buildings to be converted are of a traditional stone structure and are grouped around a former farm yard. Whilst they are structurally sound, the corrugated roof cladding and the unkempt nature of the site detracts from the natural beauty of the surrounding AONB. The proposed conversion works will remove the unsightly corrugated iron and sheeting to be replaced with traditional clay tiles.

The proposed new dwelling on Plot 2 will be significantly larger than the barns it will replace. The new dwelling will be prominent from the public footpath to the west. In particular, the long glazed balcony on the west elevation will create an alien domestic feature at odds with the more traditional character of the stone barns (A & B). It is concluded that the extent of new buildings of a domestic character will detract from the appearance of the surrounding AONB. The proposal therefore conflicts with Policy PD 1/BS of the Blackdown Hills AONB Management Plan 2014-19 and Core Strategy Policy CP8.

Conclusion

The extent of new build proposed goes beyond what could be described as the conversion of existing buildings, and is tantamount to the erection of two new dwellings within the open countryside and the Blackdown Hills AONB. The proposal therefore conflicts with Core Strategy Policies SP1, SD1, DM1, DM2, DM4 and CP8 and SADMP Policies SB1 and D7. It is recommended that planning permission is refused.

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

Contact Officer: Ms A Penn

38/19/0294

MR S CLOTHIER

Erection of two storey extension to side elevation at 44 Richmond Road, Taunton (resubmission of 38/19/0204)

Location: 44 RICHMOND ROAD, TAUNTON, TA1 1EW

Grid Reference: 321905.125271

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

(A2) DrNo 19.3755/03 Rev B Plans as Proposed
(A2) DrNo 19.3755/04 Rev B Elevations & Sections as Proposed
(A2) DrNo 19.3755/05 Rev B Location & Block Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no window/dormer windows shall be installed in the south elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and

re-enacting that order with or without modification) the bathroom window to be installed in the south elevation of the extension shall be obscured glazed. The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

The erection of a two storey extension at the side of 44 Richmond Road. The extension will project 3.8m with a depth of 7m and be finished in brickwork on the front (east) elevation with the south and west elevation finished in render under a slate roof. Red clay banding, quoin's and lintel detailing is proposed to match the style and appearance of the host dwelling. The extension will provide two extra bedrooms and a bathroom at first floor level and will still provide garaging at ground floor as per the current arrangements, albeit the proposed garage is larger than existing. The existing vehicular entrance gates will be retained, with one further parking space provided within the garden.

A scheme was initially submitted under planning application 38/19/0204 however, the design was not considered acceptable and the application was withdrawn. A subsequent application was submitted showing one car parking space and a conservatory at ground floor level which compromised the size of the garage. Amended plans have been submitted which alter the front detailing of the principal elevation, the canopy above the garage has been removed, an additional car parking space has been shown within the garden and the conservatory removed to allow the garage to be used wholly for parking. The extension is now subservient in design, has detailing to match the host property and provides two off road parking spaces.

Site Description

44 Richmond Road is an end of terrace property with a brick principal elevation with a slate roof and a flat roof bay which is reflective of the other properties in the terrace. The side of the property is painted brick with a high level attic window. A lean-to tiled roof garage is provided with an up and over door under upvc cladding and a conservatory behind, the garden to the front side is enclosed by a brick wall with fencing running a long the side, with two wooden vehicular gates. The area outside the existing bay window is paved and available for parking.

The property lies outside the Staplegrove Road Conservation Area.

Relevant Planning History

38/19/0204 Erection of a two storey extension to the side of the property
Withdrawn

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice

Representations Received

Ward Member - Objected to the original and amended application - Harms the visual amenity of the area, the extension not appearing as it could have been designed to be part of the original building and detrimental to the setting of the conservation area, overdevelops the site the loft should be converted not 'bolt on' an inappropriate two storey extension, it is entirely possible that consenting this application could result in a 6 bedroom house stuffed to the gills with between 6 -12 tenants if the loft is also converted and also the garage. Parking - harm to the road and pedestrian safety as the development does not meet the required standards, the revised application causes the loss of an on street parking space and does not resolve the parking deficit. Residential amenity - overshadowing/loss of light/ plus loss of privacy, the extension to cast a shadow adversely affecting 46 Richmond Road and loss of privacy into their garden and kitchen.

Seventeen representations have been received from ten local residents objecting to the scheme on the following grounds: design of the extension, the poor match of materials, bulk of the extension, the lack of parking, the dangerous position of the garage, lack of visibility, overlooking, overshadowing, loss of neighbouring amenity.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

D5 - Extensions to dwellings,
A1 - Parking Requirements,
DM1 - General requirements,

Local finance considerations

Community Infrastructure Levy

Not payable in this instance.

Determining issues and considerations

Design

Whilst this is a period terrace, with an unaltered facade, the properties lie outside the Staplegrove Road Conservation Area and are not listed. The proposed extension has been amended to be subservient to the main property with the roof height lowered and the front wall stepped back from the existing principal elevation. This now brings the proposal in line with the provisions of policy D5 (extensions to dwellings) of the adopted Taunton Deane Site Allocations and Development Management Plan. The side and rear of the extension are shown to be rendered to reflect the painted brickwork currently on the side elevation. The design and detailing reflect the principal elevation with brick banding, quoins and lintel detailing. The match of materials has been controlled by condition, with a sample of the bricks and roof material to be submitted and agreed for their suitability before works commence on site. This will give the Officer the ability to agree the quality of the bricks and slates to be used and control the finish. The extension is considered to be in-keeping with the host property and whilst comments have been received with regards to the future use of the property, this is the application which is being considered. Any potential future use cannot be considered as part of this proposal. In any event, an increase in occupancy as suggested, may well require planning permission in its own right as a House in Multiple Occupation. That would be considered on its own merits at the appropriate time.

Parking

Many of the objections refer to car parking. The garage space shown at ground floor is currently provided, therefore this part of the scheme will not worsen as part of the development. The occupiers of the property may already reverse from the garage onto Richmond Road, therefore the proposal will not exacerbate the current situation. An additional car parking space is shown on the submitted drawings to provide two off road spaces. This space could be provided as permitted development. Policy A1 - Parking Requirements of the Taunton Deane SADMP states that new development will normally be required to make provision for car parking in accordance with the standards of Appendix E - residential parking; this include any garages/car ports. As the property lies within Taunton Town Centre the maximum provision for a 4 bedroom property is one space. The scheme shows one garage space, one parking space and the ability to park a motor cycle on the hard surfaced area on the front garden, therefore above the requirement of Appendix E standards.

Overlooking

In terms of loss of privacy to 46 Richmond Road, whilst a window is shown on the side elevation, this serves the additional bathroom and a condition has been imposed restricting the window to be obscure glazed. An additional window is shown in the rear elevation to serve the new bedroom. Whilst it is accepted that this is a new window, there are already windows in the existing elevation which face towards the rear and overlook number 46. The provision of the additional window is not considered to worsen the existing situation.

Submissions

Representations have been received from neighbours and the Ward Member;

Materials - a condition has been imposed that requires the external materials to be submitted for consideration before the commencement of the extension.

Bulk and size of the extension/design - the extension is considered to be subservient to the main property with the ridge line set down and the front wall set back. The design reflects the existing property by showing detailing of brick banding, quoin's and lintel detailing.

Lack of parking/visibility - the scheme proposes an extra car parking space within the domestic curtilage utilising the existing opening. The parking standards require one space to be provided for a four bedroom house. Therefore, the spaces provided are above this. Whilst neighbours are concerned regarding on-street parking, this cannot be controlled by the Local Authority as there is no restriction for parking along Richmond Road. Comments have been made regarding the manoeuvring of a vehicle from the garage, however this is an existing garage which could currently be used, therefore the situation is not worsened as the existing situation would remain unchanged.

Impact on amenity of neighbours - Whilst the extension will be closer to the neighbour at no 46, as shown by the Agent's submission regarding light issues, the extension is not considered to cause such an impact on the amenity as to warrant a refusal of the application. Overlooking would not be significantly worsened by the additional window serving the bedroom in the rear elevation.

Conclusions.

The dwellinghouse lies outside the nearby conservation area and is an end of terrace property with garden to the side and rear. The proposed extension has been amended in order that it is subservient to the main property in terms of scale and design and its external finishes will match the existing property. A condition has been imposed that requires the submission of the external finishes to provide a control over the match of the materials. Whilst there is an additional bedroom window in the rear elevation at first floor level, this is not considered to worsen the current situation to warrant a refusal of the scheme. One additional car parking space is shown which will improve the current parking provision at the site. Whilst

objection have been received regarding the parking and highway safety, the double gates are currently in position and the works to provide an additional space could be carried out as permitted development with a Licence from the Highway Authority. It is considered therefore that the proposal complies with the requirements of policy D5 and A1 of the adopted Taunton Deane SADMP and policy DM1 of the adopted Taunton Deane Core Strategy.

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

Contact Officer: Mrs S Melhuish

38/19/0003

GADD PROPERTIES LTD

Redevelopment including the erection of 22 no. dwellinghouses with associated access, parking and Local Equipped Area for Play (LEAP) at Fairwater Yard, Higher Palmerston Road, Taunton

Location: LAND AT FAIRWATER YARD, HIGHER PALMERSTON ROAD,
TAUNTON

Grid Reference: 321963.125505

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Subject to a S106 Agreement to secure the provision of affordable housing and the provision and maintenance of the play area/open space.

Recommended Conditions (if applicable)

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

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

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

(A3) DrNo 2016/01/PL001 Site Location Plan

(A3) DrNo 2016/01/PL002J Site Layout Plan1 of 2

(A3) DrNo 2016/01/PL003J Site Layout Plan 2 of 2

(A3) DrNo 2016 01/PL004H Type A Floor Plans Plots 7&8

(A3) DrNo 2016 01/PL005H Type A Elevations Plots 7&8

(A3) DrNo 2016/01/PL006H Type B Floor Plans Plots 1-6

(A3) DrNo 2016 01/PL007H Type B Elevations Plots 1-6

(A3) DrNo 2016 01/PL008H Type C Floor Plans Plots 12-16

(A3) DrNo 2016 01 PL/009H Type C Elevations Plots 12,13

(A3) DrNo 2016 01/PL010 H Type C Elevations Plots 14,15,16

(A3) DrNo 2016 01/PL011H Type D Floor Plans Plots 10,11,17,18 & D1 Floor plans Plot 9

(A3) DrNo 2016 01/PL012H Type D Elevations Plots 10,11, 17 & 18

(A3) DrNo 2016 01/PL013H Type E Floor Plans Plots 19 - 22

(A3) DrNo 2016 01/PL014H Type E Elevations Plots 21, 22

(A1) DrNo 2016/01/PL016H Site Survey

(A3) DrNo 2016 01/PL017H Type E Elevations Plots 19, 20
(A3) DrNo 2016 01/PL018H Elevations Plot 9

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

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

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

4. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. The new footpath link to the public right of way shall be provided prior to the occupation of the dwellings.

Reason: In the interests of providing adequate pedestrian links from the site and to encourage walking.

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

Reason: In the interests of highway safety.

7. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been

submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the completion of the first dwelling and thereafter maintained at all times.

Reason: In the interests of highway safety.

8. The proposed estate road, footways, footpath, tactile paving, 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, (where applicable) shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety

9. 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.

10. The parking spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: In the interests of highway safety.

11. 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: To minimise the disturbance from the development on the amenities on the surrounding area and in the interests of highway safety

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, outbuildings, gates, walls, fences or other means of enclosure shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent over development and to safeguard the appearance of the area.

13. The development shall be carried out in accordance with the submitted flood risk assessment (ref: RMA-C1878 dated 20 December 2018 by RMA Environmental) and the mitigation measures it details:

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

14. The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EPS Ecology's Preliminary Ecological report, dated October 2018 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 retention and replacement and 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 bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

Reason: To protect and accommodate wildlife.

Reason for pre-commencement condition: To ensure that any European Protected Species are protected during the course of the development

15. The car parking areas for plots 9 to 15 are to be built at ground level and must remain unchanged for the lifetime of the development.

Reason: To ensure there is no reduction in floodplain.

16. No development hereby approved shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

Reason for pre-commencement condition: To establish the level of contamination on site and how this should best be dealt with to reduce risk.

17. Prior to each phase of development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling

and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the bathroom windows to be installed within the development shall be obscured glazed. The obscure glazing shall be to the standard of Pilkington Level 5 and non opening below 1.7m from finished floor level.

Reason: To protect the amenities of adjoining residents.

20. 2 No. outward facing pedestrian access gates and a vehicle maintenance gate, details and locations of which shall have previously been agreed in writing with the Local Planning Authority, shall be provided within the LEAP/open space boundary fencing before this area is first brought into use and maintained thereafter.

Reason: To ensure safe egress and access and in the interest of the visual amenities of there area.

21. Prior to the erection of any balconies and privacy screens, details shall have previously been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To protect the amenities of the surrounding area and to ensure the development does not harm the character of the area.

22. Prior to the occupation of the dwellings, cycle and motorcycle storage facilities shall be made available on site details and locations of which shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved storage scheme and shall be maintained thereafter.

Reason: To promote sustainable development.

23. The LEAP/ open play space shall be provided in accordance with the Local Planning Authority's approved standards and the detail and siting of equipment shall be agreed in writing by the Local Planning Authority. This area shall be laid out to the satisfaction of the Local Planning Authority within 12 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

Reason: To provide adequate access to recreation facilities for occupiers and local residents in accordance with Taunton Deane Borough Council's Site Allocations and Development Management Plan Policy C2.

24. No dwelling shall be occupied until a scheme that secures the provisions of suitable electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

25. Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate that the surface water run-off and volumes generated up to and including the 1 in 100 year critical storm will not exceed the run-off and volumes from the undeveloped site following the corresponding rainfall event. The scheme shall include details of phasing and maintenance. The development shall subsequently be implemented in accordance with the details approved.

Reason: To ensure that flood risk is not increased off site.

Reason for Pre-commencement: To ensure that a drainage strategy is agreed prior to commencement.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

2. The applicant will be required to secure an appropriate legal agreement/license for any works within or adjacent to the public highway as required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

4. The applicant is advised to refer to the '**SBD Homes 2016**' design guide available on the Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings

Proposal

The application as amended is to demolish the existing dilapidated buildings on site and erect 22 new dwellings with access, parking and play area. This includes 12 semi-detached dwellings, a terrace of 3 dwellings, 1 detached 4 bed dwelling and a block of 6, 2 bedroomed flats.

A Local Equipped Area for Play (LEAP) and open space will be provided to the south western corner of the site and contained within railings and a hedge. A footpath link to the northern corner of the site will link to an existing public right of way (T13/12) that runs along the north western boundary of the site.

Vehicular access is via the existing access from Higher Palmerston Road to the north (a cul de sac) where improved access and surfacing works will be carried out. A vehicular access for Environment Agency emergency vehicles will be maintained within the development to enable access to an existing culvert.

Site Description

The 0.3 hectare site consists of an old industrial yard with access via Higher Palmerston Road which is accessed off Staplegrove Road. The few buildings on the site are dilapidated single storey buildings. The site is surrounded on two sides by residential properties and the access road passes a row of 4 terraced properties (1-4 Higher Palmerston Road). To the north western boundary lies allotments and to the south eastern boundary St James Cemetery.

The site is currently used by 3 businesses for vehicle storage/repairs and sales.

Mill Lease Stream runs to the west of the site and as a result that area and to the

south falls within floodzones 2 and 3.

Relevant Planning History

None

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP –

It is noted that the number of proposed dwellings has been reduced from 23 to 22 in the latest submitted plans. Further amendments to the scheme that have highway safety and design implications include the lowering of the road at the site entrance to reflect the levels of the adjacent properties, the addition of a footpath link to the existing Public Right Of Way, the highway layout has been amended to a shared surface, the footpath adjacent to No.s 1-4 Higher Palmerston Road has been reduced in width and the depth of the tandem car parking spaces has been altered.

Whilst the above amendments are noted none of the alterations are considered to substantially affect the highway safety of the proposal above that commented upon previously. I would therefore refer you to the previous comments and recommended conditions from the Highways Authority.

Previous comments

The site sits to the south of Higher Palmerston Road, an unclassified highway subject to a 30mph speed limit. Due to the nature of the road and the proximity of the site to a roundabout observed speeds on site are significantly below 30mph. Higher Palmerston Road is a no-through route and is connected to the A3027 (Staplegrove Road) by a roundabout approximately 25 metres from the entrance to the site. There are other dwellings along Higher Palmerston Road with associated lay by parking areas. There is an existing access to the site between 119 and 121 Staplegrove Road, the access currently serves four dwellings and a small number of commercial sites.

Traffic impact

The average dwelling generates 6-8 vehicle movements per day, therefore the proposed development is likely to generate between 138-184 movements. TRICs information provided shows trip generation of 14 two way am peak and 14 two way pm peak. These numbers are not likely to have a detrimental impact on the wider highway network.

Infrastructure Design Layout

The suitability of the proposed layout in respect to envisaged flows and turning movements will need to be established through relevant modelling to prove the layout has adequate capacity. The envelope of visibility must be obtainable from a driver's eye height of between 1.05m and 2m to an object height of 300mm. All visibility splays should be checked in the vertical plane by the designer to ensure the views in the horizontal plane are not compromised, gradients may affect stopping distances and where applicable

longitudinal gradient (%) should be incorporated into the calculations. Care shall be taken to ensure that no substantial fixed obstructions are within the site lines, including road furniture such as traffic signs and all land over which visibility splays pass must be available for dedication to the Highways Authority. As the proposed access junctions with the “closed off” section of the old Staplegrove Road the submitted visibility splay of 2m x 18.5m to the left and 2m x 16.5m to the right are considered acceptable, however, it is noted that current on-street parking on the old Staplegrove Road obstructs this visibility splay. Failure to provide suitable and sufficient visibility splay may result in an injudicious manoeuvre from the side road in conflict with traffic, or pedestrians, on the old Staplegrove Road. Limited swept path analysis drawings have been provided with the application, full drawings should be provided based on the largest FTA Design Vehicle expected to use the junction and the access road at a scale of 1:200. The applicant should consider the provision of a non-motorised access from the south of the site on Palmerston Road for access to local amenity. As no cross sections have been provided these will be required at the detailed esign stage, showing the full width of the adoptable highway such as adjacent footways and verges as cross sections for each chainage, so that all aspects can be fully determined. No longitudinal section drawings or contour drawings have been provided, these will need to be submitted at the detailed design stage so that all aspects can be fully determined.

Highway Safety

It is unclear from the information provided how the proposed levels of the access road will tie in with the existing levels on Staplegrove Road, currently there is a concrete plinth on the south eastern side of Higher Palmerston Road, along with what appears to be a redundant PFS and the properties on the opposite side of Higher Palmerston Road (facing onto the old Staplegrove Road) appear to have cellars, low level windows and driveways to the rear of the properties. The detailed design submission should include detailed information in relation to levels and associated thresholds and the gradients should be considerate of inclusive mobility design requirements to ensure safe access is provided for those with mobility impairments. It is a reasonable expectation, and in line with sustainable transport and public health initiatives, for young people to be able to walk via a non-hazardous route from new developments to/from local primary and secondary schools (accompanied here necessary). As such it is recommended that the designer assess the walked routes to school and highlight any sections of the route that do not have adequate footways or where the young person is expected to cross the road. Failure to identify a safe route to and from school may result in a pedestrian/vehicle conflict or applications for access to free school transport. From the drawings provided it would appear that there are gaps in the infrastructure for non-motorised users (NMU), the applicant should provide evidence that these users have been considered as part of this scheme as part of a NMU context report. There does not appear to be any footway provision adjacent to the proposed dwellings on the southern side of the development, shared use surfaces present various difficulties for visibility and mobility impaired users. There is a pedestrian desire line for young people accessing and egressing from the LEAP to the houses on the southern side of the development resulting in a risk of vehicle/pedestrian conflict.

Travel Plan

The Somerset County Council – Travel Planning Guidance (November 2011) specifies that a Measures Only Travel Statement should accompany residential development where the number of units (dwelling houses) are greater than ten.

However, a Measures only Travel Plan could be and would need to be secured via a Section 106 legal agreement.

Parking

The site falls within Zone A of the Somerset Parking Strategy (SPS) Parking standards. The optimal parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) for a residential development in a Zone A area such as this location is:

ZONE C	1 Bed	2 Bed	3 Bed	4 Bed	Visitor	TOTAL
Policy 1	1	2	3	0.2		
# Dwellings	0	6	11	6		
Optimum	0	6	22	18	5	51
Actual*		6	22	12	0	40

* Actual provision taken from provided Parking Matrix

The proposal includes the provision of 2 integral garages, within the Manual for Streets guidance it is considered that approximately 44% of garages are used for parking of vehicles, this would equate to 1 (rounded up) vehicles being parked within garages, however, the figures given within the application include both garages being used for the parking of vehicles. There are no visitor spaces identified, the proposal identifies that the initial length of the access road could be utilised by visitors. If the road is to be adopted then there will be no legal right to park on the public highway and, while it is accepted this often occurs, it can cause disruption to traffic flow and create a road safety hazard. New developments should provide sufficient off-road parking in accordance with the SPS, including adequate provision for visitors, which the proposed layout fails to provide. Furthermore, the proposal would see the informal parking area for the existing 4 dwellings removed, leading to a knock on effect of the vehicles associated with those properties needing to find alternative parking on the proposed access and/or public highway. Whilst it is acknowledged that lower than optimum parking levels can be accepted in certain circumstances the proposed overall parking provision of 40 spaces for the 23 dwellings, 20% below the optimum level, is not considered sufficient. It is likely to lead to indiscriminate parking within the existing and proposed public highway network which, in turn, would lead to additional stresses on the safety of the highway network and the availability of on-street parking within the local area. The parking spaces identified have been located transverse to the end of the turning head, access and egress from/to these parking spaces will result in vehicle movements in direct conflict with reversing and turning manoeuvres. It is recommended that the parking provision and design and reviewed to reduce the risk of pedestrians or vehicles being struck by other vehicles. It is also recommended that details of access requirements to local bus stops is provided. To comply with the SPS standards there is a requirement for appropriate, accessible and secure storage for 69 bicycles based on 1 per bedroom if a scheme below the SPS optimum car parking level is consented, the appropriate level, type and location of cycle parking becomes more essential, and a minimum of one motorcycle space per five dwellings, in this instance 4, which have not been identified for this proposal. The application will also need to provide electric charging points for each property.

Estate Roads

If the applicant wishes to offer the highway for adoption by SCC there are a number

of elements that would need to be considered or addressed.

- It would be necessary for a 5.0 metre wide bituminous macadam carriageway with 2.0 metre wide footways to be provided throughout the site and the longitudinal gradient of the carriageway should be no slacker than 1:90.
- If the applicant is considering a shared surface carriageway this would need to be constructed in block paving with a minimum width of 5.0 metre and a minimum 1.0 metre wide service margin. The longitudinal gradient of a shared surface shall be no slacker than 1:80. Please note that as set out in Estate Roads in Somerset – Design Guidance Notes (The ‘red’ book) adopted shared surfaces can only serve up to 20 dwellings.
- A 2.0 metre wide footway should be provided between plots 9 and 12.
- The length of the proposed ‘Effective Straight’ within the site appears to exceed the recommended maximum length of 70m as set out within ‘Manual for Streets.’ Therefore, in order for vehicle speeds to be kept to 20mph or lower, the applicant would need to look at amending the alignment of the carriageway.
- Where parking bays butt up against any form of structure (planted areas, walls of footpaths) etc, the bays should be a minimum of 5.5m in length as measured from the back edge of the prospective public highway boundary.
- Tandem parking bays should be 10.5m in length, again as measured from the back edge of the prospective public highway boundary.
- Any proposed grass margins should have a minimum width of 1.0m. Grass margins are to be continuously delineated with 50mm x 150mm pc edging kerbs.
- Surface water from all private areas, including parking bays and drives, shall not be permitted to discharge onto the prospective public highway boundary. Private interceptor drainage systems shall be installed to prevent this from happening.
- Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required, with a copy submitted to SCC.
- The gradient of the proposed access road should not, at any point, be steeper than 20 for a distance of 10m from its junction with Staplegrove Road.
- Planting within adoptable areas will require the payment of a commuted sum by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by SCC will be required for all trees that are to be planted either within or immediately adjacent to the back edge of the highway to prevent future structural damage to the highway. A comprehensive planting schedule will need to be submitted to SCC for checking/approval purposes for any planting either within or immediately adjacent to the highway.
- No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.
- Tie into existing carriageway – Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers.
- A Section 171 licence will be required for any proposed works either within

or immediately adjacent to the Highway. It is the responsibility of the developer to apply for any licences in advance, as requests to start without the licences will be refused. It will take approximately one month from application for the licence to be issued. Licences are obtainable from DevelopmentEngineering@somerset.gov.uk.

- A Section 50 licence will be required for sewer connections within or adjacent to the Highway. Licences are obtainable from BSupport-NRSWA@somerset.gov.uk – At least four weeks' notice is required.
- The developer must keep highways, including drains and ditches, in the vicinity of the 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.
- The developer will be held responsible for any damage caused to public highways by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.
- Any existing services located within the carriageway or footway fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. It will be necessary for any design to comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 84 NRASWA 1991.
- If there are to be any retaining/sustaining structures constructed as part of this development that will be offered to SCC for adoption the applicant will need to submit an Approval in Principle, to SCC for checking/approval, purposes, prior to the submission of detailed design drawings and a commuted sum, payable by the developer will be required.
- The developer must keep highways, including drains and ditches, in the vicinity of the 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.
- The developer will be held responsible for any damage caused to public highways by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.
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- If there are to be any retaining/sustaining structures constructed as part of this development that will be offered to SCC for adoption the applicant will need to

submit an Approval in Principle, to SCC for checking/approval, purposes, prior to the submission of detailed design drawings and a commuted sum, payable by the developer will be required.

Advanced Payment Code (APC)

The applicant should be aware that 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 (see Shared Private Drive comment below). These roads will need to be constructed to an acceptable standard as approved by the Highway Authority.

Drainage

The Highways Authority have no objection in principle to the contents and conclusions within the provided report, but reserve comment on the detailed drainage strategy should planning consent be granted.

Conclusion

It would appear that there is scope for the applicant to make further parking available that would identify closer to the SPS optimum levels, however the layout and location of the parking spaces will need to be reconsidered to eliminate the potential conflict with turning traffic.

It is clear that the applicant will need to provide more information and suitable drawings at the detailed design stage to ensure that the Highways Authority are content with the detailed proposal. However, in principal the Highways Authority have no objection to the scheme.

Should the Local Planning Authority be minded to recommend permission the Highways Authority would recommend that conditions are added to the Permission to cover:

- Measures to prevent vehicles depositing mud/debris on the highway.
- Disposal of surface water
- Approval of design and methods of construction for estate road, footways, paving, verges, visibility splays, drive gradients, street furniture etc
- Dwellings to be served by a consolidated drive prior to occupation
- No dwellings occupied until the footpath connection has been constructed.
- Provision of parking spaces to be agreed with LPA. All spaces to be consolidated and surfaced.
- Approval of Construction Environmental Management Plan.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development

BIODIVERSITY -

EPS Ecology carried out a Preliminary Ecological appraisal of the site in October

2018. Findings were as follows:

Habitat

The site comprises of 13 standard phase 1 habitat types including a native species rich hedgerow with trees. If partial or complete removal of this hedgerow is unavoidable then a replacement hedge should be planted to preserve biodiversity.

Bats

The surveyor considered the buildings on site to be unsuitable for bats. I support the installation of bat boxes within the new development.

Birds

The surveyor considered the buildings on site to be unsuitable for nesting birds. Small areas of dense scrub have potential for nesting birds so clearance should take place outside of the bird nesting season. I support the installation of bird boxes within the new development.

Reptiles.

The surveyor has recommended that measures be put in place to translocate any possible reptiles.

It is recommended that a condition is used to approve a strategy to protect birds, bats and reptiles. An informative note re protected species should also be added.

HOUSING ENABLING -

The affordable housing policy stipulates 25% of all new housing should be in the form of affordable units. Recognising the revision in the number of dwellings from 23 to 22 units this would equate to 5.5 affordable units.

However, following the submission of an independently assessed viability appraisal detailing the abnormal works required across the site including site decontamination it is recognised the 22 dwelling scheme is deemed viable through the delivery of 2 Discounted Open Market houses (2 x 2 bed apartments) to be sold at no greater than 80% of the open market value in perpetuity.

The S106 Agreement should contain the Council's standard clauses to detail the conditions for the sale and any subsequent resale of Discounted Open Market properties, such clauses to be agreed with the Council's Development Enabling Specialist.

LEAD LOCAL FLOOD AUTHORITY –

We have looked through the submitted documents and note amendments to address Environment Agency concerns. We would recommend this is resolved to their satisfaction.

In regards to surface water drainage strategy, there doesn't appear to be a significant change to the strategy since our previous response, therefore please refer to this response dated 20/02/19.

Previous comments

Part of the attenuation storage for the site is located in Flood Zone 3 for the Mill Lease Stream, and there has been no assessment of the impact this will have on the discharge of surface water drainage. Under flood conditions the drainage network will be unable to discharge into the stream, and this could result in the network exceeding, causing additional flooding problems on site. The proposals are a significant betterment on the existing drainage system, so will not increase downstream flood risk. The consultant has advised that finished floor levels will be raised to prevent internal flooding to properties. However, given the risk identified above, parts of the southern part of the site including play area, roads and driveways may flood and it is unclear at the moment how often this might occur or to what depth. In these situations, and to determine suitability of a proposal, we would generally expect an assessment of the drainage system using a surcharged outfall for a range of flood events. However, if the planning authority are minded to grant planning permission for the site, this assessment should be secured via condition.

LEISURE DEVELOPMENT –

Policy C4 states that developments of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:

Children's play space: 20 square metres per family dwelling (a dwelling with 2 or more bedrooms) to comprise casual play space, LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;

The proposed development of 22 dwellings (all 2 bed +) should provide 440sq metres of equipped and non-equipped play space. The development should therefore provide 1 x LEAP (Local Equipped Area of Play Space). The site layout proposes a LEAP, however, this should be centrally located and overlooked by front facing dwellings to promote natural surveillance.

For equipped areas:

LEAPs for children aged 4-8 year be a minimum of 400 sq meters in size with at least 5 types of equipment, covering all play disciplines of swinging, sliding, rocking, spinning, balancing and climbing. Equipment must be on appropriate surfaces, and signage, seating and litter bins should be provided. The equipment should come with a minimum 15 year guarantee. The play areas need to be within 400 meters walking distance of their home and be accessible and useable 365 days of the year. If fenced there should be 2 x outward opening, self-closing pedestrian gates and a larger gate for access by maintenance vehicles

All areas of child play space (casual areas and LEAPS) must be located and designed so as not to cause noise problems to nearby dwellings, in accordance with relevant environmental health standards. Buffer zones, perhaps including roads, buildings and landscaping, are likely to be needed.

Where public open space is to be provided as part of a development, conditions will be imposed requiring the developer to arrange for its future maintenance. The developer may negotiate a commuted sum to discharge this liability to the Local

Authority District or Parish Council.

ENVIRONMENTAL HEALTH OFFICER -

Some information regarding land contamination has been submitted with the application. This consists of some trail pit logs, results of soil sampling and correspondence between the developer and consultants.

The correspondence refers to the site having a history of commercial/industrial uses and that some remedial work may be required.

As the site has had commercial uses over many years, and the application is to develop the site for residential use, there is the potential for contamination to be present and to pose a risk to future users of the site or the environment.

The information that has been provided shows that the developer is aware of the potential for contamination on the site. However, as the consultant confirms, this is not fully phased site investigation and risk assessment. Therefore, the applicant should submit a site investigation and risk assessment in line with current guidance.

It would be good if this information could be provided with the application. If not a condition should be used to ensure that all the relevant information is submitted and any required remedial works are carried out.

I have seen on the planning application records that the Environment Agency have raised concerns about the lack of risk assessment regarding risks to ground water. and have asked for information. The applicant should be able to provide a report and assessment that addresses the Environment Agency's concerns as well as the other potential risks at the site.

The developer should be aware that under Planning Policy Statement 23 the responsibility for ensuring that the development is safe and suitable for use for the purpose for which it is intended lies with the developer. Compliance with the planning condition does not rule out future action under Part IIA of the Environmental Protection Act 1990, for example, if additional information is found concerning the condition or history of the site.

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 objections on archaeological grounds.

SCC - CHIEF EDUCATION OFFICER -

I have the following comments regarding the implications of this development on Education provision :-

23 dwellings in this location will lead to the following pupil numbers for each school:

23 x 0.05 = 1.15 (2) early years pupils at North Town Nursery

23 x 0.32 = 7.36 (8) primary pupils for North Town primary school

23 x 0.14 = 3.22 (4) pupils for Taunton Academy secondary

The early years setting and the primary school are at capacity therefore we require CIL funding to enable expansion or improvement towards the provision of school places within the locality of the proposed development. Taunton Academy currently has capacity so we would not require funding for that. Recent build costs indicate the current level of funding required from the CIL fund:

2 x 17,074 = £34,148 for early years

8 x 17,074 = £136,592 for Primary

Total = £170,740

POLICE DESIGNING OUT CRIME -

Sections 2, 8, 9 & 12 of the National Planning Policy Framework July 2018 refer to the importance of considering crime & disorder at the planning stage. Paragraph 127(f) states;

Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places 'Lite'

Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/02/2018 – 31/01/2019 is as follows:-

Arson & Criminal Damage – 2 Offences (comprising 1 criminal damage to dwelling & 1 criminal damage to vehicle)

Public Order Offences – 2 (both causing intentional harassment, alarm distress)

Robbery – 1 (personal property)

Sexual Offences - 1

Theft – 1 Offence (theft of pedal cycle)

Vehicle Offences – 2 (both theft from motor vehicles)

Violence Against the Person – 2 Offences (incl. 1 assault ABH)

This averages approximately 1 offence per month, which is classed as a very low level of reported crime.

Layout of Roads & Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features i.e. surface changes by colour or texture, rumble strips and similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The single vehicular entrance/exit to the development has advantages from a crime prevention perspective over through roads in that this can help frustrate the search and escape patterns of the potential offender.

Orientation of Dwellings – all the dwellings appear to overlook the street and LEAP/Play Area which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable. The Site Layout Plan indicates that these recommendations will be complied with.

LEAP/Play Area – communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. The proposed LEAP is located in the innermost part of the proposed development and well overlooked from nearby dwellings.

Car Parking – appears to be a mix comprising two on-plot garages/parking spaces with the remainder comprising on plot parking spaces and communal on street parking. On-plot is the recommended option but the communal parking appears to be in small groups, close to and well overlooked from owners homes, which is recommended for this type of parking arrangement.

Landscaping/Planting – there appears to be very limited scope for landscaping and planting which should not impede opportunities for natural surveillance and must avoid potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This would appear to be particularly relevant in the area of the LEAP.

Street Lighting – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

Physical Security of Dwellings – in order to comply with 'Approved Document Q: Security – Dwellings', of Building Regulations, all external doorsets providing a means of access into a dwelling and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

Secured by Design (SBD) – if planning permission is granted, the applicant is advised to refer to the 'SBD Homes 2016' design guide available on the Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

WESSEX WATER –

No comments received.

ENVIRONMENT AGENCY –

Flood Risk

Providing the Local Planning Authority is satisfied the requirements of the Sequential test under the National Planning Policy Framework (NPPF) are met, then the Environment Agency can withdraw its earlier objection, subject to the inclusion of a condition to ensure the development is carried out in accordance with the submitted Flood Risk Assessment.

Contaminated Land

We have reviewed the 'Phase 1 desk Study and Phase II Ground Investigation Report Fairwater Yard Taunton' and make the following comments:

Lead, copper, zinc, barium, diesel and PAHs concentrations were determined in near surface soils over widespread areas of the site. However, it would appear that no significant concentrations of contaminants are leaching from soils present on this site into near-surface groundwater, within the Alluvial Superficial Deposit.

A suitable Remedial Strategy, appropriate protective measures and a Discovery Strategy are required and should be implemented as part of the redevelopment works.

Drainage on the site should also consider soil contamination and potential mobilisation by rainwater and care taken in the location and design of flood prevention and attenuation features. Similar care should apply towards underground facilities and foundations to prevent contamination mobilisation.

The river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal could lead to the poor chemical status in groundwater because it would cause and unacceptable release of pollutants into groundwater.

The previous use of the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.

The applicant demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will be acceptable with regards to contaminated land subject to the imposition of a condition to approve a Remediation Strategy to deal with the risks associated with contamination of the site.

Representations Received

15 letters of objection/concern have been received raising the following:

- Road should link through the site
- Concern over parking and existing access rights for residents
- Lack of visitor parking

- Impact on parking in Staplegrove Road, suggest resident parking scheme
- Dangerous access onto roundabout
- Increased traffic and congestion
- Lack of bus service
- Poor pedestrian/cycle links to adjoining area contrary to policy D9
- Light pollution from street lights
- Reduced access to rear of 105-119 Staplegrove Road
- Secure fencing to existing property boundaries required
- Materials and house design not in keeping.
- Loss of light
- Loss of privacy
- Overlooking
- Should be limit to house numbers
- Siting of refuse
- Concern over increased flood risk
- Concern over drainage capacity
- Impact on wildlife
- Disruption during construction
- Relocation of slow worms
- Structural impact of new build

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

SP1 - Sustainable development locations,
 SD1 - Presumption in favour of sustainable development,
 CP1 - Climate change,
 CP2 - Economy,
 CP4 - Housing,
 CP6 - Transport and accessibility,
 CP8 - Environment,
 DM1 - General requirements,
 A1 - Parking Requirements,
 A2 - Travel Planning,
 A5 - Accessibility of development,
 D7 - Design quality,
 D10 - Dwelling Sizes,
 D12 - Amenity space,
 ENV2 - Tree planting within new developments,
 D9 - A Co-Ordinated Approach to Dev and Highway Plan,
 DM4 - Design,

C2 - Provision of recreational open space,
D2 - Approach routes to Taunton and Wellington,
SB1 - Settlement Boundaries,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 2173.06 sqm

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £152,250.00. With index linking this increases to approximately £204,000.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough	£ 23,739
Somerset County Council	£ 5,935

6 Year Payment

Taunton Deane Borough	£142,437
Somerset County Council	£ 35,609

Determining issues and considerations

The main consideration with this development is the principle of development and compliance with policy in terms of loss of employment land, the provision of affordable housing/viability, provision of play space, contamination, wildlife, design/layout, amenity, highway safety and parking and floodrisk/drainage.

Principle of Development

The site is on the outskirts of the Taunton town centre in a sustainable location well related to local services and facilities and lies within the settlement limits. The proposal therefore complies with Taunton Deane Borough Council's Core Strategy Policy SP1 'Sustainable development locations'.

The site is a brownfield site which accommodates 3 businesses, relating to the storage, repair and sale of cars: Pete Coleman's bodyworks, Fairwater Van Sales and Taunton Automobiles and Car Sales. Core Strategy Policy CP2 'Economy' does not support proposals that would lead to the loss of existing businesses unless the

overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment site. The National Planning Policy Framework (NPPF) is clear that housing, generally, is considered to be a benefit and that permission should generally be granted for 'sustainable development'. Furthermore the site has been actively marketed for 15 months with little viable interest. A viability report has been submitted in support of the application which concludes that the site is not suitable for commercial use. A number of the buildings are now derelict and dangerous and are considered to be beyond economic repair. The principle of the development is therefore considered acceptable.

Affordable Housing/ Viability

Core Strategy Policy CP4 'Housing' stipulates 25% of all new housing of developments of 5 or more dwellings should be in the form of affordable units. Recognising the revision in the number of dwellings from 23 to 22 units this would equate to 5.5 affordable units.

Following the submission of an independently assessed viability appraisal detailing the abnormal works required across the site including site decontamination, the Council's Enabling Development Specialist recognises the 22 dwelling scheme is deemed viable through the delivery of 2 Discounted Open Market houses (2 x 2 bed apartments) to be sold at no greater than 80% of the open market value in perpetuity. In this instance a departure from Policy CP4 is deemed acceptable to enable the development to proceed and to achieve the benefits of delivering 22 houses.

Provision of play space

Local policy requires developments of six or more dwellings to provide landscaped and appropriately equipped recreational open space equating to 20 sqm per dwelling. For this development 440 sqm of play space is required.

A large play area to include a Locally Equipped Area of Play space (LEAP) is proposed in the westernmost part of the site however policy requires such areas to be centrally located within new developments for surveillance reasons. The play area is located in this area as this part of the site falls within the floodzone 3 and would be unsuitable for housing. The play area however is still well related to the furthest dwelling and is overlooked by front facing properties as required by the policy. The location of the play area is supported by the Police 'Designing out Crime' Officer. For these reasons it is considered that a departure to the policy in terms of the siting of the play area is acceptable. The Council's Enabling Development Officer requests additional access gates within the play area and these can be achieved through a planning condition should permission be approved.

Wildlife

A preliminary ecological appraisal of the site has been carried out. The report identifies the possible loss of a hedge which provides wildlife benefit and recommends replacement hedgerow planting. The site however has limited

opportunity for replacement hedgerow planting and this is discouraged by the Police crime officer as it would provide opportunities to hide within the site. A landscaping condition however will be imposed to provide some additional tree and shrub planting.

The report concluded that the existing buildings were unlikely to be suitable for nesting birds or bats and that measures are put in place to relocate any possible reptiles. This would address the concerns of a resident re relocation of slow worms. The Council's ecological advisor recommends no objection subject to the approval of a strategy to protect, bats, birds and reptiles. A condition is proposed accordingly.

Contamination

Due to the historic use of the site as a reclamation yard and more recent use for car repairs, storage and sales, a Phase 1 Desk Study and Phase II Ground Investigation Report has been submitted in support of the application.

Lead, copper, zinc, barium, diesel and PAHs concentrations were determined in near surface soils over widespread areas of the site. The report recommends in light of these elevated levels encountered in near surface soils, a minimum depth of 600mm depth of clean cover would be required across areas proposed as private gardens. It is also recommended that following their clearance, that additional verification ground investigation is undertaken across the areas of the site not previously accessed due to the existing businesses operating and access restraints. As such, both the Environment Agency and the Council's Environmental Health Specialist raises no objections subject to the use of a planning condition to require further investigations and a Remediation Strategy to deal with the risk associated with contamination of the site.

Design and Layout

The scheme originally proposed dwellings of a contemporary design with flat roofs and this was considered out of character with the area which comprises Victorian terraces of brick walling and slate roofs to the east and more modern buildings in Palmerston Road to the south of brick and tiled pitched roofs. The dwellings have been redesigned to include traditional pitched roofs of manmade fibre cement slate which would be in keeping with the terraced dwellings at the entrance and those along Staplegrove Road. The external walls of the dwellings would be of brick and render again to reflect the brick and render of dwellings on Staplegrove Road and the brick of dwellings along Palmerston Road. The pitch of the roofs would be similar to the dwellings in Palmerston Road as glimpses of the new development would be seen alongside these existing dwellings when travelling over the Staplegrove Road bridge towards the town centre. Policy D2 of the Taunton Deane Borough Council's Site Allocations and Development Management Plan (SADMP) does not support development that would harm the visual qualities of routes into and out of Taunton. The proposal is now considered to respect this policy.

Each dwelling and the flats would have access to garden space and refuse storage in compliance with Policy D12 'Amenity space' and the room sizes would be compliant with Policy D10 'Dwelling Sizes'

In terms of layout, the dwellings would be erected in an almost linear pattern following the line of the shared surface access road thus reflecting the row of 4 terraced dwellings at the entrance. The location of the dwellings however also dictated by the need to avoid the floodzone 3 area. Following comments/objections received during the consultation stage, the layout has been amended to provide: emergency access for Environment Agency vehicles to a culvert to the north western boundary; lowering of the access road to reflect the levels of the existing row of terraced dwellings; narrowing of the footpath outside these dwellings to retain their parking provisions and reinstatement of the footway to retain rear access to 105 -119 Staplegrove Road. A new footpath connection is also now provided to the northeast of the site. It is not a direct link to the public highway, however, it is still considered to provide an acceptable route out to a pedestrian crossing and a cycle route and from here to the town centre.

Highway Impact/access/parking

The site is currently used by 3 businesses – Pete Colman’s bodyworks, Fairwater Van Sales and Taunton Automobiles. The southern part of the site is an old reclamation yard. A transport statement and travel plan were submitted in support of the application. The transport statement confirms that the site has in the past and continues to generate levels of traffic by a variety of vehicle types. The Highway Authority confirm that the local highway network is considered to be of a suitable standard to accommodate the traffic predicted to be generated by the proposal.

The site used to derive access immediately off the A3027 (Staplegrove Road) with very restricted visibility. However access is now gained via Higher Palmerston Road and then Staplegrove Road. In 2017, a new roundabout junction was constructed on Staplegrove Road as part of the Northern Inner Distributor Road. Controlled pedestrian and cycle crossing facilities have been installed just off the roundabout on Staplegrove Road.

It is proposed to construct a simple 'T' junction from the public highway, by crossing the existing footway on Staplegrove Road. The Old Staplegrove Road is effectively now a service/access road and used by residents for parking so vehicle speeds are low and the amount of traffic using this short section of highway is minimal.

It is important that service and delivery vehicles can access the site. The movements of a large 4-axle (11.4m long) refuse collection vehicle (the largest vehicle likely to visit the site) entering, exiting and turning within the site layout has been demonstrated within the Transport Statement. The collection of waste and recycling from the site can be undertaken using the standard roadside collection method. A delivery vehicle would perform the same manoeuvres.

With regards to emergency vehicles, such as a fire appliance, these would be able to enter the site and be able to reach within 45m of each dwelling as recommended in paragraph 6.7.2 of Manual for Streets.

Access for cyclists and pedestrians would be via the vehicular access road where footways would be provided on both sides or via a new footpath link which would connect to the existing public right of way that then connects to the town centre cycle

route

The Highway Authority in assessing the scheme against the County Council's car parking standards, state that the scheme does not meet the required parking standards. However, I have assessed the parking against the Council's own parking standards which have been adopted more recently. The site falls within the Taunton Town Centre proposals area and therefore in assessing the parking against Appendix E of the SADMP, 1 parking space per dwelling is required irrelevant of the number of bedrooms. For 22 No. dwellings 22 spaces are required.

5 visitor spaces would also be required which can clearly be accommodated within the 41 spaces.

In terms of cycle parking, 1 space per bedroom would be required and motorcycle parking requires 1 motorcycle space per 5 dwellings or 1 motor cycle space per 20 car parking spaces, whichever is the greater. No such storage areas have been shown within the scheme, however, the applicant has confirmed they are able to provide sufficient storage, details of which can be approved via a planning condition.

If on-road disabled parking is required, an appropriate request can be made to Somerset County Council.

It is recognised that the construction phase of a development can cause disturbance however this is for a temporary period and can be managed through the use of a Construction Traffic Management Plan (CTMP) approved under a planning condition. The purpose of a CTMP is to identify an appropriate route for HGV traffic to access the site during the construction phase, and to establish measures to reduce any interruption and / or delay to existing vehicular traffic so as to ensure that the impacts of construction traffic in the vicinity of the site and on the surrounding highway network are kept to a minimum.

The Highway Authority estate roads team have raised a number of comments about the detailed layout of the highway, but it is considered that these can be dealt with through their standard condition requiring final submission and approval of the estate roads. There will be no adverse impact on highway safety.

Given the location of the site (1.5km from the town centre) and the opportunities for residents to walk, cycle, car share and use the public transport network, it is considered that the development is sustainable in transport terms. The applicant has also agreed to the installation of electric charging points at each dwelling, details of which can be approved under a planning condition.

The Highway Authority has raised no objection subject to a number of conditions and therefore the proposal is considered acceptable on highway grounds.

Residential Amenity

Concern has been expressed with regards to loss of amenity to nearby residents.

The orientation of the dwellings and the distances between dwellings would ensure

that there would be no direct overlooking of either the existing dwellings or of dwellings within the development. The 3 storey block of flats would have balconies but these would be to the rear. The balconies' glazing can be conditioned to be of opaque glazing and would have privacy screens to offer further privacy. Although the rear of Plots 1 – 9 would look towards the allotments, an embankment would be formed along the rear boundary of the gardens with a 1.8m close board fence on top. This would reduce overlooking into the site from users of the public footpath that runs parallel with the rear boundary. Likewise the rear of Plots 12- 22 face towards the cemetery but there is mature boundary treatment that would be retained and again given the distances involved the opportunities for overlooking into the cemetery would be limited.

The layout plans have been revised to ensure that rear access can still be achieved through the site to the rear of 105 – 119 Staplegrove Road.

Although residents from the 4 terraced dwellings raised concerns that they would no longer be able to park to the front of their dwellings when the proposed new road into the site is built, it must be noted that these residents do not have a legal right to park in this location. That being said, the scheme has been revised by reducing the width of the footway parallel with the access road to enable continued parking to the front of the dwellings once the road gets adopted. There is also unrestricted parking available within two lay-by areas within 35 metres off these dwellings, which residents can utilise.

In terms of potential disturbance from vehicles accessing the site and passing the frontage of the 4 terraced dwellings, it must be remembered that the site is currently occupied by 3 businesses with no control over their hours of use or vehicle movements. Prior to this the site was a reclamation yard. The development is not anticipated to give rise to a significant increase in traffic and therefore traffic disturbance should be minimal.

Concern has also been expressed with regards to loss of light. All properties are a significant distance from any residential dwellings and so there would be no loss of light.

The site is currently a visual eyesore with a number of dilapidated buildings and cars stored/ parked in an ad hoc manner. This development will enable the site to be cleared and the new development would visually enhance the area which would be beneficial to the surrounding area.

Flood Risk/drainage

The western /southern edge of the site is within flood zone 3 and is liable to flood. A Flood Risk Assessment (FRA) was submitted in support of the application. The EA has withdrawn its initial objection subject to conditions following amendment of the scheme to enable emergency access to a culvert along the north western boundary. This resulted in the loss of one dwelling from the scheme. A safe access to plots 9-15 which lie within the floodrisk area will also be provided via a footpath to the front of these properties with the path raised approximately 800mm above the maximum predicted flood levels.

The FRA confirms that floodplain storage compensation will be accommodated within with the green play space areas by way of level adjustments where necessary. The areas of driveway, which fall within floodzone 3b, are considered acceptable and any small areas outside this could be accommodated by adjusting the green play space levels or other areas of the road or driveways.

It is, therefore, considered that subject to ensuring that the development is carried out in accordance with the mitigating measures identified in the FRA, the development will not be at risk of flooding, nor will it cause any increase in the likelihood of flooding downstream. Appropriate drainage conditions would be imposed accordingly.

Other matters

Concern has been raised with regard to street lighting. The transport statement confirms that Somerset County Council as the Highway Authority would require the proposed internal access road and the site access junction to be adequately lit in accordance with the relevant local standards for the purposes of highway and personal safety. The transport statement further confirms that the County Council's Street Lighting team prefer to design lighting schemes for new residential developments in-house to ensure that its standards are adhered to and maintained. This is normally undertaken at the Section.38 technical submission stage. Therefore, the specifics and precise layout of the lighting scheme would be addressed at detailed design stage, post planning, when the technical submission is made to Somerset County Council at S.38 legal agreement stage.

A resident expressed concern that there was no bus stop provided with the scheme. The supporting transport statement confirms that the no. 25 bus service running between Taunton and Wiveliscombe and Dulverton offers the nearest service. The closest 'official' pair of bus stops are located along Bindon Road outside the Matalan store approximately 660m from the entrance to the application site. This is considered an acceptable distance to walk. Furthermore the site is in a very sustainable location in relation to Taunton Train Station given the new inner distributor road which enables easy access from the site to the station.

A resident has requested that the rear boundary of the site is opened to enable vehicular access through to Palmerston Road to the south however this would be contrary to the advice of the Crime Prevention Officer who states: 'The single vehicular entrance/exit to the development has advantages from a crime prevention perspective over through roads in that this can help frustrate the search and escape patterns of the potential offender'.

A further resident has asked for fencing to existing properties. The proposal is to maintain the existing boundaries to the south west and the south east and the north west will be formed by a 1.8m fence on top of an embankment. There would be no justification to fence neighbouring properties.

The structural impact of the development has also been raised. All dwellings would be constructed a considerable distance from any existing dwelling. Where the development would come into close proximity with existing dwellings would be relating to the works to the junction and access road however the technical design

and construction of these would be approved by the Highway Authority.

Conclusion

This development provides an opportunity to remove a historic commercial use from a primarily residential area. Removal of the unsightly commercial yard provides an opportunity to improve the visual appearance of the area and would benefit existing residents in terms of improved visual amenity and removal of unsightly buildings and potential commercial nuisances.

The site is in a sustainable location well located to the town centre, linked by footpaths, cycleways, a bus service and the Taunton Train station is located close by (980m).

With suitable conditions in place, it is considered that the proposed development is acceptable. It is, therefore, recommended that planning permission is granted subject to a Section 106 agreement. The legal agreement will secure the affordable housing and the provision and maintenance of the play area, as set out within the consultation responses.

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

Contact Officer: Mrs Karen Wray.

Application No:	3/26/19/016
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	
Applicant	Acorn Developments (SW) Ltd.
Proposal	Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works
Location	Former Nursery Site, A39, Washford, Watchet, TA23 0NT
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

- (A3) DrNo 18.82.01 Site Location Plan
- (A1) DrNo 18.82.02-E Site Layout- House Types
- (A1) DrNo 18.82.03-D Site Layout-Roof Plans
- (A2) DrNo 18.82.04A House Type Floor Plans Type A
- (A2) DrNo 18.82.05B House Type Floor Plans Type B
- (A2) DrNo 18.82.06-A House Type Floor Plans Type C
- (A2) DrNo 18.82.07-B House Type Floor Plans Type D
- (A2) DrNo 18.82.08-C House Type Floor Plans Type E
- (A2) DrNo 18.82.09A House Type Floor Plans Type F
- (A2) DrNo 18.82.10 Plots 1 & 2 Elevations
- (A2) DrNo 18.82.11 Plot 3 Elevations
- (A2) DrNo 18.82.12 Plot 4 Elevations
- (A2) DrNo 18.82.13 Plot 5 Elevations
- (A2) DrNo 18.82.14 Plot 6 Elevations
- (A2) DrNo 18.82.15 Plot 7 Elevations

- (A2) DrNo 18.82.16 Plot 8 Elevations
- (A2) DrNo 18.82.17 Plot 9 Elevations
- (A2) DrNo 18.82.18 Plot 10 Elevations
- (A2) DrNo 18.82.19 Site Elevations
- (A1) DrNo 18.82.20 Garages - Sheet 1 of 1 Floor Plans & Elevations
- (A1) DrNo 18.82.21 A Footpath Route & Detail
- (A1) DrNo 3097.001 Landscape General Arrangement
- (A1) DrNo 3097.002 Kerbs & Edges
- (A2) DrNo 3097.003 Paving Details
- (A2) DrNo 3097.004 Fences, Walls & Street Furniture
- (A1) DrNo 3097.005.1 Planting Plan - Sheet 1 of 2
- (A1) DrNo 3097.005.2 Planting Plan - Sheet 2 of 2

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

- 3 Prior to the construction of the dwellings hereby approve, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

- 4 No development (other than that required by this condition) shall be undertaken on site unless a programme of archaeological work, including excavations, has been implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme.

Reason: To ensure the preservation of archaeological remains. There is evidence of a deserted settlement noted in the Somerset HER and any works on site could have the potential to disturb archaeological interests.

- 5 Prior to occupation of the buildings, works for the disposal of sewage and surface water drainage via soakaways shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Prior to any works to the south-east corner of the site adjacent to the highway, and for any works to the highways' access point located close to the water main (indicative route of the water main shown on Wessex Water map submitted as part of their consultation response to this application) the developer shall undertake a survey to establish the precise route of the fresh water mains and shall obtain necessary diversions and/or easements from the water utility company and the LPA, if required. The works shall thereafter be retained and maintained in that form. Details and specifications shall also be supplied and agreed in writing by the local planning authority prior to their implementation for the proposed culvert.

Reason: To prevent surface water discharge into public foul water sewers,

maintain existing fresh water supplies, and to ensure the adequate provision of drainage infrastructure.

- 6 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.
 - On-site vehicle wheel washing facilities

Reason

In the interests of highway safety and amenity

- 7 The proposed access shall have a minimum width of 5 metres and incorporate radii not less than 6 metres.
- 8 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason

To prevent flooding of the highway and in the interests of highway safety

- 9 The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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

To ensure that the development is well designed and internal estate roads are

functional and fit for purpose

- 10 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 pedestrian and vehicular access to the dwellings is possible and safe prior to their occupation

- 11 In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until the cycleway/footpath connection westward to the north of Huish Barns and Huish Mews has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable transport and pedestrian and cycle safety

- 12 The Development hereby permitted shall not be commenced until the parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason

To prevent on-street parking and in the interests of highway safety

- 13 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres to the west and 110 metres to the east either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason

In the interests of highway safety

- 14 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Informative notes to applicant

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, during the consideration of the application [certain elements of the proposal were deemed to be unacceptable / issues/concerns were raised by a statutory consultee / neighbour in respect of xxx]. 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, in its revised form, was considered acceptable and planning permission was granted.

Recommendation

Recommended decision: Grant

(1) That delegated authority be given to the Chief Planning Specialist to grant planning permission, subject to the conditions set out in this report, after the signing of a Section 106 legal agreement, or equivalent unilateral undertaking is received, to secure the provisions set out in this report.

(2) That delegated authority be given to the Chief Planning Specialist to refuse the application if within six months of the date of this resolution the Section 106 legal agreement remains unsigned.

Site Description

The site is a grassed field which formerly housed a plant nursery located on the edge of the settlement of Washford. It is adjacent to the main A road to the south, and has an existing access to the highway. The site is partially bounded by mature hedgerows and has some mature trees. There is a small stream running through it. There are residential dwellings to the west, and to the north and east land in agricultural use. The site is relatively flat and is largely outside of Flood Zones 2 and 3. The site is noted in Historic Environment Records as having remains of a deserted settlement.

Relevant Planning History

3/26/14/025 - outline: erection of up to 5no. dwellings, footpath – C/A – 20/06/2017

(Huish Mews site)

3/26/14/026 - outline: erection of up to 10no. affordable dwellings, relocation of allotments – C/A – 20/06/2017

3/26/19/015 – Reserved Matters: erection of 5no dwellings, relocation of allotments – C/A – 17/10/2019

Consultation Responses

Old Cleeve Parish Council - The above application was reviewed by Old Cleeve Parish Council at the August 2019 meeting and the following comments were noted:

- o Old Cleeve Parish Council previously objected to the development by the Wyndham Estate, both on this site and the linked site in Huish Lane. The main reason being the A39 traffic issues; entering through Washford and close proximity to the dangerous Walnut Tree Corner junction with Huish lane, combined with the lack of suitable footways/crossings
- o There are concerns over; the proposed public footpath linking the development to Huish Lane, safe access to essential services and the capacity of the school
- o The foul sewer serving Washford to Watchet, regularly surcharges in adverse conditions, creating flooding in Lower Washford - in particular the school. Any further loading may exacerbate this issue with increased frequency
- o The proposed full application submitted changes from the previous approved outline application scheme from six dwellings to ten number, an increase of 40%, that in our opinion requires re- evaluation
- o Old Cleeve Parish Council is also aware of an impending application by the Wyndham Estate for a further scheme of fifteen units situated between this site and the Huish Lane scheme - approved in outline. Any such proposal linking these developments via its roadway and Huish Lane would have an enormous impact for the reasons previously given and would be strongly opposed by Old Cleeve Parish Council
- o Planning Statement

o Section 3 3.1 Details of the Section 106 Agreement - as the scheme triggers a financial contribution to offset the negativity of this development, Old Cleeve Parish Council should be part of the S.106 process

o Only Washford village, within the Parish of Old Cleeve, allows permitted development under the Local Plan 2015-2032. Roadwater village is covered by the Exmoor National Park Authority Local Plan. All other locations in the parish are considered open countryside

o Clause 3.2.2 This lists amenities, which is true, however some are only operated on

a limited and part time basis - in particular the Post Office/shop and the railway station. The school has limited capacity and is currently at its maximum. Access to the services required is by lanes or the A39 with either no or limited safe footways

o Clause 3.2.4 'Regular trains' are not available as the part time railway is primarily holiday season use and is closed during the winter. This must be discounted as a regular or economic commuter service. The use of the private car is the prime means of transport, whilst the use of the bus service is possible (to Minehead and Taunton), the route and access to the bus stops are particularly hazardous at all times on the A39.

Sections 2 and 4 refer to 'regular bus services' and 'extensive bus services' - there are buses, but not to this extent.

Employment prospects locally are limited and commuting by car to Taunton, Bridgwater or Minehead is the only practical option.

Under the outline planning permission, it is stated that;

? under Condition 9, a Measures Only Travel Plan is required - this has not been addressed

? under Condition 14, the extension of the speed limit on the A39 to the west is required - this has not been addressed

o Clause 3.3.4 The ditch/watercourse runs east/west across the site. This arises from

a natural spring east of the site in the grounds of Langtry House and ponds accordingly. The spring and associated ponds are clearly evidenced on the 1888 OS maps and regularly flood in severe adverse weather. Adequate provision will be necessary to prevent restriction and potentially creating a greater flood risk to Langtry House, access and new housing. This issue is not indicated on the submitted plans, and therefore nor is its resolution

o Clause 3.4.5/3.4.6 The site is not well related to the village services - recognised at the

outline stage requiring the essential linked footpath to Huish Lane. Clause 3.4.6 states that there is no intention to light the path or create a hard surface and it will be managed by a company for future maintenance - the transport document indicates tarmac. It is essential that the path is lit and surfaced as this was a particular issue raised by Old Cleeve Parish Council at the planning committee determination and agreed conditions imposed. Without this level of protection, during winter months/dark mornings and nights and the footpath being used by children or persons with disabilities - safety will be compromised. Condition 12 requires the linking footpath to be lit and 2.0m wide - this has not been considered

o Clause 5.3 Transport, Access and Parking

Within paragraph 5.3.4, it is suggested that as the development is on the east side of Washford, that all traffic will travel to Williton or Watchet - this cannot be assumed.

Walking distances have been checked and are based upon the shortest, safe route; however, pavement footways are not continuous whilst crossing the A39 and this is hazardous at any point. Somerset County Council have confirmed that there are no safe places for

crossings or for the provision of. In 2018 Old Cleeve Parish Council conducted an in-depth road safety survey (evidence can be provided). Access to bus stops from the site in the westerly direction is the worst hazard. Easterly the bus stop near the Post Office/shop is considered inadequate (735m). The distance to Washford Inn/railway station is 896m. There is no adequate parking at the Post Office/shop and is situated on 'Cat Lane' a single-track one-way lane with no separate footways ? Paragraph 7.1 refers to the Travel Plan in the outline planning permission, then states this is not warranted, but the outline planning permission requires it ? Appendix B shows the swept path analysis - this shows large vehicles turning left in from or left out to the A39, as needing to use the wrong side of the road to make the turn, this is potentially dangerous

- o Clause 5.37/5.38 It is considered that part of the data is flawed as the former nursery

- and 5.39 site only operated between April and September and remained closed during the winter months. The operator was occasionally assisted by one other person (only ever a maximum of two persons). It was operated on a small-scale specialist basis and not a Garden Centre as suggested. This also meant that the traffic flow in and out of the site was minimal - vehicle movements were very low and cannot be used as a measurement against the increase in potential vehicle movements. West Somerset planning authority did not take this into account when considering the outline consent for six no. dwellings and with the increase to ten no. units, the comparison is distorted

- o Design and Layout

- o Clause 5.4.6 Measures to reduce carbon emissions - it is noted that the designs incorporate chimney structures/fireplaces. As Washford has no gas supply and oil is no longer compliant, solid fuel will emit considerable carbon. The designs do not incorporate solar thermal or solar voltaic provision. This is recommended along with battery storage and grid feedback facilities. To suggest the use of buses (diesel) or the railway (coal or diesel) is of no value as a design feature to reduce carbon emissions. Air sourced heat pumps of ground source are the preferred means of heating. Insufficient space is available for ground service provision. If air sourced heating is used, the position of the units will need to be designed so as not to cause a nuisance. Power loading (electric supply) may give rise to issues within the locality. Provision should be made for electric car charging - the parking court and tandem parking may present problems - how will this be addressed?

- o Ecology

- o Clause 5.8.3 Old Cleeve Parish Council noted that the site was stripped of all vegetation and burnt on the day of purchase by the current developer, thus negating any habitat that may have been present. This was just before the ecological survey undertaken in June. Another survey is due to be conducted in September 2019

- o Flood Risk and Drainage

Details do not appear to be included in the Planning Statement although are referred to under Clause 5.9.3

- o Clause 5.9.3 Both the existing foul sewer (W.W.A.) and surface water spring/pond are noted as being in existence. No details are provided as to how these are going

to be mitigated due to conflict with the proposed buildings. It should be noted that the foul sewer at the western boundary according to W.W.A. records is incorrectly plotted and is included in the adjacent property and also serves properties to the south of the A39

o Layout Design

o Old Cleeve Parish Council considers that the layout is flawed in part. Whilst it is accepted that consent in principle has been granted for six dwellings, subject to conditions, the increase to ten is excessive due to dwelling size and positioning

o The street scene facing the A39 is of concern as the mass of plots 1 - 3 overpowers the entry to Washford due to the forward positioning

o Plot 2 - a four-bedroom unit is constrained with minimal maintenance space between it and plot 3

o The triple (one behind the other) parking provision is particularly poor and rarely works in practice, giving rise to parking issues and neighbour disputes, particularly when visitors require parking

o Likewise, parking courts of this type serving plots 1 - 4 in time, may create issues over maintenance, cleaning and dumping of rubbish (social issues)

o There is an inconsistency between the transport document (Bellamy) stating minimum garage sizes and that provided for in the Reed Holland statement and house/garage/carport sizes. The larger sizes will be required

o Plot 3 is considered to be too large for the plot, the gable mass dominating the entry to the development site. Consideration should be given to a lesser property i.e. perhaps 1 ½ storey or single storey. The large screen wall abutting the footpath urbanises the approach

o Plot 5 pinches the pavement edge and it is suggested that it be set back to avoid possible damage to the structure

o Plots 6, 7 and 8 are poorly spaced, served by a shared driveway space and may well lead to conflict (as above) with regards to a lack of parking for visitors. Poor capacity can lead to parking issues within the road turning head or the potential of parking on the single pavement - creating damage and restricted movement for pedestrians and pram, wheelchair and mobility scooter users

o Provision for waste storage and recycling is not indicated - there is a strong objection to bins on streets or in front gardens

o This is not a level site, the proposed dwelling floor levels are not stated

In summary, Old Cleeve Parish Council objects to the current proposals.

Consideration should be given to reducing the plot numbers/mass and provide a revised scheme addressing the issues raised. Old Cleeve Parish Council also request that this planning application is called in for review by the Planning Committee.

This was agreed by all members present.

Somerset County Council - West Somerset Highways - Impacts are less than severe so no objection subject to conditions for CEMP, width of access, disposal of surface water, details of road/infrastructures approved by condition, each dwelling has footpath and turning space prior to occupation, footpath connection to Huish Mews, consolidation of parking spaces, and visibility splays. Further notes that internal road will not be likely to be adopted and will be subject to APC under 219-225 of Highways Act

Housing Enabling Officer - The application was submitted in tandem with reserved

matters application at the Huish Mews site (3/26/19/015, from outline application 3/26/14/026) which will meet the identified need in the parish and is 35% of total number of dwellings proposed by the original two linked outline applications, therefore no requirement for affordable at the nursery site if the current application has the link enshrined through a section 106 with a trigger mechanism to ensure delivery of the affordable at the Huish Mews site, with rented units at the Huish Mews site allocated via Homefinder Somerset and this included in the 106 agreement

Rights of Way Protection Officer -

Tree Officer - There is a TPO on the walnut tree which should be protected during build-out, and buildings at north end a very close to hedgebank should be bigger gap (this has since been amended), initial proposal for new plantings is an odd mixture seeking amendments to it and to plantings for gardens, as there is limited space can two or three larger trees be planted along footpath route?

Landscape officer -

Wessex Water Authority - no objections but noted that there is a mains water pipe to the south-east corner of the site and WW will not grant rights to build over this and a survey will be required at applicants expense to discover exact route of mains water pipe. Applicants have said will use soakaways to dispose of surface water, this is subject to approval by the LPA, all water infrastructure must be watertight as significant problems in the area with sewerage flooding due to high groundwater levels during periods of heavy rain. Connection foul sewerage network is acceptable

Somerset County Council - flooding & drainage - Applicant should be aware of flooding issues around Washford, the LLFA discourages culverting of open watercourse which runs through the site. Requested informative.

Police - Designing out crime officer - Does not object and noted that the development should comply with Part Q of building regulations, advised compliance with provisions of SBD2019, and advised that landscaping should not create dark hiding places

SWT Public Open Spaces - policy CF1 requires provision of appropriate public amenity space, this would be via a contribution towards an offsite childrens play area of £3328 per dwelling total of £33,280 (based upon 10no. dwellings, amended accordingly to reduction in units)

Conservation Officer - no comments received

SCC - Ecologist - awaiting further comments

The South west Heritage Trust - The site overlies a deserted historic settlement noted in HER and is likely to impact on a heritage asset, previous permission had a condition for archaeological investigation. Therefore in accordance with paragraph 199 of the NPPF a condition for a programme of archaeological works to be

completed in accord with an approved Written Scheme of Investigation should be attached to any permission granted.

Representations Received

The Somerset Wildlife Trust have written objecting to the development citing the submitted ecological report.

Two letters of representation have been received objecting to the development, issues cited are:

- Increase from 6 to 10 and high density which is out of keeping with the area
- Road safety and bad junction
- Drainage in the area limited and already there are reflux flooding events after heavy rainfall
- Not enough parking for visitors, turning space and room for bin lorries
- overdevelopment

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

LB/1	Listed Buildings Alterations and Extensions
9	The Built Historic Environment
LB/1	Listed Buildings Alterations and Extensions
NH13	Securing high standards of design
SC1	Hierarchy of settlements
R/6	Public Open Space and Small Developments
SD1	Presumption in favour of sustainable development

Retained saved polices of the West Somerset Local Plan (2006)

LB/1	Listed Buildings Alterations and Extensions
9	The Built Historic Environment
LB/1	Listed Buildings Alterations and Extensions

NH13	Securing high standards of design
SC1	Hierarchy of settlements
R/6	Public Open Space and Small Developments
SD1	Presumption in favour of sustainable development

Local finance considerations

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£9,711
Somerset County Council	£2,430

6 Year Payment

Somerset West and Taunton	£58,266
Somerset County Council	£14,571

Determining issues and considerations

The main issues are - principle of development, affordable housing and links to previous outline permission and Huish Mews development, legal agreement, design, roads and parking, ecology, landscaping, archaeology, footpath, public open space, drainage and flooding

Principle of development

This application was submitted in tandem with a reserved matters (RM) application at the nearby Huish Mews site (reference 3/26/19/015 for the RM and 3/26/14/025 for the outline) and follows on from two outline consents granted in 2017 which linked both sites with this 'nursery' site (reference 3/26/14/026 outline) providing open market housing and the related Huish Mews site providing affordable housing. The approval for both outlines was conditional upon a mix of affordable housing and open market being provided across the two sites which are separate and not directly linked or contiguous to one another but were in the same ownership. This policy-compliant affordable housing mix was achieved via a legal undertaking related to both outline permissions. However this application is a full planning application, not an RM directly linked to the original outline, but which seeks to continue the principle of linking the sites to provide affordable housing on the other Huish Mews site, whilst providing open-market housing at this 'nursery' site. As before the formal link would be established via a legal agreement.

The site is on the edge of the settlement of Washford where some limited residential

development is allowed under the adopted Local Plan. The initially submitted proposal was for 10no. dwellings. However after discussions with the County ecologist and consideration of constraints at the site, this was amended to 9no. dwellings. Additionally the proposal includes development of a footpath/cycleway to link both sites and provide safe pedestrian and bicycle access to the centre of Washford.

The previous outline consent is a significant material consideration and it is considered that the principle of development is acceptable if any permission granted at the site is bound to the delivery of affordable housing at the Huish Mews site via a section 106 legal agreement. It is acknowledged that the affordable/open market mix has slightly changed but this is considered to be in accordance with local plan policies.

If permission is granted this should be conditional upon drafting and signing of a legal agreement to ensure development beyond five units cannot take place unless all the affordable units at Huish Mews have been delivered or an appropriate off-site affordable housing contribution has been agreed and paid by the developers. The legal agreement should also address works for the footpath, public play areas contributions, and management and maintenance issues related to the estate road and culverting of the watercourse.

Design

The proposal would create a small cul-de-sac style of residential development on the southerly approach to Washford. The proposed dwellings would be largely traditional in design and many would feature garages although there would also be a parking court for use by some of the dwellings towards the south-west end of the site. The initial design for ten houses was amended to reduce this number to nine dwellings and increase the buffer to the edge (hedgerows), which has also increased the land available for soft landscaping which is of net visual benefit to the proposed scheme. Subject to a condition for final approval of materials the design is considered to be acceptable and would not create any significant issues with amenity to existing dwellings or to each other within the proposed scheme

Roads and parking

The site has an existing access which would require some improvements, but is considered acceptable for the scale of proposed development. There is adequate off-street parking and reasonable turning spaces. The scheme would include permeable paving and the internal estate road is not expected to be adopted. The County highways officer has not objected to the proposal but has requested various conditions which would be appended to any permission granted.

Ecology

The site has some significant biodiversity potential including for protected species

such as bats. A final survey and report was submitted on 25/11/2019 and this is awaiting further commentary from the County ecologist, with the potential need for a Habitats Regulation assessment (HRA). If this is the case Natural England will need to be consulted. Subject to the report's findings being acceptable, a recommendation of approval would need to be accompanied by appropriate condition.

Landscaping and trees

The proposal includes retention of many of the existing trees and hedgerows with some additional plantings. The tree officer has not objected to the scheme but has requested some revisions to the proposed soft landscaping, protection for retained trees and some new tree planting along the footpath route. These would be set by condition where and if appropriate.

Archaeology

The site is recorded as having remains of a deserted settlement on the Somerset Historic Record and it is therefore required that a 'prior to commencement' condition for a scheme of archaeological investigation and reporting is agreed by the LPA and implemented.

Public Open Space and footpath

Local Plan policy CF1 requires a contribution for public play areas in the locality, this would be part of the section 106 legal agreement. There is a small area of open space amenity land shown on the site plan but this is adjacent to the highway and likely to be unsuitable as a site for play provision.

The proposal includes the provision of a footpath/cycleway connecting this site to Huish Mews, which is considered necessary to allow for pedestrian access to the Huish Mews site and central Washford. Subject to conditions and inclusion within the legal agreement the footpath is considered acceptable.

Drainage and flooding

The majority of site is not within a high risk category flood zone although due to the presence of an open watercourse there is a small portion of the site which has increased flood risks. The application documentation includes an initial drainage strategy drawn up by Shear Design, consultant civil engineers, based upon establishing connections to existing foul water pipes for sewerage disposal and soakaways (with appropriate ground testing undertaken) for disposal of surface water, and culverting the stream which bisects the site. Whilst in principle the drainage strategy is acceptable it is based on the originally submitted layout to provide 10no. dwellings and has not been amended since revisions have been made to reduce this number and amend the layout. Additionally the consultation response

from Wessex Water (WW) has identified a fresh water mains pipe cutting across the south-east corner of the site which the utility company have stated cannot be built over and that at least a 3m easement is needed around it. Most of the area indicated in WW's plan submitted as part of the consultation response would be soft landscaped including the root protection zone of an extant tree, but it is very likely that the road access point will be close to, or within the minimum 3m area in which build-over works could not take place. The proposed culverting works have been assessed by the LLFA and whilst it is not their preferred option they have not objected to the proposal. However final details of the culverting and its management have not been supplied and will be required prior to implementation of any culverting works.

It is therefore considered that the proposed water management strategy at the site is acceptable in broad outline but requires a condition for additional details and necessary re-consultation with the LLFA and Wessex Water to ensure that any groundworks do not impact on existing mains water supplies and that the culverting works are acceptable and that sufficient management and maintenance systems are in place for its continuing operation.

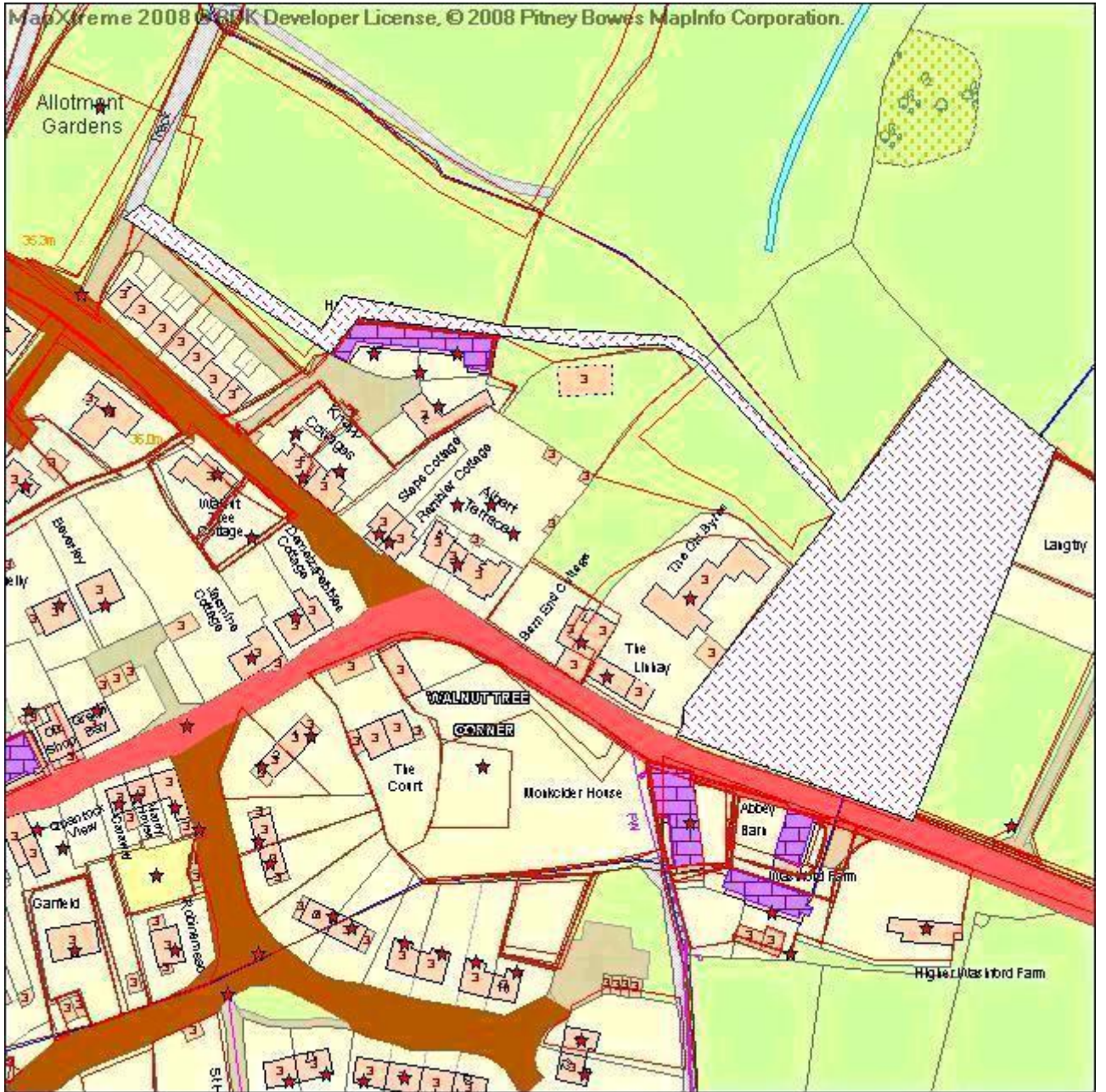
Other matters

The Parish Council have objected to the scheme for various reasons cited above related to highways, lack of pedestrian access and other matters. They have also requested that the application is called into committee and asked for a reduction in the scale of development. These comments were made before the proposal was revised to reduce the number of dwellings. Other matters raised are discussed above. Two letters of objection were received, the matters raised are also discussed above.

Conclusion

This application departs from the original outline consent and has taken a new approach to delivering open market housing at the site from that envisaged under permission 3/26/14/026. However with a legal link to the Huish Mews site it would be possible to ensure policy-compliant provision of affordable housing at the two sites. Subject to a suitable legal agreement under s106 of the TCPA and conditions as cited above, the application is recommended for approval.

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



Application No:	3/37/19/002
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 307018 Northing: 143282
Applicant	Savills (UK) Ltd
Proposal	Erection of 10 No. dwellings with associated works
Location	Land to the south of Stoates Mill, Watchet
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A1) DRNO 1808 0010 REV E PROPOSED SITE LAYOUT
(A1) DRNO 1808 0111 REV E BLOCK PLAN
(A1) DRNO 1808 0112 REV C PROPOSED SITE LAYOUT
(A1) DRNO 1808 0451 REV B PROPOSED STREET ELEVATIONS
(A1) DRNO 1808 0453 REV A PROPOSED SITE SECTIONS
(A1) DRNO 1808 0911 REV A EXISTING SITE LAYOUT
(A3) DRNO 1808 0910 REV B SITE LOCATION PLAN

(A1) DRNO 1808 0212 REV F PROPOSED PLOT 12 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0211 REV G PROPOSED PLOT 11 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0213 REV G PROPOSED PLOT 13 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0214 REV G PROPOSED PLOT 14 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0215 REV F PROPOSED PLOT 15 PLANS AND ELEVATIONS

(A1) DRNO 1808 0216 REV F PROPOSED PLOT 16 PLANS AND ELEVATIONS

(A1) DRNO 1808 0217G PROPOSED PLOT 17 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0218 REV G PROPOSED PLOT 18 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0219 REV E PROPOSED PLOT 19 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0220 REV E PROPOSED PLOT 20 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0221 REV A PROPOSED PLOT 12 AND 14 GARAGES

(A1) DRNO 1808 0451 REV E PROPOSED STREET ELEVATIONS

(A1) DRNO 1808 0805 REV B PRECEDENT IMAGES CONNECTION TO ADJACENT MILL DEVELOPMENT

(A1) DRNO 1808 0808 REV A PROPOSED DEVELOPMENT SHADOW PATH ANALYSIS

(A1)DRNO 1808 9001 REV F PROPOSED HARD LANDSCAPING

(A1) DRNO 1808 9003 REV A PROPOSED SOFT LANDSCAPING

(A3) DRNO 1808 9004 REV A LANDSCAPE DETAILS BRICK BOUNDARY WALL WITH SOLDIER COURSE BRICK COPING

(A3) DRNO 1808 9005 REV A LANDSCAPE DETAILS FEATURE CAPPING TO PIERS

(A3) DRNO 1808 9006 REV A LANDSCAPE DETAILS DWARF RETAINING WALLS

(A3)DRNO 1808 9007 REV A LANDSCAPE DETAILS RENDER FINISHED BOUNDARY WALL WITH COPING

(A3) DRNO 1808 9008 REV A LANDSCAPE DETAILS RENDER FINISHED BOUNDARY WALL WITH DOMED CAPPING

(A3)DRNO 1808 9009 REV A LANDSCAPE DETAILS UNCOURSED RANDOM STONE WALL WITH DOMED MORTAR CAPPING

(A3) DRNO 1808 9010 REV A LANDSCAPE DETAILS FENCES

(A3) DRNO 1808 9011 REV A LANDSCAPE DETAILS METAL RAIL FENCING

(A3) DRNO 1808 9012 REV A LANDSCAPE DETAILS TREE PROTECTION

(A1) DRNO 1808 9013 REV A LANDSCAPE DETAILS GATES

(A1) DRNO 1808 9014 REV A LANDSCAPE DETAILS PAVINGS

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

- 3 Prior to the construction of the development above damp-proof-course levels samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

- 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 amenity and highway safety

- 5 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

To prevent increased risks of flooding

- 6 A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason

To ensure the development does not damage the public highway

- 7 Prior to first occupation of the development hereby permitted, access to covered cycle, and electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development provides sustainable transport options

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

Reason

In the interests of highway safety and residential amenity

- 9 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: ANC-HYD-PH2-XX-RP-D-5001-S2 P2 by Hydrock dated 21-12-2019 and the following mitigation measures detailed within the FRA:

It is recommended that all new building Finished Floor Levels are set at a minimum of 150mm above immediately surrounding ground, or 600mm above the 1% (100 year) Annual Event Probability plus 85% Climate Change levels (whichever is higher) to ensure any design exceedance flows, should they occur, are directed away from any buildings (in line with best practice).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding.

- 11 The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts Bat activity surveys dated June, August and September 2018 and the Reptile survey dated August/October 2018 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 retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting

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 bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife

Informative notes to applicant

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, during the consideration of the application [certain elements of the proposal were deemed to be unacceptable / issues/concerns were raised by a statutory consultee / neighbour in respect of xxx]. 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, in its revised form, was considered acceptable and planning permission was granted.

Proposal

Erection of 10 No. dwellings with associated works. The design has been revised twice and the final third iteration of the design has been produced following on from the assessment by the Design Review Panel.

Site Description

The application site is located within central Watchet, bordered by the West Somerset Railway to the south, the Washford River to the west and existing residential along the north and eastern boundaries. The site is accessed via a private road off Anchor Street, through an archway which forms part of the redeveloped, former Stoates Mill.

Relevant Planning History

In December 2013, planning permission was granted for the *conversion of commercial units into 10 residential units, erection of a 70 bedroom care home, redesigned access and associated works* (ref. 3/37/08/036) . This followed a previous permission for 10 units and a residential care home with 61 bedrooms under planning reference 3/37/08/005.

The proposals included the conversion of the stone and brick mill buildings off Anchor Street into 10 dwellings (including 3 affordable units) and to erect a 3-storey rendered and stone residential care home with a natural slate roof in the adjoining field to be accessed through a redesigned access off Anchor Street through an archway created through one of the converted mill buildings.

To date, phase 1 works have been completed on the front part of the site, comprising the residential conversion of the mill and other ancillary buildings. Seven of the residential units are now occupied with the remaining sold subject to contract. Due to lack of market interest in the care home, this part of the extant application has not been implemented. As a result the current application now proposes 10 market dwellings on the remainder of the site that if approved would be delivered

instead of the care home..

Consultation Responses

Watchet Town Council - Objection

The Committee rejects the amended application on the same grounds - Concerns on traffic usage. Will reconsider if sufficient proposal put forwards for traffic management.

Highways Development Control - No objection subject to conditions

Comments received 15/02/19:

Access

The proposal site sits off an existing access that serves the unclassified Anchor Street in Watchet. In previous application 3/37/08/036, the Highway Authority expressed concerns about the nature and suitability of Anchor street and its junction arrangement onto Swain Street (B3191). Subsequently the Highway Authority recommended refusal for application 3/37/08/036, however the application was consented by the LPA.

Notwithstanding the above, it could be considered as unreasonable for the Highway Authority to object to this current planning application given that vehicle movements for the development proposed may be considered comparable to the consented care home and residential units (3/37/08/036). However, the LPA should be mindful of the previous comments made by the Highway Authority.

Should any future development be proposed that would require the access of this element of highway and seen to have a detrimental impact on the local highway, this is likely to attract an adverse response from the Highway Authority.

Internal Layout

Turning to the internal layout, the applicant should be aware that it is likely that the internal layout of the site as indicated within the submitted drawing, 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. The 'Design & Access Statement' (paragraph 7.1.8) indicates that the site will remain private and be maintained by a management company. SCC will require full contact details of the management company together with a copy of management agreement stating what exactly the management company will be responsible for in terms of maintenance.

The 'Design & Access Statement' (paragraph 7.4.5) indicates that surface water will be managed through a SuDS approach with attenuation crates being positioned beneath the estate road. The developer should be made aware that this design will mean that the site would not be considered suitable for adoption at any stage in the future.

Subject to consent, If the site is to remain within private ownership it is advised that the developer contact the local refuse collection company to ascertain whether they would be prepared to make collections and serve the private road.

It is noted that no swept path analysis has been provided. The applicant must ensure that the largest associated vehicle has the capacity to safely enter, manoeuvre and egress onto the public highway in a forward gear. The applicant should also be mindful of the accessibility for all emergency service vehicles is safely achievable.

Surface water from the proposed development site will not be permitted to discharge onto the existing public highway.

Any existing services located within the carriageway or footway fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services should be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. Works must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 84 NRASWA 1991.

The developer will need a Section 171 licence to be issued before any works to the highway or immediately adjacent to it can commence. It is the responsibility of the developer to apply for any licences in advance as requests to start without the licences will be refused. It will take approximately one month from application for the licence to be issued. Licences are obtainable from DevelopmentEngineering@somerset.gov.uk. Applications should be made at least four weeks in advance of works commencing in order for Statutory Undertakers to be consulted concerning their services.

A Section 50 licence will be required for sewer connections within or adjacent to the highway. Licences are obtainable from BSupport-NRSWA@somerset.gov.uk. At least four weeks' notice is required

Parking

Figure 7.3.4 in the Design and Access Statement states that sufficient parking will be provided in accordance with the Somerset Parking Strategy (SPS), although it would appear no definitive figure has been provided. To clarify, suitable vehicle parking should be provided in line with the SPS.

Figure 7.3.5 states that cycle parking will be provided within the garages for each plot where Electric Vehicle (EV) charging points could also be located. Therefore, the garages should be designed and constructed to accommodate suitable cycle parking (in line with the SPS at 1 cycle space per bedroom) and vehicle spaces whilst also providing Electric car charging points in all of the garages as part of SCC Policy.

Drainage

In receipt of the Flood Risk Assessment report BIM ref. ANC-HYD-PH2-XX-RP-D-5001 S2 P2 there is no objection to the surface water management proposed within the report and that the intention is for the access road serving the development to remain in private ownership.

Conclusion

With the above in mind, the layout of the private street will have to satisfy APC. It is recommended that a suitable swept path analysis is provided on a suitable scaled (1:200 advised) topographical drawing and be to the satisfaction of the Highway Authority. Given previous consent and conditions of the site, it is therefore assumed that highway related conditions and commitments are carried forward for this application. It is also recommended however, that the following conditions are also attached for this proposal if members are minded approving the application:

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.
- The development hereby permitted shall not be first occupied until an agreed number of vehicle parking spaces and layout for the development have been provided and approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
- Prior to first occupation of the development hereby permitted, access to covered cycle, and electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- Prior to the commencement of the development, a suitable Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

- 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.
- 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.

Further comments received 28/02/19:

I refer to the above planning application and additional information received by the Highway Authority on 18 February 2019 and have the following observations on the highway and transportation aspects of this proposal.

In our previous comments dated 15 February 2019 the Highway Authority highlighted that, at the current time no swept path analysis or clarity on proposed parking spaces appeared to have been provided for the proposed development. Further documents have since been received by the Highway Authority in support of the application which have been assessed.

The applicant has proposed to provide 4 vehicle spaces per dwelling, with each having a double garage (minimum dimensions of 6m x 6m) and at least two external driveway spaces (minimum dimensions of 4.8m x 2.4m per space). The Somerset Parking Strategy (SPS) optimum parking provision for this application would be 32 vehicle spaces, including 2 visitor parking spaces. The Highway Authority do not object to the proposed parking figure in this instance however, the LPA should be mindful of our previous comments dated 15 February 2019 with regards to proposed cycle parking spaces within garages.

To reiterate, the site as proposed will not be adopted by the Highway Authority

although it is also advised that the area of hard standing is to an appropriate length to accommodate all modern day standard vehicles (as measured from the nearside edge of the private footway/private road to the face of the garage doors), where the doors are of an up-and-over type.

With reference to submitted swept path drawing no: SPA_01, there would appear sufficient parking and turning for a refuse vehicle to enter the public highway in a forward gear. It is noted that no swept path analysis has been provided demonstrating the refuse vehicle entering off the public highway and through the existing archway and vice versa. It is envisaged that, given previous consent for the site this has been considered by the applicant and is safely achievable although for the avoidance of doubt dimensions of the constructed archway and a swept path analysis to and from the public highway in a forward gear should be provided.

Update: Information now provided and details acceptable to highways as of 18th March 2019.

It is advised that the applicant contact the local waste management company to establish which type of vehicles are likely to service the development and, given that the site is to remain private and whether they are satisfied to serve the proposed development. The applicant should be mindful of recommended distances over which refuse bins can be transported by operatives/residents as set out within Manual for Streets.

It is to our understanding that the applicant is seeking exemption of an APC for the proposed development site now it is envisaged that the internal layout is to remain private and will be served off an already existing private 'street'.

In order for the applicant to qualify for the exemption of APC the development will still need to be built to an adoptable standard in terms of depth of materials with associated drawings to be checked for approval. Full details of how the proposed private roads, planting, footpaths etc will be maintained and by whom will also need to be submitted. The roads will need to be inspected where a superintendents fee is liable. Upon satisfactory completion of the above, an APC exemption certificate can be issued by the Highway Authority.

With the above in mind, the Highway Authority refer the LPA to our previous conditions dated 15 February 2019 if members are minded to approving this application.

Wessex Water Authority - No objection subject to comments

Comments received 28/01/19:

Wessex Water has no objections to this application and can advise the following information 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 the existing water course.

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 here.

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

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located. The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight and vent stacks rather than durgo valves must be used to prevent restricted toilet use during these prevailing conditions.

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 the existing water course. The strategy is currently acceptable to Wessex Water, providing that discharge rates and flood risk measures are in place and agreed with the LFA and Environment Agency According to the EA Flood Risk Maps the location is at risk of surface water flooding. The planning authority will need to be satisfied that the site is not at risk from surface water flooding or that the proposal will increase surface water flood risk elsewhere.

Environment Agency - No objection subject to conditions

Comments received 31/01/19:

The Environment Agency objects to the proposed development, as submitted, on the following grounds:

There is insufficient information supplied to assess flood risk to this proposal.

We understand an updated model has been undertaken which will need to be reviewed by ourselves. Upon completion of the review we will be able to comment on the Flood Risk Assessment (FRA) and proposal. Please can the applicant's agent arrange for an electronic copy of the model to be sent to us, including the updated LiDAR and topographical survey to back up the changes made to the baseline model.

The Environment Agency model did not include the mill wall as it is not classed as

a flood defence, and for the purpose of floodplain and planning applications, the model needs to take the worst case scenario into consideration. Please re-run the base line model with the revised flow without the wall to provide a new updated baseline to compare with the new proposal. Until this information is made available we would wish to maintain our objection.

The following details should be noted and are supplied for information:

Part of the development falls within Flood Zone 3 which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

This development may also require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Washford River, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Comments received 05/04/19 following review of updated modelling information:

Thank you for referring the amended details concerning the above application, which was received on 1 April 2019.

After reviewing these details the Environment Agency can now WITHDRAW its earlier objection, providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, and subject to the inclusion of the following condition which meets the following requirements:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: ANC-HYD-PH2-XX-RP-D-5001-S2 P2 by Hydrock dated 21-12-2019 and the following mitigation measures detailed within the FRA:

It is recommended that all new building Finished Floor Levels are set at a minimum of 150mm above immediately surrounding ground, or 600mm above the 1% (100 year) Annual Event Probability plus 85% Climate Change levels (whichever is higher) to ensure any design exceedance flows, should they occur, are directed away from any buildings (in line with best practice).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in

writing, by the LPA.

Reason: To prevent the increased risk of flooding.

The following informatives and recommendations should be included in the Decision Notice:

From the plans, we cannot tell where the access is from the main road to the site. If any of the access is within Flood Zone 3, the developer will need to contact the emergency planner to discuss an emergency plan.

Somerset county council flooding and drainage - No objection subject to comments and conditions

We note that this is phase 2 of a wider redevelopment of the Mill site off Anchor Street related to application 3/37/08/036. The Washford River is a designated Main River and will therefore need consultation with the EA regarding flood zones, location of defences, flood levels, and discharge points. We note the FRA suggests that there is a mill leat running through the centre of the site, but that this has been infilled. We trust that the EA have confirmed that this is the case.

Due to the flood risk associated with the site, the drainage calculations have correctly included a submerged outfall condition. However, the modelled flood levels used to inform the drainage need to firstly be approved by the Environment Agency. Microdrainage calculations submitted suggest potential surcharging of the drainage network in 1 in 1-year event, there should be no surcharging in the 1 in 1-year event.

The proposed development is relatively small and yet has three outfalls into the Washford River which relate to three drainage 'catchments' (northern, central and southern) identified within the site. The discharge rate for each is small, and whilst achievable with certain flow control devices, this could result in a higher likelihood of blockage and exceedance. The overall discharge rate for the development has been limited to the calculated greenfield runoff rate.

Opportunities to simplify the drainage scheme and utilise a range of SUDS features should be explored in the context of any site constraints. Exceedance routing will need to be confirmed on a plan at detailed design stage, through a detailed drainage condition.

South West Heritage Trust - No objection

Comments received 23/01/19:

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.

Conservation Officer - Objection

Comments received 13/03/19:

I have looked at the design and access statement. What is missing from this is a thorough understanding of the local vernacular in Watchet that transmits directly into the layout and design and massing of the proposed development .

The obvious starting point for observation is the mill complex itself. The design and massing and juxtaposition of the buildings combine to make a good composition that is intertwined in the grain of Watchet. I am concerned that the proposed development does not pick up on this distinctive character. Instead it is a development that is anonymous and unrelated to its context. I could not support the development proposal in its current form.

I recommend the applicant review the design and access statement by doing a careful analysis of traditional buildings in Watchet. In amongst the things to look at are the spaces between buildings and how the access and parking can fit into a layout that starts with such spaces rather than starting with the road layout and fitting houses around that. The early poundbury development forms are a good example. Walls play an important part in joining buildings and should feature here too.

The statement correctly points to policies on good design in sensitive locations. This site is in the conservation area and in my view the proposals will have a negative rather than positive impact.

I am not averse to considering more contemporary design that is influenced by and rooted in traditional design. I would be happy to meet the applicants to discuss the above preferably after they have undertaken a thorough analysis of Watchet vernacular

Design Officer - Objection

Comments received 18/03/19:

The application is most disappointing in that:

- 1. There is no attempt to establish the local character of the area or the site (in spite of national public guidance).*
- 2. The house types are generic housing estate types, which do not relate to the Watchet Conservation Area or indeed to themselves;*
- 3. There is no attempt at placemaking.*
- 4. The use of a cul-de-sac in this layout is inappropriate in this context; a yard approach would be appropriate to this backland, semi industrial mill related site. That would inform the grouping of the buildings and the 'mews court' type access and parking.*
- 5. The road layout is inappropriate for such a small development, where vehicle movements are minimal throughout the day. A tracking approach as per MfS2 is appropriate.*

The layout and house types are contrary to the advice contained in the draft West

Somerset Design Guide which advocates the principles of 'placemaking'. This application fails in this regard and seeks to provide a certain number of housing units alongside a standard estate road regardless of the character of the settlement in which the site is located. It is essential that any scheme creates a sense of place and responds positively to its surroundings in a way which creates the valued heritage of the future.

Given the above failures of this scheme, I strongly recommend that it is refused on the basis of poor design and harm to the significance of Watchet Conservation Area which is a designated heritage asset.

No further comments received after revised scheme submitted

Biodiversity Officer - No objection subject to conditions

Comments received 18/02/19:

Biodiversity

Initial ecological surveys were carried out on this land in March 2013. Up to date surveys are now required so Country Contracts carried out Bat activity surveys on the site in June, August and September 2018 and a Reptile survey in August/October 2018. Findings were as follows:

Bats

The habitat likely to support bats are the trees, shrubs and vegetation around the site boundaries particularly along the Washford River. A total of seven species of bat were detected during the June survey, five bat species in the August survey and four species in the September survey. The species were-Common pipistrelle, soprano pipistrelle, serotine, daubenton's, long eared, Greater and lesser horseshoe bats. Most bat activity was recorded along the Washford River and no bat roosts were found on site. The removal of any trees and the impact of lighting would have an adverse impact on these foraging bats.

Birds

There is potential for nesting birds on site.

Reptiles

The site was surveyed for reptiles on seven separate occasions. The surveyor found a peak count of 12 slow worms on one visit so the site is considered to support a distributed breeding colony. Most slow worms were found on the southern boundary. I support the recommendations with regards to reptiles on site namely that the reptiles will need to be relocated. Suitable receptor sites will need to be agreed. Discarded materials which may provide a refuge for reptiles should be carefully removed

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice

of Country Contracts Bat activity surveys dated June, August and September 2018 and the Reptile survey dated August/October 2018 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 retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting

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 bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife

Somerset Wildlife Trust - No objection subject to condition

Support comments from biodiversity officer in terms of proposals for mitigation and enhancement. In addition we would request that any site boundaries are constructed so as to allow the free passage of small mammals. All of these recommendations should be included in the planning conditions if it is decided to grant planning permission.

Landscape Officer - No objection subject to condition

Comments received 18/02/19:

I have no landscape objection to the scheme. Full landscape details are required.

Tree Officer - Objection

Comments received: 12/02/19:

Regarding Stoates Mill, there doesn't appear to be an arboricultural survey or constraints plan, which would clearly show the Root Protection Areas of the trees and their proximity to the proposed buildings. Some of the buildings appear to be very close to the boundary trees, both in terms of the potential root damage, and the potential shade that will be cast, particularly on the east side.

The site is within the conservation area, so no tree works should have been, or should be, carried out in there without consent.

As most of the trees are on the boundaries, in principle it should be possible to achieve a scheme that retains these trees.

Updated comments received 12/03/19 following applicant's submission of

Arboricultural Survey and Report:

I have some concerns.

There seems to be a discrepancy between the location of the trees plotted on the Tree Constraints/Removal Plan and their locations on the original site survey and site layout plan. The trees on the former appear to be closer to the proposed houses.

I'm concerned that a number of the largest trees on the site are proposed for removal. I'm also conscious of the fact that the trees, particularly on the east side, are very close to the proposed buildings, which are touching the trees' Root Protection Areas in places. This is not ideal because:

- a) It will be very difficult to actually build those houses without significant incursion into the RPA;
- b) The resulting gardens are very small;
- c) The trees will cast much shade over the new houses;
- d) The trees will shed minor debris and branches, and there will be increased pressure to prune or fell the trees once the new 'targets' - ie people and property - are living in close proximity.

Ideally, I think that a single, central row of houses would be better in terms of allowing more space for trees and buildings to co-exist without conflict.

Housing Enabling Officer - no comments received

Representations Received

One representation objecting to the development was received raising issues related to flood risk, impacts on biodiversity and access to the riverside

one letter of support received, also commenting that there should be additional traffic calming measures

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

CC2	Flood Risk Management
NH1	Historic Environment
NH2	Management of Heritage Assets
NH3	Areas of high archaeological potential
NH13	Securing high standards of design
NH6	Nature conservation & biodiversity protection & enhancement
SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SD1	Presumption in favour of sustainable development
T/8	Residential Car Parking
TW/1	Trees and Woodland Protection
W/7	River Corridor Protection
SC4	Affordable Housing
WA1	Watchet Development
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
R/6	Public Open Space and Small Developments
BD/9	Energy and Waste Conservation
NH7	Green infrastructure
CC6	Water Management

Retained saved policies of the West Somerset Local Plan (2006)

CC2	Flood Risk Management
NH1	Historic Environment
NH2	Management of Heritage Assets
NH3	Areas of high archaeological potential
NH13	Securing high standards of design
NH6	Nature conservation & biodiversity protection & enhancement
SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SD1	Presumption in favour of sustainable development
T/8	Residential Car Parking
TW/1	Trees and Woodland Protection
W/7	River Corridor Protection
SC4	Affordable Housing
WA1	Watchet Development
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
R/6	Public Open Space and Small Developments

BD/9	Energy and Waste Conservation
NH7	Green infrastructure
CC6	Water Management

Determining issues and considerations

Determining issues and considerations

The general principle of development taking place on this site has already been established through the extant consent for the care home. However it was not possible to develop the site with the care home consent after the original provider pulled out, and the site was marketed for several years with the extant consent but no other provider showed any interest. It is accepted that this site could effectively be viewed as forming phase 2 of the mill conversion already undertaken although in fairness it is acknowledged that the first phase of development is complete and this application should be viewed as separate and stand-alone.. Key planning considerations are design quality and relationship with the surrounding historic environment of Watchet Conservation Area as well as addressing the site's constraints including the required set back from the river, the existing tree belt on the east side whilst ensuring acceptable highway access arrangements.

The Principle of the Development

In accordance with WSC Local Plan to 2032 policy SC1, new development will be concentrated in the district's main centre, Minehead/Alcombe, and in the rural service centres of Watchet and Williton. The policy places the following requirements on new developments:

4. Development within or in close proximity (within 50 metres) to the contiguous built-up area of Minehead/Alcombe, Watchet, Williton and primary and secondary 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 majority of the criteria can be met given the central location of the site and ready access to shops, facilities and services within a short walk. Highways are now satisfied that the access arrangements and level of traffic generation are acceptable in this location. The proposal is set at 10no. open-market dwellings so is below the threshold of 11no. dwellings for affordable housing provision as per policy SC4, therefore it is accepted that the proposed development is policy compliant in regards

to the lack of affordable housing provision, and given the constraints at the site it would have been extremely difficult to increase housing density.

However concerns have been raised over the original plans submitted that the form and design of the development did not sufficiently respect the historic environment or complement the character of the existing settlement sufficiently to satisfy criteria C. The design has been subject to three revisions with the second iteration assessed by the Design Review Panel and revisions made accordingly.

National Planning Policy (NPPF) promotes the effective use of land. At Paragraph 11 it states that planning decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

The site is not brownfield land however given its association with the mill conversion, it is currently under-utilised and the land could be used more effectively to contribute toward the local housing supply and improving the visual amenity of this central part of the town.

Design and Impact on Conservation Area

Despite being in the centre of the town the site is fairly well screened by the mature landscaping that bounds most of the site as well as the mill development to the front, the poplar tree belt to the east, the rail line to the south and the river providing a barrier to the west. Once developed however the site will be visible from some of the converted mill properties as well as from residential properties facing towards the site from the east (off Brendon Road) and west (off Warren Close). There are two dwellings that are immediately adjacent to site boundary in the north-east corner which will views in to the site.

Concerns were raised by Council's Conservation and Place-making officers that the original proposed layout and form of development was not sympathetic to the local vernacular and that the layout was more reflective of a typical modern suburban street rather than appropriate to Watchet Conservation Area. However after changes made following on from assessment by the Design Review Panel (DRP) the final design is considered to have addressed these issues. Changes include additions of chimneys to four plots (including one with projecting chimney stack to side elevation), variations in eaves levels, dormer windows and setbacks to some plots, expressed timber lintels to openings in stone-faced walls, changes to massing, inset doors with recesses, and blanked window to garage forming entranceway to mews courtyard. The changes are based upon both comments by the DRP and on found examples of local vernacular detailing given in submitted documentation. The layout as proposed is for two mews courts with attendant line-of-sight views into the

development from the arch of the original mill building along the same trajectory. It is considered that the changes would not significantly detract from the heritage significance of the converted mill building and the Conservation Area, and would achieve a good balance between vernacular detailing and contemporary design. The urban grain in the surrounding area is generally fairly tight and this is replicated in the final designs. The design incorporates shared surfaces for the road and front yard/garden areas with limited new plantings of trees. This would be through permeable paving and helps to retain aspects of the industrial heritage of the wider Stoates Mill site. The proposed materials include brick, render and stone for wall surfaces, with some rubbed brick arches and timber lintels as examples of vernacular heritage detailing, and are considered to be acceptable in broad outline, subject to a condition for final approval of materials prior to works above DPC levels

Highways, Access and Parking

As highlighted in their consultee response, Highways raised concerns over the previous application in relation to the safety of the access arrangements off Anchor Street and recommended that the application be refused on these grounds. However that application was permitted and as such the response from Highways to this application reflects a comparison with the extant permission as opposed to no development occurring and therefore there is no objection on highways grounds subject to recommended conditions.

In terms of the parking layout on updated plans there is considered to be sufficient off-street parking for the scale of proposed use with specified garages and space to the front of properties for additional parking and visitors. The garages would allow for secure storage of bicycles.

Flood Risk Management and Drainage

Along the Western boundary of the site, the Washford River runs towards the town. As a Main River, the channel and its banks are within Flood Zone 3. The EA retain riparian ownership responsibilities for maintenance of the river and require an 8 metre strip of land to be maintained beside the river, measured from the 'top of bank' line. This constraint has informed the proposed layout. A Flood Risk Assessment (FRA) has been prepared and approved by the Environment Agency, subject to conditions. A historic mill leat has been infilled and the diversion blocked off so that there is no longer a watercourse running through the site.

The eastern/right bank of the River is significantly elevated above the watercourse and western/left floodplain, and Environment Agency mapping shows it to be within Flood Zone 1 (Low Risk). There is a low risk of flooding from all other sources. The proposed development falls entirely within Flood Zone 1 and as such the FRA states that the Sequential test has been passed.

The proposed development will discharge all surface water runoff from impermeable areas to the River Washford to the west of the site at a cumulative rate that is equivalent to the existing average annual (QBAR) greenfield discharge rate during all storms up to the worst case duration 1 in 100 year storm event plus a 40% allowance for climate change. The total discharge from surface water from the site is

therefore limited to 4.10l/s.

The proposed development will discharge domestic grade foul water into the existing public foul sewer situated in Anchor Street via a new gravity drainage system within the site that will need to be adopted, that discharges flows via an adopted foul sewer spur that was constructed as part of the adjacent old Mill Phase 1 development.

As the proposed development area is within Flood Zone 1 a Sequential Test is not required. The submitted Flood Risk Assessment states that it is not required as site is wholly in Flood Zone 1 but is near the river in flood zone 3, however subject to conditions the LLFA have not objected to the proposed development, and it is considered that the proposed approach to surface and foul water management within the development is acceptable.

Landscape, Trees and Heritage

Following review of the original application, Council's Tree Officer requested an Arboricultural Survey and Assessment be provided. This report was submitted which revealed that the dwellings had not been accurately plotted on the original plans in relation to the existing trees and their root protection zones. The survey also provided information on the health of the trees and if any were in poor health and could be removed.

Following discussion between the agent and the Tree Officer it was concluded that the original layout could not be delivered without removal of a substantial number of trees and the remaining trees would be in too close proximity to rear elevations of properties. The poplar tree belt is largely in good health and is an attractive visual feature rising above the site which can be seen from some distance away as part of views of the centre of the town. A number of nesting birds were clearly visible using these trees during the spring months. Although there are not tree preservation orders on these trees, they are protected by virtue of their presence within the Conservation Area. Overall it was concluded that this Poplar tree belt should be retained and that development should be sited accordingly. The revised scheme would still remove many trees but would retain some of the Poplar trees and, on balance, it is considered that the benefits of the proposal in terms of the creation of new housing outweigh any harm caused through removal of trees. Many of the trees along the eastern boundary to the site would be retained with those removed essential to the progress of the development due to proximity to proposed dwellings. Impacts on the Conservation Area caused by the removal of trees are considered to be relatively minimal given that the site is set behind many tall buildings and has very limited public views into it. The greatest impacts would be on views to the converted mill buildings and the trees closest to this north side would be largely retained, so the issue of tree removal is not considered to provide significant grounds to refuse the application. Impacts on the setting of the Conservation Area are considered to be minor and acceptable as the site is screened from the rest of the Conservation Area and the development would have little visual impact upon it except insofar as it relates to the removal of some of the taller trees as discussed above. Some new plantings are proposed and the final details of a landscaping scheme will be set by a condition attached to any permission granted.

Ecology and Biodiversity

The Washford River is a County Wildlife site and as such the wildlife habitat needs to be safeguarded along the river corridor as well as the flora and fauna. Due to the EA's required river set back, the trees and landscaping along this boundary will be retained and will serve as a natural amenity area.

The ecology surveys undertaken on the site concluded there was potential habitat for bats and nesting birds as well as finding a breeding colony of slow worms. As such an Ecological Management Strategy will be secured under condition to provide suitable mitigation measures including translocation of the reptiles to a suitable receptor site.

Other Matters

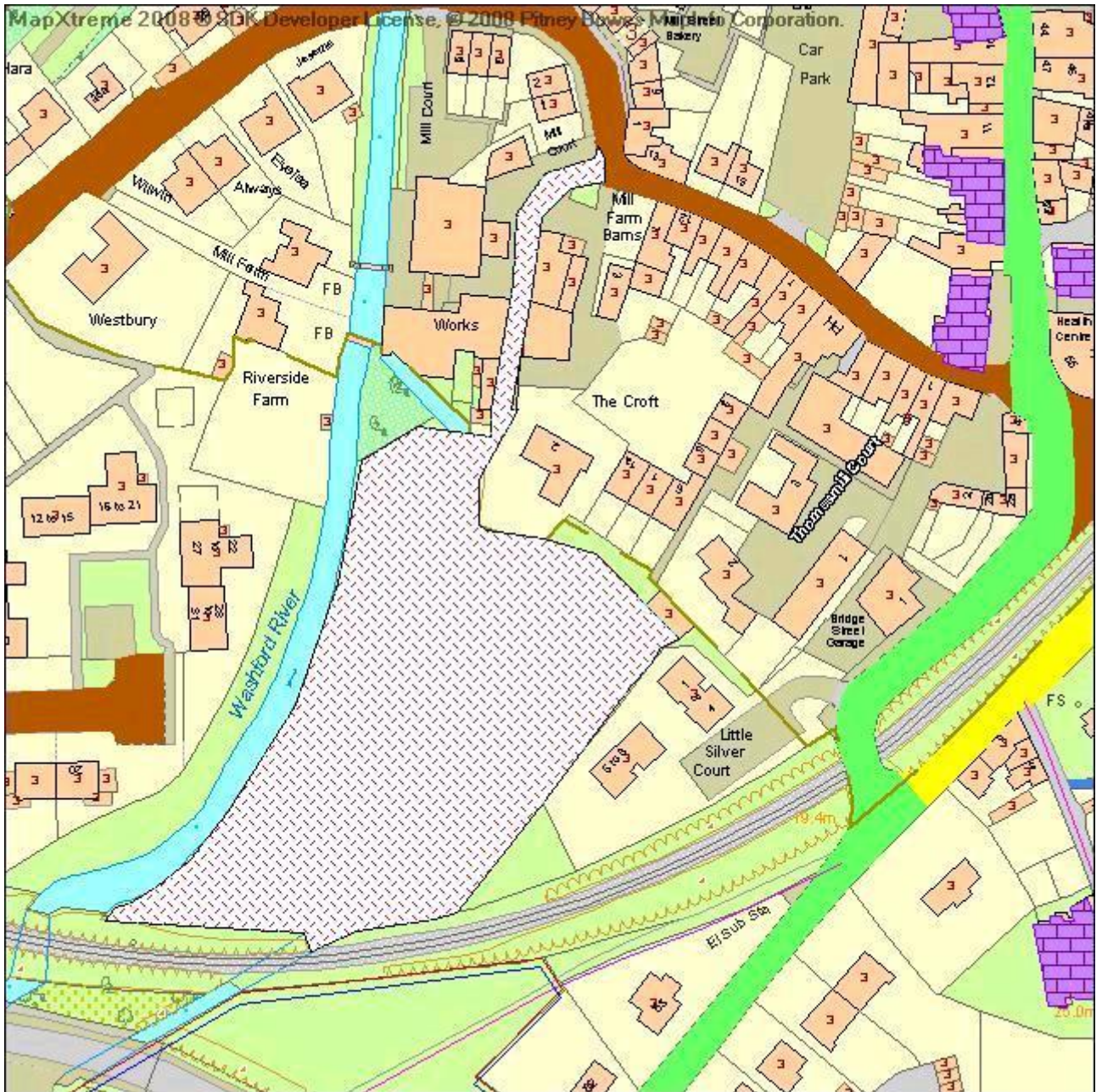
The town council have objected to the scheme due to the potential for traffic impacts within the town. However the County highways authority have not objected and it is considered that any traffic impacts would be less than severe and would not warrant grounds to refuse the proposal.

Two letters of representation have been received, one objecting due to potential flooding and biodiversity issues, the other supportive but raising highway safety concerns. These issues are considered above.

Conclusion

This application has been subject to considerable revision since first submitted and has been assessed by the Design Review Panel. Suggested improvements by the DRP have -in the main- been adopted. Issues related to traffic impacts have been highlighted by the town council and in letters of representation however the highways authority have not objected to the proposals subject to conditions. The site is in a good location for residential development located close to shops and services within Watchet, a town which also benefits from reasonable public transport connections. It is therefore a sustainable location for residential development and the proposal is considered to be compliant with relevant local and national policies. Subject to conditions cited above the application is therefore recommended for approval.

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



Application No 3/37/19/002
 Erection of 10 No. dwellings with
 associated works
 Land to the rear of Stoates Mill,
 Watchet



Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932

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19/19/0009

WEST OF ENGLAND DEVELOPMENTS (S (TAUNTON) No2 Ltd

Erection of 12 No. dwellings with associated works in field located to the west of Station Road and south of Home Orchard, Hatch Beauchamp

Location: Land to the west of Station Road and south of Home Orchard, Hatch
Beauchamp

Grid Reference: 33050.120182

Full Planning Permission

Recommendation**Recommended decision: Conditional Approval**

(1) That delegated authority be given to the Chief Planning Specialist to grant planning permission, subject to the conditions set out in this report, after the signing of a Section 106 legal agreement, or equivalent unilateral undertaking is received, to secure the provisions set out in this report.

(2) That delegated authority be given to the Chief Planning Specialist to refuse the application if within six months of the date of this resolution the Section 106 legal agreement remains unsigned.

Recommended Conditions (if applicable)

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

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

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

- (A3) DrNo 17.98.01 Site Location Plan
- (A1) DrNo 17.98.02 Site Layout- House Types
- (A3) DrNo 17.98.03 Block Plan/ Site Layout Roof Plans
- (A2) DrNo 17.98.04 Floor Plan - House Type A
- (A2) DrNo 17.98.05 Floor Plan - House Type B
- (A2) DrNo 17.98.06 Floor Plan - House type C
- (A2) DrNo 17.98.07 Floor Plan House Types D & E (Plots 3&4)
- (A2) DrNo 17.98.08 Floor Plan House Types E (Plots 1&2)
- (A2) DrNo 17.98.09 Plots 1&2 - Type E Elevations
- (A2) DrNo 17.98.10 Plots 3 & 4 - Types D & E Elevations
- (A2) DrNo 17.98.11 Plot 5 - Type A Elevations
- (A2) DrNo 17.98.12 Plot 6 -Type A Elevations

- (A2) DrNo 17.98.13 Plots 7 & 8 - Type C Elevations
- (A2) DrNo 17.98.14 Plot 9 -Type A Elevations
- (A3) DrNo 17.98.15 Plot 10- Type A Elevations
- (A2) DrNo 17.98.16 Plot 11- Type B Elevations
- (A2) DrNo 17.98.17 Plot 12- Type B Elevations
- (A2) DrNo 17.98.18 Site Elevations
- (A2) DrNo 17.98.19 Garages-Sheet 1 of 2 Floor Plans & Elevations
- (A2) DrNo 17.98.20 Garages-Sheet 2 of 2 - Floor Plans & Elevations
- (A1) DrNo 3105.001.1 Planting Plan Sheet 1 of 2
- (A1) DrNo 3105.001.2 Planting Plan Sheet 2 of 2
- (A3) DrNo 3105.002 Hedgerow Translocation
- (A1) DrNo: 17.98.02-A Site Layout House Types Jan 2019 (Amendment)
- (A2) DrNo: 17.98.03A Site Layout Roof Plans (Amendment) Jan 2019
- (A2) DrNo: 17.98.04-A Floor Plans Type A (Amendment) Jan 2019
- (A2) DrNo: 17.98.05-A Floor Plans Type B (Amendment) Jan 2019
- (A2) DrNo: 17.98.06-A Floor Plan House Type C (Amendment) Jan 2019
- (A2) DrNo: 17.98.09 -A Elevations Plots 1 & 2 (Amendment) Jan 2019
- (A2) DrNo: 17.98.10-A Elevations Plots 3 & 4 (Amendment) Jan 2019
- (A2) DrNo: 17.98.11-A Elevations Plot 5 (Amendment) Jan 2019
- (A2) DrNo: 17.98.12-A Elevations Plot 6 (Amendment) Jan 2019
- (A2) DrNo: 17.98.13-A Elevations Plots 7 & 8 (Amendment) Jan 2019
- (A2) DrNo: 17.98.14-A Elevations Plot 9 (Amendment) Jan 2019
- (A2) DrNo: 17.98.15-A Elevations Plot 10 (Amendment) Jan 2019
- (A2) DrNo: 17.98.16-A Elevations Plot 11 (Amendment) Jan 2019
- (A2) DrNo: 17.98.17-A Elevations Plot 12 (Amendment) Jan 2019
- (A2) DrNo: 17.98.21 Floor Plans Type G Jan 2019
- (A1) DrNo:3105.001.1 A Planting Plan 1 of 2 (Amendment) 16 Aug 2019
- (A1) DrNo: 3105.001.2 A Planting Plan 2 of 2 (Amendment) 16 Aug 2019
- (A3) DrNo: 3105.002 Hedgerow Translocation (Amendment) 16 Aug 2019
- (A1) DrNo: 17.98.02- B Site Layout House Types (Amendment 2) Jan 2019
- (A3) DrNo: 17.98.03-B Site Layout Roof Plans (Amendment 2) Jan 2019

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

3. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles and drainage plan 2354-500-C Drainage Strategy Plan, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works and permissions required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes to prevent exacerbating flood risk or causing flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

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

4. The parking spaces in the garages hereby approved shall at all times be kept available for the parking of vehicles and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

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

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

6. Before any part of the development hereby permitted is commenced, the trees and hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the tree and hedges and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the trees and hedges so retained shall not be altered.

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

Reason for pre-commencement: To ensure that the protection is in place prior to the commencement of works

7. Unless otherwise indicated on plan, all existing trees and hedges shall be retained and protected throughout the duration of the construction process.

Reason:- To ensure the retention of these landscape features and to help maintain the existing rural character of the area.

8. Details for the surface and construction method for the access from Home Orchard shall be submitted to the Local Planning Authority and agreed in writing prior to the implementation of this part of the site. The access shall then only be constructed in accordance with the approved details.

Reason:- In order to protect the existing trees along this boundary, and safeguard the character of the area.

9. Prior to the commencement of work on site the applicant shall submit a written construction management plan for approval by the Local Planning Authority. No work shall take place until the Construction Management Plan has been agreed in writing by the Local Planning Authority.

The construction management plan shall include

- 1) Specification of hours of operation (7.30am-7pm Monday- Friday and 7.30am 1pm Saturday -no work Sundays and bank holidays)
- 2) Display of a board in a prominent position, viewable from the public highway, displaying the name of the site manager and operational telephone number
- 3) Approved route for construction traffic
- 4) Sound suppression measures for compressors and other noise generating equipment
- 5) Parking area on site for construction workers and contractors
- 6) Wheel wash facilities to prevent mud on the public highway
- 7) No on-site fires

Reason:- To minimise the disruption to neighbours during the construction process.

10. At the proposed accesses there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan, Drawing No. 17.98.02-B. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of maintaining a safe and serviceable highway network.

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to any occupation of the development hereby permitted and thereafter maintained at all times.

Reason: In the interests of maintaining a safe and serviceable highway network.

12. The areas allocated for parking and turning on the submitted plan, drawing number 17.98.02-B, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of maintaining a safe and serviceable highway network.

13. 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 maintaining a safe and serviceable highway network.

14. 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 maintaining a safe and serviceable highway network.

15. 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 maintaining a safe and serviceable highway network.

16. Prior to first occupation of the development hereby permitted, access to covered cycle and electric vehicle charging points will need to be available to all dwellings. This can be provided through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining a safe and serviceable highway network.

17. 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.

Notes to Applicant

1. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect g/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
2. Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.
Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.
For more information, please visit
<https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

Proposal

Planning permission is sought for the development of 12 (twelve) dwellings and associated works at a field to the west of Station Road, Hatch Beauchamp. The development would comprise 8 bungalows and 4 semi detached houses (6 x3 bed detached and 2x2 bed semi detached bungalows, and 4 semi detached houses, [3 x2 bed and 1xbed in two pairs]). With the exception of two large detached bungalows, which are shown accessed via a shared drive off Home Orchard, to the north, the bungalows and houses are all accessed via a shared surface road off Station Road, with a single access point. Plans show the dwellings arranged either side of a shared surface cul-de-sac development, which would culminate in a turning head. The bungalows would be located in the northern and central part of the site, on the higher ground, and the houses on the southern part of the site are shown on lower ground. An attenuation pond, to capture surface water run off from the development, is proposed in the far south eastern corner of the site, outside the developable part of the site, but within the red line. A blue line indicates that the applicant owns the remainder of the former orchard land to the south west. This, and the attenuation pond, would remain in private ownership, generally inaccessible to residents and the public.

The proposed houses and bungalows would be constructed in an eclectic mix of design types using a wide palette of materials, with the bungalows having an interwar retro look. Some walls are shown constructed from white render, others from stone or brick, with a plinth made from alternate material. Some roofs are tile others slate with both hipped and gable features used.

The site is located outside the settlement boundary for Hatch Beauchamp. The applicants are proposing it as 'a rural exception site' pursuant to the provisions of the Affordable Housing SPD and National Planning Policy Framework guidance, with six affordable housing dwellings proposed (3 social rent bungalows and houses, and 3 shared ownership bungalows and houses). The applicant is aiming to meet the identified social housing need for the village of Hatch Beauchamp. The six market bungalows proposed would provide the necessary level of cross subsidy to deliver the affordable housing. In support of this claim the applicant has provided a viability assessment and paid for it to be independently assessed.

The application is accompanied with a comprehensive suite of supporting information which includes: a Design and Access Statement (DAS), a housing needs survey, an access / technical note, a Flood Assessment and Drainage Strategy Report, an Odour constraints document, a Preliminary Ecological Appraisal (PEA); Affordable Housing Statement and a statement of community involvement.

Since submission revisions have been sought by planning officers, resulting in submission of amended plans. The main changes are:-

- Plots 6, 7 and 8 have been re-orientated to relate to Station Road as the main site entrance.
- The cul-de-sac road - carriage and pavements - has been removed and replaced with a shared surface.
- The number of car parking spaces proposed has been reduced from 44 to 33, so that the level of parking proposed does not exceed the SWT maximum standard.
- The size of the developable part of the site has been increased slightly, and the

space within the site re-apportioned to provide larger plots for the affordable dwellings .

Site Description

The application site is an irregular shaped piece of grassland, approximately 0.94ha. in size, believed to be a former orchard, located to the south east of the village of Hatch Beauchamp. The site is located on the southern edge of the village, outside the settlement boundary. Residential property is located to the east and north, open countryside to the south and west.

Within the site, levels fall away gently from north to south. The northern boundary of the site, opposite Home Orchard, contains a row of fairly large trees, which extend to the corner where there's an electricity sub station. Turning the corner, the northern part of the site, adjacent to Station Road, contains a poor quality hedgerow, mainly brambles, whose quality gradually improves as it extends southwards along Station Road. Where it turns the corner, alongside the southern boundary, it forms a dense hedge screening the site from the footpath (PROW) in the neighbouring field. The site extends into open countryside to the west and south with the Wessex Water sewage works, providing a significant constraint, defining the irregular shape of the developable part of the site in relation to odour constraints. A strip of land, in the applicant's ownership, but outside the red line of the application site, abuts the western side of the site.

Mid century, local authority built, housing fronts Station Road to the east. This comprises of Neroche View, a grouping of terraced and semi-detached houses centred around a communal green; Nos. 17-20 Neroche View, a small terraced row of bungalows fronting Station Road, and the rear fences and hedges of two pairs of semi detached houses called the Cottages. 'Grey Lodge', a detached property, is located opposite the south east corner of the site at the junction with Stewley Road. To the north of the site is more recent late twentieth century development at Home Orchard containing detached and pairs of semi detached houses with frontages facing southwards, towards the application site.

The wider area to the north is residential in character. Station Road is one of the village's main thoroughfares with houses on either side of the road. Most of the houses are accessed directly off Station Road via private drives, although the recent development at The Old Rectory is in the form of a cul-de-sac with frontage development. The station and the former Chard branch railway line closed in 1963, and is now occupied by small industrial units and is known as Hatch Mews Business Park.

Relevant Planning History

The site has no relevant history

Consultation Responses

HATCH BEAUCHAMP PARISH COUNCIL -

Objected to the original planning application 18/09/2019. Their grounds of objection can be summarised as follows;-

- 1) Station Road cannot accommodate more traffic from another development . it is effectively a single lane road, due to severe parking issues. There is no pavement on the upper part of the road, opposite to the primary school.
- 2) The bus service to and from the village is almost non-existent (bus to and from the village in school term times only). The proposal would create more vehicle journeys owing to the lack of facilities.
- 3) The site is located outside the settlement area of the village. The Parish Council questions the developer's assertion that 'need' exists . It considers the data provided in support of the application to be weak and unverifiable.
- 4) There is frequent flooding at the bottom of the hill, at Station Road / Palmers Green, sometimes making it impassable. The impact of the development could make flooding more frequent.
- 5) Concern about the odours from the sewage treatment works and Wessex waters assessment that the odour report submitted is incomplete.

The Parish Council have maintained their objection to the application in its amended form. On 21/11/2019, they added the following comment:-

'We understand that the reduction of allocated parking places from the original to the amended proposal follows from a requirement that the proposal must adhere to Taunton Deane's current Site Allocations Development Management Plan. It is clear that although there is a provision for deviation it is not deemed appropriate in this case. The Planning Authority must be aware, from the scale of responses from people who know the village well, that Station Road is already too narrow, liable to congestion and hard to access. To impose a condition that will drive even more parking onto Station Road must strengthen local opposition to the proposal.'

HOUSING ENABLING -

The July 2019 housing needs survey carried out by Falcon Rural Housing Association identified a local housing need for 8 affordable homes which should be a mix of social rented homes and low cost home ownership.

The application shows 6 affordable homes, 3 homes for social rent and 3 at Discounted Open Market.

The affordable housing mix for this proposed scheme is considered to provide a broad mix of tenure and sized affordable properties to meet the local communities housing needs, With reference to the Discounted Open Market properties, a discount of at least 30% would be required to provide an affordable housing option within the reach of the local incomes.

The rented homes are to be let at a social rent rather than an affordable rent which will address the affordable housing requirements of local households on average local incomes. These should be allocated through the Choice Based Lettings system, Homefinder Somerset.

All the affordable homes will be subject to the local connection and as such the local connection clause is to be included within a S106 agreement.

BIODIVERSITY ADVICE - No comments received

DRAINAGE ENGINEER -

The updated plans and detail shows the inclusion of rain garden features, permeable paving, swale and baffle feature within the site which has the benefit to

enhance the amenity, biodiversity, water quality as well as flood risk benefits for the site. The consultant has also confirmed that receiving ditch is an existing land drain and that this already takes flows from the site. The information provided indicates that exceedance through the site has been considered and that the discharge rate for all events will be restricted to the 1 year greenfield discharge rate.

We suggest that the applicant clarifies the purpose of the purple dashed line on the plan 2354-500-C Drainage Strategy Plan, indicates the connection of the rain garden features into the wider drainage network and indicates functionality of the permeable paving. Please note that while these details are not a point of objection, we would recommend that the applicant clarifies for completeness.

Therefore, due to the detail and measures provided within the updated plans, subject to the above being confirmed we would like to recommend the application subject to a condition and informative applied to the application:

SCC - RIGHTS OF WAY -

Confirms that there is a public right of way (PROW) recorded on the Definitive Map that runs adjacent to the site at the present time (public footpath T14/16). No objections to the proposal providing that the proposed works do not encroach onto the width of the public right of way. Provides wording for an informative to be attached to any permission granted.

SCC - TRANSPORT DEVELOPMENT GROUP - Comments Dated 15/10/2019

Background

The proposal includes an access onto Station Road, which would serve ten properties, and a separate access onto Home Orchard to serve two properties. Station Road and Home Orchard are unclassified highways subject to a 30mph speed restriction. There are no recorded accidents in the area.

Station Road is a rural highway which is, in places, only of single carriageway width, however there are sufficient areas of two vehicle wide highway.

Hatch Beauchamp is in close proximity to the A358 and the wider highway network that can be accessed from there.

Parking & Vehicle Movements

Parking

The proposal would see the erection of twelve new dwellings, five are proposed to have two bedrooms and seven are proposed to have three bedrooms.

With regards to vehicle parking provision the Highway Authority would require that the parking provision reflects the Somerset County Council - Parking Strategy (amended September 2013)(SPS). Outlined below are the parking requirements for the Hatch Beauchamp, which is located within a 'Zone C' region for residential development.

ZONE C	1 BED	2 BED	3 BED	4 BED	VISITOR	TOTAL
Policy	2	2.5	3	3.5	0.2	
#	-	5	7	-	-	
Dwellings						
Optimum	-	12.5	21	2.4	-	36

The table shows above the proposal is in general accordance with the SPS standards, and as such the Highway Authority does not object on the grounds of parking provision.

As part of the Somerset County Council Parking Strategy, new residential development is required to provide cycle storage facilities and electric charging points for each property. To comply with the SPS standards there is a requirement for appropriate, and accessible. The SPS also require the inclusion of electric charging points for vehicles, these can be within garages or car ports.

Vehicle Movements

The average dwelling generates 6-8 vehicle movements per day, therefore the proposed development is likely to generate 72-96 additional vehicle movements per day, which represents 7-10 movements in the am/pm peak. Whilst the nature of Station Road is noted the Highway Authority are not of the opinion that the proposed level of development is such that there would be a significant or severe impact on the highway network.

The application has provided drawings, Drawing No.17.98.02, that show visibility splays of 2.4mx4.3m can be achieved from each proposed access. This is in accordance with the levels as set out in Manual for streets.

Estate Roads

1. A shared surface has now been proposed. It should be noted that this would need to be constructed with block pavers with the service margins constructed using bituminous materials.

1. It would appear that a new footway and bell mouth access will be constructed onto Station Road, which will need to be carried out with a suitable legal agreement, which will have to be signed and bonded along with a Section 171 Licence.

2. Forward visibility will need to be plotted at Plot 6.

3. Tracking diagrams will be required for the proposed turning head using a 11.4 metre 4 axle refuse vehicle.

4. No doors, gates or low level windows / utility boxes / down pipes to obstruct footways / shared surfaces. The highway limits should be limited to that area of footway / carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

5. A comprehensive planting schedule for all proposed planting within or adjacent to the highway should be submitted for checking and approval. Planting within adopted areas will require a commuted sum.

6. Parking bays to be a minimum of 5.0m long, when in front of a boundary wall 5.5m, or 6.0m when an 'up and over' garage door. Where 2 longitudinal parking spaces are used these will need to be a combined length of 10.5m.

7. Gradients should be no steeper than 1 in 14 but should have a minimum gradient of 1 in 100 (without channel blocks) or 1 in 180 (with channel blocks). Shared surface block paved areas should have a maximum gradient of 1 in 14 and a minimum gradient of 1 in 80. Footways should not be designed with longitudinal gradients steeper than 1:12 as anything steeper will provide difficulties for wheelchair users. Full details will be required for consideration to be checked at the technical detail stage.

8. Detailed drainage proposals should be agreed with the Highway Authority's Drainage Engineer to ensure adequate drainage is implemented within the estate.

9. I note from the application form that sustainable drainage is proposed by way of soakaway/attenuation. If sustainable drainage is proposed, SUDs will be subject to adequate design and testing of ground suitability and the applicants are advised to carry out these tests and inform SCC of the results at an early stage. Soakaways should not be located within 5.0m of any structure including carriageway in line with current building regulations.

10. It should not be assumed that any new highway drainage can connect into the existing highway drainage system as the existing system may not be suitable/have the capacity to carry the additional water. Where it is acceptable that a connection can be made, this must not be done without a signed and bonded legal agreement in place.

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. If the Local Planning Authority should grant approval, the estate layout is not quite suitable for adoption in its current form. If there are areas that are to remain private we would require details of future maintenance arrangements.

The applicant should be aware that it is likely that 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).

Safety and technical audits

There is currently insufficient information to provide a positive response to the audit the applicant is therefore required to provide the following:

Swept path analysis for both junctions onto Home Orchard and station road at a scale of 1:200

The full audit report is available and can be provided to the agent should it be required and requested.

Drainage audit.

The designer will need to consider the provision for access vehicles and plant to the attenuation pond for future maintenance operations either via the existing field

entrance gate onto Station Road or via the new estate road serving the development.

The existing culverted watercourse running along the western channel of Station Road may need to be temporarily or permanently lowered, protected or diverted to accommodate the construction of the new vehicular access junction onto Station Road. It would also be expected that the condition of this culverted watercourse is checked and if necessary remediated over the length which passes under the new junction.

A further road gully will be required within the western channel line of Station Road immediately upstream of the new vehicular access junction to prevent surface water discharging across the new carriageway.

CONCLUSION

Taking the above comments into account the Highways Authority does not object to the proposal in this application in principle, however, the agent is strongly advised to provide a swept path analysis drawing for both accesses and the turning head prior to a decision being issued. This will be required as part of the Section 38 process.

Should the Local Planning Authority be minded to recommend permission without the swept path analysis drawing the Highways Authority would recommend that the conditions are added to the permission.

WESSEX WATER - (Original comments)

Proximity Issues Hatch Beauchamp sewage treatment works

The Odour Impact Assessment S19-506-OIA is currently incomplete. We are working with the developer's consultant to appraise and update where necessary in accordance with our latest Odour proximity policy and guidelines. This may impact upon site layout and we recommend that the application is not determined until a satisfactory report is submitted and agreed with Wessex Water

Foul Water

There is an existing 150mm public foul sewer in Station Road available for connection. The catchment suffers from high groundwater levels, the development must be served by a networks of completely watertight sewers with no surface water connections. Positive ventilation rather than "durgo type" valves will lessen the risk of restricted levels of service during prolonged periods of high groundwater.

Surface Water

To follow the SuDS hierarchy. Absolutely no surface water to the foul. We note the current strategy of attenuation on site with controlled discharge to ditch.

Comments 08/11/2019 (following receipt of revised odour plan)

I refer to my initial response below and advise the applicant has since employed a consultant to prepare a new odour assessment based upon updated guidance. Reviewing the recent assessment and the report from 2014 in tandem is adequate for Wessex Water not to recommend refusal of the application on odour grounds.

The assessment is based upon a predictive model. Wessex Water prefers no new residential development in close proximity to any sewage treatment works. Where development is proposed an odour assessment is carried out to further quantify the

risk. Predictive tools are by their very nature never 100% accurate and there is still a risk that odour will be detected at this location. We have no recorded complaints relating to odour associated with Hatch Beauchamp Sewage Treatment Works.

TREE OFFICER -

a) Could we have the Root Protection Areas for the trees along the northern boundary, as the two houses look potentially close, particularly as the trees will grow. Could we also have detail about the surface and construction method for the access from Home Orchard, as there might be tree roots in this area. I am keen to ensure the protection of these trees, as are current residents of Home Orchard.

b) All existing hedges should definitely be retained and protected by condition.

c) The proposed new orchard, meadow and tree planting is potentially good. However, I note that oak trees are proposed to be planted in close groups 4-5 metres apart. I think that these kind of trees need more space to become mature specimen parkland trees.

d) Some new trees closer to the south east corner and boundary would be good.

e) On the whole no objection subject to the above points.

Tree Officer further comments 23/10/2019 - Confirms that the 'hedge' around the north eastern part of the site is little more than brambles and nettles, with very occasional blackthorn plants, so removal and replacement with new hedge in this area would be acceptable. The good hedge starts roughly opposite 12 Neroche View.

PLACEMAKING SPECIALIST - (Date 23/09/2019) -

I have no objection in principle to development of this site subject to a satisfactory quality design for this rural site.

However the development proposal in its current form would not provide a satisfactory layout that would respond to the local context and streetscene.

It is essential in my view that all plots fronting Station Road face the street, i.e. plots 1 - 8. Turning their backs on to the street will provide dead frontage with public views of fencing. This is not a feature that we want to encourage and would be contrary to the remainder of the streetscene where building predominantly address the street.

The layout is suburban in character and would be highways dominant around the cul-de-sac. I question the need for a pavement on both sides of the highway which would merely add to the suburban character. There is no reason in my view why this could not be considered as a shared space surface or at the most have a pavement on one side of the access. I also question the excessive parking numbers and the need for triple banked parking for plots which again would reinforce the suburban feel. Visitor parking in front of plot 1 will cause disruption to these occupiers and headlights would be an issue for windows.

Plot 11 needs to terminate the view when accessing the site rather than being offset.

I do wonder whether a more satisfactory layout could be produced around a main green area as shown in the post-war housing across the lane at Neroche View, rather than the proposed suburban cul-de-sac layout.

Regarding house types, these are rather unimaginative and lack any local distinctiveness. Has a local distinctiveness study been undertaken to inform the design cues of the development? Whilst the DAS discusses local architectural context this is not translating into the proposed building types. Whilst bungalows are proposed, these do not need to be entirely single storey, since often rural barns/outbuildings are single storey and would relate better to the rural character. I would also comment on the need for chimneys where houses are proposed in order to break up the roof form and provide roofscape interest.

Hence a revised layout and house types are requested.

Comments on amende plans dated 04/11/2019

I agree that we have taken the design as far as we can. An 'on balance' recommendation for approval seems the right approach. Can we condition the treatment of the front boundary? I wouldn't want to see 1.8m fencing directly behind the hedge.

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 objections on archaeological grounds.

Representations Received

Cllr Ross Henley (Member for Hatch & Blackdown) Objects on the grounds that: it will bring extra traffic through the village, the site is located beyond the settlement limit and raises potential sewage issues locally

A site notice was posted and neighbours notified in connection with the application. This has resulted in 55 letters of representation (LORs) being received in relation to the original submission. Four letters offer support of the application, 51 letters raise objection to the proposal.

The reasons for support can be summarised as follows:-

- The development would bring new families into the village to help support local schools and businesses.

- Supports considerate design

More affordable houses are required to keep the village alive

Will be beneficial to Hatch Beauchamp supporting the local school and businesses.

Comments on the application

The Broadband speed in the village is poor. Any further pressure on it will slow it further. The cost of upgrades should be borne by the developer.

New housing should be built in an environmentally and sustainable manner.

The reasons for objection can be summarised as follows:-

- The site is outside the settlement boundary

- The bigger picture should be looked at. There are pockets of land within the

settlement boundary which may well come up for development

- The proposal will not enhance village life
 - Hatch Beauchamp has limited facilities. Questions whether a rural community without a shop, post office, medical practice or regular transport to get to these amenities is a suitable location for affordable housing
 - The village is isolated has very limited public transport (school bus during term time) and no shop. It is an unsustainable rural location
 - No substantive evidence that affordable housing is required in the village
 - Social housing has been added in recent years that has not benefited the village school
 - The village is already a balanced community with small bungalows, family accommodation and premium houses.
 - The proposal would disturb vulnerable people living in the community.
-
- Traffic and safety issues on Station Road. The road is too narrow
 - The proposal will exacerbate the existing traffic hazard in Station Road
 - Concern about the adequacy of car parking and displacement overflow. The development will exacerbate parking problems
 - The extra traffic generated by the development would disturb local horse riders.
 - Station Road is unsuitable for heavy construction traffic.
 - Station Road is weak and likely to be damaged by heavy construction traffic
 - Lack of independent traffic survey. The traffic survey was undertaken on the quietest section of Station Road and therefore skewed.
 - More commuter traffic will lead to congestion. Station Road is congested
 - The application is premature pending consideration of the implications of the dueling of the A358.
 - Why not build new affordable housing in towns where it will not add to traffic pollution
-
- Beautiful countryside will be lost.
 - The developers have already cleared the orchard of trees.
 - The development would disturb wildlife.
 - The provision of parking areas will increase flooding at the bottom of Station Road. The road floods at Grey Lodge
 - Slow worms are present contrary to report.
-
- Questions whether the proposed build is in the exclusion area around the sewage works
 - The properties would be adversely affected by the smell from the sewage works.
 - Concern about the capacity of the sewage infrastructure to cope with 12 more dwellings

Representations on amended plans

Fourteen further comments have been received in response to additional consultation on the amended plans. One offers support, one comments on the application and 12 raise objections.

The reasons for support can be summarised as follows:-

Welcome the proposal as it will encourage people with children into the village. Support local school and encourage the return of the bus service.

Comments on the application

The widening plans for the A358 have been published. Access from Hatch Beauchamp is likely to be more difficult

The reasons for objection can be summarised as follows:-

- The site is agricultural land located outside the settlement boundary. The developer has not demonstrated a need for affordable housing. This development is not justified by the limited need for affordable housing - these claims are exaggerated.
- Inadequate car parking. The plans have regressed. If you enforce this policy (Policy A1, Appendix E) and reduce the number of parking spaces on this development in a village with no public transport, the result will be more car journeys and overflow parking on Station Road, which will add to existing parking issues in this location. Suggests that the Council changes its' policy.
- Changes in the orientation of some properties will encourage on street parking
- The development is still suburban in form and fails to take into account the principles of local distinctiveness. The developer appears to have taken little heed of the views of the Council's Placemaking Specialist.
- The proposal is contrary to the declared climate emergency: it will destroy wildlife habitats, increase flood risk and vehicular traffic, it ignores sewage odours and builds house with fossil fuel heating system.
- The surveys that have been carried out have been manipulated so that the results fit their (the developer's) narrative.
- Since submission plans have been published for the widening of the A358, which show that access from Hatch Beauchamp will be more difficult.
- Concerns that the development would exacerbate flooding by Grey Lodge and Stewley Road

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

Core Strategy,

- Policy CP4 Housing
- Policy CP5 Inclusive Communities
- Policy CP6 Transport and Accessibility
- Policy CP8 Environment
- Policy SP1 Sustainable Development Locations
- Policy SP4 Realising the vision for the rural areas
- Policy DM1 General Requirements
- Policy DM2 Development in the Countryside
- Policy DM4 Design
- Policy DM5 Use of resources and sustainable design

Site Allocations & Development Management Plan (SADMP) -

- Policy A1 Parking Requirements (Appendix E)

Policy A3 Cycle Network
 Policy A5 Accessibility of development
 Policy I3 Water Management
 Policy I4 Water Infrastructure
 Policy ENV1 Protection of trees, woodland, orchards and hedgerows
 Policy ENV2 Tree Planting within new developments
 Policy D7 Design Quality
 Policy D8 Safety
 Policy D9 A co-ordinated approach to development and highway planning
 Policy D10 Dwelling sizes
 Policy D12 Amenity Space
 Policy SB1 Settlement Boundaries

Affordable Housing SPD (adopted 2014)

CP8 - Environment,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 1300sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £162,500.00. With index linking this increases to approximately £217,750.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£12,949
Somerset County Council	£3,237

6 Year Payment

Somerset West and Taunton	£77,693
Somerset County Council	£19,423

Determining issues and considerations

Sustainability, and the principle of residential development in this location as a rural Exception Site

Core Strategy Policy SP1, Sustainable Development Locations, ranks settlements in a hierarchy from Taunton and Wellington, through major rural centres, minor rural centres, villages to open countryside. Hatch Beauchamp is categorised as a

village. Within villages, policy SP1 states that *'no further allocations will be made, but that there is some scope for small proposals within settlement boundaries.'* This categorisation acknowledges that Hatch Beauchamp has only limited services and is not a particularly sustainable location.

The Site Allocations and Development Management Plan (SADMP) Policy SB1, Settlement Boundaries, makes clear that development outside settlement limits will be considered as being in open countryside. It states:

'In order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy Policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:

...B. is necessary to meet a requirements of environmental or other legislation; and In all cases, is designed and sited to minimise landscape and other impacts.'

Settlement Boundaries exist to protect the integrity of the countryside, provide a compact form to settlements prevent sprawl and sporadic development and reduce the visual impact upon the countryside. Affordable Housing is potentially an exception to these policy provisions.

The site is located outside the settlement boundary for Hatch Beauchamp (Inset Map 9), on land that is classified as 'open countryside. Within open countryside Core Strategy Policy DM2 only supports 8 categories of rural development. Within the 8 identified categories is category 6, affordable housing.

Since the adoption of the Core Strategy, the Council has adopted an Affordable Housing SPD (adopted 2014) and the National Planning Policy Framework (NPPF) has made provision for the development affordable housing outside settlement boundaries where it is 'a rural exception site'. The NPPF recognises that, on occasion, it may be appropriate to permit the development of affordable homes on sites that would otherwise not be released for housing development. That is on 'rural exception sites'.

The applicant has confirmed that the application has been submitted pursuant to a rural exception site provisions. It therefore needs to be assessed against the criteria set out in the Affordable Housing SPD. Para 1.10 Exception Sites of the SPD states:-

'The Council intends as far as possible to plan for meeting affordable housing needs within or adjacent to rural settlements by identifying and prioritising sites for housing development through the site allocations process.

Within the adopted Core Strategy, Development Management Policy DM2, Development in the Countryside states under point 6 that Affordable Housing will be supported outside of defined settlement limits if:

a. adjoining settlement limits, provided not suitable site is available within the rural centre;

b. in other locations well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre.

The Council will expect these developments to be small scale and should:

- *Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met. Local housing*

needs will need to be demonstrated via an up to date Parish survey. The cost of the survey is to be borne by the applicant.

- Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.*
- Consider all available sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.*
- Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable housing through the use of appropriate safeguards, including planning conditions or Section 106 obligations.*
- In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with the planning officer and housing enabling lead prior to submitting a planning application. A detailed statement, including viability information independently verified at the applicants cost by the Council's preferred independent assessor should be submitted with the planning application.*

It is considered that the proposal satisfies these criteria. A Housing Needs Survey for Hatch Beauchamp has been submitted with the application. It was undertaken by Falcon Rural Housing Association Ltd following standard procedures agreed with SWT officers: a postal survey and consultation event. It was undertaken in June 2019 and is to be considered as up to date. The survey identifies a need for 5 affordable houses in the Parish. These should be a mix of social rented units and low cost home ownership option as the survey showed these as being the most needed homes. In addition, a further 3 applicants have been identified by actively registering their housing needs on the local housing register - Homefinder Somerset. Together, these two reliable sources of information identifies a need for 8 affordable units in Hatch Beauchamp.

The application site is located adjacent to the village on two sides - Station Road and Home Orchard and is reasonably well related to those existing community services and facilities that exist.

Potential alternative rural exception sites have been considered in the Affordable Housing Statement (October 2019) that accompanies the application. It considers the 6 sites that came forward in the SHLAA, notes that SWT dismissed 4 as unsuitable. It considers the suitability of the Palmers Green Farm site: noting that it has a compromised access, is further from the village centre than the application site and occupies elevated land, and would therefore be more conspicuous within the landscape.

The applicant is understood to be willing to enter into a Section 106 legal agreement with the council to secure the affordable housing (details set out below). It is understood that Falcon Rural Housing Association Ltd, an established affordable housing provider, with a track record in operating in rural areas would partner the developer and take on the management of the affordable housing.

The proposal contains an element of affordable housing and an element of market housing on a 50/50 split. The independently assessed viability assessment has

concluded that this level of market housing provision is necessary to deliver this amount of affordable housing on this site at this juncture. A judgement needs to be made as to whether this satisfies the policy requirements and represents 'a small proportion of cross subsidy through open market housing that is required to facilitate the provision of the remaining affordable housing to meet an identified local need...' Your officers have taken the view that this is an acceptable level of cross subsidy necessary to secure the affordable housing to meet evidenced need.

Drainage and odour constraints

The site is located within Flood Zone 1 where there is a less than 1:1000 year chance of flooding. The drainage consideration is therefore in connection with foul and surface water.

SADMP Policy I4 Water Infrastructure requires the provision of adequate foul and surface water drainage for new development. It states:-

'Adequate foul drainage /sewage treatment facilities and surface water disposal shall be provided for all new development. Separate systems of drainage with points of connection to the public sewer system or outfalls will be required. Surface water shall be disposed of by Sustainable Urban Drainage Systems (SUDS) unless it is demonstrated that it is not feasible.'

The proposed development would link to the existing foul sewer system which Wessex Water have confirmed is available for connection. It is proposed to minimise surface water run off through the use of permeable surfaces and to deal with the remaining exceedence with an attenuation pond which will discharge into a ditch. The Drainage Engineer is satisfied that the arrangement would, subject to a condition, be able to cope with the surface water run off and not exacerbate existing flooding issues at the corner of Grey Lodge / Stewley Road.

The irregular shape of the site reflects the 'odour' contours delimiting the 'developable' part of the site, where odour levels are considered to be within acceptable tolerances. The applicants have submitted an odour constraints document with their application, which in its revised form, has satisfied Wessex Water. On this basis no objection to the proposal is made in relation to the proximity of the development to Wessex Water sewerage works.

The adequacy of the proposed living environment

The proposal would provide a mix of different house types, sizes and tenures, as required by Core Strategy Policy CP4, Housing, with the affordable housing element providing a mix of social rent and shared ownership. The larger detached bungalows (Plots 5 & 6 and 9-12) are the market housing, with the smaller semi detached bungalows and houses (Plots 1-4 and 7 & 8) the affordable housing. This reflects locally evidenced need.

Irrespective of tenure, all house types exceed the minimum internal floor space standards set out in SADMP Policy D10, Dwelling Sizes, and can be considered, in their amended form, to satisfy the requirements of SADMP Policy D12, Amenity Space. Plans show that they would provide private gardens of adequate size and proportions. The proposal would provide a good residential environment for future residents.

The design and appearance of the proposed development

Core Strategy Policy DM4, Design and SADMP Policy D7, Design Quality both require new development to provide a high standards of design. NPPF Section 12,

Achieving Well Designed Places, seeks (para. 127) development that is:-
'sympathetic to local character and history, including surrounding built environment and landscape setting', and (Para. 130) *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.'*

The changes made during the course of consideration of the application have improved the overall design and appearance of the proposal to a point where, on balance, it can be considered to be satisfactory and recommended for approval. The reorientation of plots 6, 7 and 8 means that the proposed development better relates to the existing village, particularly Neroche View on the opposite side of Station Road. The shared surface is more appropriate for a rural village location than the heavily engineered road and pavement arrangement originally proposed and the reduction in the overall number of car parking spaces means that the development will not be dominated by car parking. It is still considered to be a somewhat dull suburban format where opportunities to follow traditional edge of village development patterns - perhaps by reducing the overall number of dwellings, or even reinterpreting the post war pattern of Neroche View, houses arranged around a communal green space with small retirement bungalows, - has not been taken.

Impact on the highway network and adequacy of parking provision and connectivity

Core Strategy Policy DM1, general requirements, specifies criteria that new development proposals must satisfy. Point (g) relates to the impact of the development upon the highway network. It states:-

'b. Additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental segregation by fumes, noise, vibrations or visual impact.'

Pursuant to satisfying this requirement, the applicants have submitted an Access Technical Note that demonstrates that the local highway network, primarily Station Road, is capable of safely accommodating the likely additional traffic movements associated with the development. SCC Highways, the highways authority, are satisfied that the local road network is capable of accommodating the additional likely traffic movements and have not raised objection to the proposal.

Since submission the total number of parking spaces proposed, including garage spaces, has been reduced, at the request of the Local Planning Authority, from the 44 originally proposed to 33 parking spaces (23 surface spaces and 10 in garages). This complies with the maximum level of provision as allowed under Council policy.

Policy A1, Parking Standards, of the Site Allocations Development Management Plan (SADMP) covers the ex Taunton Deane part of the SWT area. It requires that:-
'New development will normally be required to make provision for car parking in accordance with the standards in Appendix E.'

Appendix E set out maximum standards for residential parking in Table 2. It differentiates between urban and rural areas, setting out three locational categories, with the highest provision allowed in the rural areas. Hatch Beauchamp is located in a rural area. In this area Table 2 specifies:-

- 1 bedroom dwelling 1 space*
- 2 bedroom dwelling 2 spaces*
- 3 bedroom dwelling 3 spaces*

The proposal is
5x2 bed dwellings = 10 spaces
6x3 bed dwellings = 21 spaces
+ 0.2 spaces per dwelling for visitors 2.4spaces

Thus the maximum parking that should be provided is 33 spaces, including the provision for people with disabilities. For development of 24 dwellings or fewer, a minimum of 2 parking spaces should be suitable for people with disabilities.

The reduction in the number of car parking spaces, in the amended plan so that it is compliant with policy, is considered to have improved the overall design and appearance of the proposed development. The provision of fewer car spaces will mean that they are less dominant within the streetscene. Whilst the loss of the innermost space in a tandem or tripple arrangement is probably the space most likely to be used for vehicle storage, rather than regular use. Furthermore, excessive parking provision undermines the Council objectives of tackling climate change by promoting a modal shift from private car use to more sustainable forms of transport. As supporting paragraph 1.5.2 of Policy A1 makes clear it is not possible to meet open ended demand for additional parking.

Cycle and motorcycle parking is expressed as a minimum and can be secured by condition.

Core Strategy Policy DM1, general requirements, specifies, point g. that:-
'The site will be served by utility services necessary for the development proposed, including high speed broadband connectivity.'

It is therefore proposed that a condition be appended to any approval requiring this provision to be in place prior to the first occupation of any of the proposed dwellings.

Impact on landscape and habitats.

New residential development on a Greenfield sites invariably involves changes to the appearance and wildlife habitats. Core Strategy Policy C8, Environment, seeks the conservation and enhancement of natural and historic environments whilst policies Policy ENV1 Protection of trees, woodland, orchards and hedgerows and Policy ENV2 Tree Planting within new developments of the SADMP is supportive of retaining and adding to trees and hedgerows.

The impact of the proposed development upon the surrounding landscape is considered to be acceptable. On the northern and eastern boundaries the development would abut existing housing, which would also form a backdrop for more distant views of the site. The southern part of the site, which contains the proposed 2 storey houses would be substantially screened from view from the east and south by an established hedge that is to be retained. The site would be visible from the west, including from the public right of way (PROW), but impacts would be limited by the single storey height of the bungalows proposed for the western part of the site and the proposed new tree and hedge screen planting.

With the exception of the poor quality brambles adjacent to the north eastern section of Station Road, it is proposed to retain the existing trees and hedges and plant new ones along the western boundary. Conditions to protect the trees during the construction process and approve the specification of the new tree and hedge

planting are considered appropriate.

The impact on habitat is minimised by the retention of existing hedges and trees and the planting of additional trees and hedges, but it is not possible to change from a rural field / orchard to houses and domestic gardens without any impact on habitats. A balance needs to be struck between the need for new houses and maintenance of wildlife habitats .

Impact upon the amenities of neighbouring property

Existing properties that neighbour the site are located in Necroche View , on the opposite side of Station Road and in Home Orchard, again separated from the development by a road. Residents currently enjoy an open countryside aspect and informally use the Station Road verge adjacent to the site for overspill car parking. The proposal would interrupt views of the countryside from adjoining houses, and disrupt informal overspill parking, but neither of these impacts would justify withholding planning permission. It has been long established in planning law that an individual does not have a right to a view.

Miscellaneous

The public right of way is located outside the site, on the opposite side of the mature boundary hedge to the south. It runs from Grey Lodge westwards before turning northwards through the field located between the sewage works and the site. The proposed development is shown in the north east corner of the site adjacent to Station Road and Home Orchard. It is very unlikely that the development, or its construction would interfere with the footpath.

A condition restricting hours of work and management of the construction site is considered necessary to minimise the impact of the construction work upon the lives of local residents and is recommended.

In accordance with Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings. An off-site children's play contribution of £3,328.00 per each 2 bed+ dwelling should be made. The contribution to be index linked and spent on additional play equipment within the parish.

Conclusion

Hatch Beauchamp is a village with limited facilities and minimal public transport connections. It nevertheless has an evidenced need for additional affordable housing. This development proposal would satisfy that need. However, approval would also involve accepting the development as 'a rural exception site', located outside the village settlement boundary, and acceptance of six open market bungalows as the cross subsidy necessary to deliver the development.

Since submission amendments to improve the design have been negotiated. These include a reduction in the overall number of parking spaces proposed , so that vehicle parking doesn't dominate the appearance of the development and the proposal is SWT policy compliant. Officers would like to have seen a more comprehensive re-design, but accept that this is the limit to what can be achieved through negotiation and, on balance, consider the proposal, in its amended form, to be acceptable subject to a Section 106 legal agreement and conditions.

Section 106

- Secure the provision of six (6) affordable dwellings comprising three (3) social rent dwellings and three (3) discounted market dwellings
- A phasing clause is necessary to ensure that the affordable dwellings are delivered ahead of open market dwellings
- An index linked contribution of £3,328.00 per each 2 bed+ dwelling and spent on additional play equipment within the parish.

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

Contact Officer: Jeremy Guise

Application No:	3/32/19/019
Parish	Stogursey
Application Type	Full Planning Permission
Case Officer:	Jackie Lloyd
Grid Ref	
Applicant	Mr Alford
Proposal	Erection of a residential development comprising of 27 No. dwellings, relocation of childrens play area and associated works
Location	Land at Paddons Farm, Stogursey, TA5 1BG
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

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

- 3 Unless otherwise agreed in writing by the Local Planning Authority, the estate road, footpaths, junctions, visibility splays, individual accesses, including the pedestrian access and link between the site and Lime Street, street lighting installations and highway surface water drainage shall be completed to at least base course level prior to the commencement of any other works on site and shall be provided finished and ready for use in all respects in accordance with the approved plans to current County Highway Authority adoptable standards prior to the first occupation of any part of the development hereby permitted.

Reason: In the interests of highway safety.

- 4 The existing children's play area is to remain open, usable and well maintained to a standard acceptable to the Council until such time as the replacement

children's play area has been completed (in accordance with a specification to be firstly submitted to and agreed in writing with the Local Planning Authority) and is open and ready for use and shall thereafter be retained in the approved form.

Reason: To ensure proper provision and maintenance of open space facilities to serve the area.

- 5 (i) An updated landscaping scheme (related to revised plans submitted under 3/32/19/019) shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 6 If, during the course of the works hereby granted consent, any items of archaeological or historic interest are uncovered, the Local Planning Authority shall be notified immediately. The Local Planning Authority, or a person nominated by them, shall be allowed access to the site at all reasonable times for the purpose of recording such items or features prior to their disturbance, removal or covering up.

Reason: The Local Planning Authority wishes to ensure that any items of archaeological interest are properly recorded for posterity.

- 7 Prior to occupation of the building(s) (approved under 3/32/19/019), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with updated details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses. To ensure the adequate provision of drainage infrastructure.

- 8 Measures to minimise the impact on ground and surface waters shall be carried out strictly in accordance with the hereby approved Method Statement to the timescale and programme of works detailed therein.

Reason: Previous activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site, and thus may present a threat to the quality of controlled waters of Stogursey Brook,

especially as a result of the proposed development and the additional work is required to ensure the development will not cause pollution of Controlled Waters.

- 9 Prior to any further construction of the development (following approval of application 3/32/19/019), hereby permitted, updated samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the visual amenity and character of the area.

- 10 All materials to be used in boundary treatments and means of enclosure to the development and gardens abutting the open landscaped areas on the site shall be carried out strictly in accordance with this permission and prior to occupation of the development.

Reason: To ensure that the appearance is in harmony with the traditional character of development in the area in the interests of visual amenity.

- 11 The stone features shown on the drawings shall be in local natural stone laid in a traditional manner with flush or recessed pointing with lime based mortar. Prior to the features being constructed, representative samples of the stone to be used and a one metre square sample panel shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the stonework will be in harmony with the traditional character of development in the area in the interests of visual amenity.

- 12 The protection and enhancement of the existing woodland and badger foraging habitat along the Stogurse Brook shall be maintained in accordance with the submitted scheme (and any amended scheme approved by the Local Planning Authority thereafter) for the management and landscaping of this area and the open ground associated with same. The area of land identified for potential burial ground provision shall be maintained as species rich grassland, in accordance with a detailed scheme for same which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site.

Reason: In the interests of biodiversity and to enhance the character and quality of the area.

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

thereafter maintained until the use of the site discontinues.

Reason: To safeguard the general amenities of neighbouring dwellings.

- 14 No development shall commence unless a Construction Environmental Management Plan (updated following approval under 3/32/19/019) has been submitted 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: To safeguard the general amenities of neighbouring dwellings.

- 15 Unless otherwise agreed in writing by the Local Planning Authority, activities on the site, other than ancillary, temporary site office uses hereby approved or internal maintenance work to same, no demolition/construction work, or operation of vehicles, plant, machinery or equipment shall be carried out on site, except within the following times and days:-
- i. between the hours of 0800 and 1800 Monday to Friday inclusively;
 - ii between the hours of 0800 and 1300 on Saturdays;
 - iii. and there shall be no working on Sundays or Public Holidays.

Reason: To safeguard the aural and general amenities of neighbouring dwellings.

- 16 The development shall be carried out in accordance with the submitted FRA (FRA Addendum : RMA Environmental , 18/10/2019) and the following mitigation measures it details:
Finished floor levels shall be set no lower than 27.35 metres above Ordnance Datum (AOD)
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the schemes timing /phasing arrangements.
The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants .

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 access of this proposal falls within n Flood Zone 3 which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year)

Proposal

Erection of residential development comprising 27 dwellings, relocation of children's playing area and associated works.

Whilst there is a change in the description of development, this is an identical application to 3/32/18/042 which was an application to vary Condition No. 22 (approved Plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66 with changes to layout and design. This was a re-design of application 3/32/17/012 which was dismissed at appeal on the grounds that the application could not be dealt with as an amendment to approved drawings. The Inspector did not consider the merits of the case.

Whilst this description of development states erection of 27 dwellings, a number of dwellings remain not built (20) from a previous permission (3/32/07/008) and as such the increase in number when considering the site as a whole amounts to 7.

Site Description

Paddons Farm, is situated within the village of Stogursey adjacent to its eastern boundary. The site has been partially constructed and built out with 39 homes that are now occupied. Associated infrastructure including highways, drainage, landscaping and children's play area have already been delivered on site. This

application is seeking amendments to the approved scheme in order to redesign parts of the site to accommodate an additional 7 dwellings. Providing 7 additional dwellings would, it is argued, to improve the overall viability of the proposal allowing completion of the estate.

The site is bounded by existing residential areas to the west, off St. Audries Close and Park View. St. Andrew's Church and burial ground lie to the south with farmland and open countryside to the north and east. Stogursey Brook runs through the site to the east and south of the houses, bounding the areas of public open space. The stream is partially screened with overhanging trees and foliage.

There is one main vehicular access in to the site from the road known as Paddons Farm, which connects on to a T-junction with Church Street to the west and Priory Hill to the east. There is also a pedestrian link in to the site from Park View as well as a pedestrian footbridge via a stepped access path over the brook to the south of the site.

The site falls within the built-up area of Stogursey, within the Stogursey Conservation Area and was originally allocated for residential development under retained Policy H/1 of the previous West Somerset Local Plan (2006).

Relevant Planning History

The following table provides a summary of the relevant planning application history which is detailed further below.

APP REF.	PROPOSAL	DECISION	DECISION DATE
3/32/06/003	Erection of 55 dwellings and associated works	Approval	5.7.06
3/32/07/008	Erection of 59 dwellings & associated works as amended	Approval	26.4.07
NMA/32/17/002	Non-material amendment to application 3/32/07/008 The addition of a condition listing the approved plans'	Conditional approval (extant conditions apply)	8.8.17
3/32/17/012	Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.	Refused Appeal dismissed	17.10.18
3/32/18/042	Variation of Condition No.	Refused	7.3.19

	22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.(Resubmission of 3/32/17/012)		
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Planning Application Background

There is significant background to this application. The planning applications that have preceded this one are detailed below.

Full Planning Permission 3/32/06/003

On 7th February 2006, a full application was submitted seeking planning permission for the *'Erection of 55 dwellings and associated works' – Land at Farrington Hill Lane, Stogursey, Bridgwater TA1 2PX'*.

Conditional Planning permission was granted on 5th July 2006 supported by a Section 106 Agreement ('the Principal Agreement') dated 3rd July.

Full Planning Permission 3/32/07/008

On 13th February 2007, a full application was submitted seeking permission for: *'Erection of 59 dwellings and associated works as amended by drawings and documents listed in agent's letter of 6th March 2007 received by Local Planning Authority on 7th March 2007'*.

The drawings submitted included new drawing numbers 06.05.084120 (Rev PO2), SPP/1172/2 (Rev A), 161-021(PI) (Rev M) and 161-021(P2) (Rev A), received by the LPA on 23rd April 2007.

On 26th April 2007 planning permission was granted under delegated powers, subject to twenty-one conditions. A Supplementary Agreement to the Section 106 was agreed dated 2nd

May 2007. The Supplementary Agreement provides that the provisions of the Principal S106 Agreement shall apply, save for an amendment increasing the developer contributions for 'Mobile Youth Provision Contribution' from £20,000 to £28,000 Index Linked.

The decision notice approving this application referred to 'amended and new

drawings' submitted prior to that approval but these were not listed as approved drawing at the time.

On 8th July 2009, a further Supplementary Agreement under Section 106 TCPA 1990 was agreed. This further Supplementary Agreement observes Magna Housing as a landowner and party to the Principal Agreement and varies provisions to allow the affordable housing units to be used for affordable social rental purposes.

The development permitted under 3/32/07/008 was implemented by the applicant in tandem with Magna Housing Association, resulting in the delivery of all of the affordable housing provision secured under the relevant S106 Deed. However, of the 59 dwellings permitted, only 39 dwellings were fully completed. The incomplete development was then occupied but has hitherto remained incomplete. The applicant has attributed this state of affairs to the poor economy and difficult market conditions prevailing through this period.

Non-Material Amendment (NMA/32/17/002)

On 12th June 2017 the applicant sought to address the detail lacking in the decision notice issued under ref. 3/32/07/008 through applying for a non-material amendment to the decision notice issued on 26th April 2007. This non-material amendment was granted on 8th August 2017, identified in application ref. NMA/32/17/002 as: *'The addition of a condition listing the approved plans'*.

Through this decision, a further condition (Condition 22) was added to the list of conditions under application ref. 3/32/07/008 listing the approved plans. This enabled the applicant to submit the application, the subject of this appeal, to vary certain approved plans under Section 73 TCPA 1990.

Section 73 Application to vary Condition No.22 (3/32/17/012)

A Section 73 application was submitted on 11th October 2017 which sought to vary the approved plans of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66. The specific changes sought under this application are:

- Amended layout and design of housing area to accommodate 7 additional dwellings with associated parking;
- Relocation of children's play area (LEAP) to accommodate 2 of the additional dwellings
- Changes to design of children's play area

Following an officer's recommendation for approval, the application was refused by committee on 17th October 2018 for the following reasons:

The proposed revisions to the plans previously approved under App Ref: 3/32/07/008 including the addition of seven dwellings would result in an unacceptable cramped form of development compromising the site's functionality, reducing its overall quality and negatively impacting the local character and the setting of the conservation area. The revised layout results in inadequate and poorly sited parking provision (including undersize garaging) and the reduction and loss of amenity space. The repositioning of the LEAP results in a less convenient, less accessible, (particularly for disabled persons) less useable and attractive area being in a shaded and sloping position close to the stream which is contrary to saved Policy R/5 and R/7.

An Appeal was subsequently dismissed on 2.5.19 (Appeal reference APP/H3320/W/18/3215128). However it should be noted that the Inspector did not dismiss the appeal on the merits of the application but on the grounds that the application should not have been dealt with by way of a Section 73 application to vary an approved condition (plans). In dismissing the Appeal the Inspector stated:

"This proposal is not appropriate to be brought forward in the form of a Section 73 application to vary an approved condition on the original permission as the amended proposal amounts to a fundamental alteration which would be substantially different from that originally approved development...."

It is important to note that the development as now proposed maybe acceptable if it was subject to a fresh planning application but that doesn't mean it can be properly accepted as a Section 73 scheme"

Resubmission of Section 73 Application to vary Condition No.22 (3/32/18/042)

The applicant then resubmitted a revised application (this preceded the appeal decision) in response to the concerns raised by members following the refusal of 3/32/17/012. The following changes were made:

- Removal of all the proposed new garages, which have been replaced by parking spaces;
- The proposed parking configuration and its allocation to plots has been reviewed and amended to improve the proximity of parking spaces to plots and pedestrian connections from parking spaces to plots;
- 11 visitor spaces have been added;
- The pedestrian route to the proposed relocated play area has been amended;
- The proposed play area has been re-designed and section drawings provided to show how it would work in the proposed location; and
- New play equipment is proposed which would be a more modern and improved design and range of equipment than is currently provided on site.

Following an officer's recommendation for approval, the application was refused by committee on 28th February 2019 for the following reasons:

The proposed revisions to the plans previously approved under App Ref:

3/32/07/008 including the addition of seven dwellings would result in an unacceptable cramped form of development compromising the site's functionality, reducing its overall quality and negatively impacting the local character and the setting of the conservation area. The revised layout results in the reduction and loss of amenity space. The repositioning of the LEAP results in a less convenient, less accessible, (particularly for disabled persons) less useable and attractive area being in a shaded and sloping position close to the stream which is contrary to retained Policies R/5 and R/7 of the West Somerset District Local Plan.

Consultation Responses

Stogursey Parish Council -

States that little change to previous application. Raises concerns over parking particularly blocks of tandem parking and location of play area tucked away out of sight and close to a stream which runs fast and deep after heavy rain. Represents overdevelopment of a small estate of housing.

Highways Development Control -

Further observations awaited.

Wessex Water Authority -

The increase is acceptable in principle. We will expect additional information to come forward as the site progresses to confirm a robust drainage strategy which considers points of connection as well as diversions and easements of any public assets within the proposed area. Final sw flows will also need revision with WW if they are proposed to the public network.

SCC - Ecologist - No comments

Housing Enabling Officer -

25 affordable homes have been delivered in partnership with Magna Housing, no additional affordable housing contribution is required.

The repositioned play area appears to be located very close to existing trees as well as the stream. The site is less accessible than in the original planning application making access more challenging particularly for the elderly and disabled. It also provides less opportunities for natural surveillance than the original planning application.

National Grid - No response

Avon & Somerset Police -

Devon & Somerset Fire & Rescue Service -

No response

South Western Ambulance Service -

No response

Western Power -

No response

Environment Agency - Withdraw their objection subject to a condition requiring development to be carried out in accordance with agreed mitigation measures prior to occupation.

Planning Policy -
No response

Conservation Officer -
No response

SCC - Historic Environment -
No objection

Somerset County Council - flooding & drainage -
comments awaited.

Representations Received

Somerset CPRE:

- Proposal contrary to SC1.3 additional dwellings will not contribute to sustainability benefits causing negative impacts to social cohesion health and well-being through the intensity of build massing.
- Does not contribute to local character of the setting of the conservation area.
- Contrary to Policy NH13: Does not make a positive contribution to the local environment nor does it create a place with a positive distinctive character due to the over-intensification of the site.
- Re-location of play area contrary to Policy R/6 :Not made with children's best interests in mind. Relative lack of openness of the site offers limited natural surveillance putting children at risk of potential abuse.

18 letters of objection received on the following grounds:

- Strongvox in breach of Section 106 obligations in particular related to conveyance of open space to Parish Council along with funding to construct car park and toilet and establishment of maintenance scheme for various other open spaces at Paddons Farm
- £49,864 behind with maintenance payments
- Strongvox have not completed the original so should not be allowed to make changes
- Shouldn't be considering application when Strongvox haven't complied with original S106 conditions
- Drains would not cope with more surface water
- Planning Inspectorate already rejected an identical planning application just a few months ago
- Dangerous position of driveway opposite No 2
- Use of wooden banks/walls in the playground will rot overtime.

- Insufficient infrastructure to support new homes
- Integrity of estate is a complete mis-match of styles
- Infrastructure cannot handle any more vehicles and fire engines would struggle to get around.
- Will lead to more traffic as there is no public transport.
- Estate should be finished to the original plans.
- Repositioning of play area is unacceptable as the area floods. It should not be hidden away. It is a Health and Safety risk to children.
- Inadequate parking provision. Parking is heavy on the estate, there isn't enough space to cram more properties.
- Lack of proper access for people with disabilities
- Lack of amenities in local area including jobs, schools and doctors, more housing is therefore not sustainable
- Overdevelopment of the estate, particularly the central area, given the previous permitted increase from 55 to 59 units
- Strongvox should be made to comply with their original requirements for visitor parking provision
- Relocated play area site is too close to stream, dangerous for children
- Live badger setts
- Extra housing is substandard compared with the original approved scheme
- Proposed density unsuitable for family usage
- Poor architectural design and finish
- Construction phase will create colossal disruption to existing residents
- 2 proposed houses by No. 4 will not have legally required space for driveways and footpath without impinging on private driveway to numbers 5 and 6
- Play area much closer to boundary of 4 Paddons Farm.
- Increase in car traffic and parking limiting the already limited parking options
- Will be forced to move cars to Church Road causing impediment to traffic
- 2 new dwellings will be close to boundary line of No. 4 Paddons Farm generating noise, disturbance and impacting privacy through overlooking of the garden
- Proposed pathway around No. 4 will incite unsocial behaviour

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

SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SV1	Development at primary and secondary villages
CF1	Maximising access to recreational facilities
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH13	Securing high standards of design
W/7	River Corridor Protection
T/8	Residential Car Parking
T/9	Existing Footpaths
R/5	Public Open Space and Large Developments
R/7	Amenity Open Space
SY/2	Community Facilities

Retained saved policies of the West Somerset Local Plan (2006)

SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SV1	Development at primary and secondary villages
CF1	Maximising access to recreational facilities
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH13	Securing high standards of design
W/7	River Corridor Protection
T/8	Residential Car Parking
T/9	Existing Footpaths
R/5	Public Open Space and Large Developments
R/7	Amenity Open Space
SY/2	Community Facilities

Local finance considerations

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£1,079
Somerset County Council	£270

6 Year Payment

Somerset West and Taunton	£6,474
Somerset County Council	£1,619

Determining issues and considerations

This site was originally allocated for residential development under retained Policy H/1 of the previous West Somerset Local Plan (2006). The original allocation was for 45 dwellings. The subsequently approved scheme was for 55 dwellings (ref. 3/32/06/003), amended to 59 dwellings (ref. 3/32/07/008) and now, should this application be approved, proposed to be increased to 66 overall. The principle of residential development in this location, within the Stogursey Conservation Area, has therefore already been established by the extant permission for 59 dwellings which potentially could be built out and is a material consideration and "fall-back" position.

This application (identical to 3/32/18/042) will increase the overall number of dwellings by an additional 7. This will create a denser core to the development however the overall density of the development remains acceptable. Aside from the pair of semi-detached dwellings on the play area site, the additional dwellings have been accommodated through reconfiguration of the existing plots therefore overall there is limited material change to the layout of the site through these changes.

Policy SC1 of the West Somerset Local Plan to 2032, identifies Stogursey 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. The revised housing mix, focussing on two and three bed houses rather than four bed houses is more in line with the identified housing requirements for West Somerset as set out under Policy SC3.

It should be noted that there is a national imperative to increase the supply of housing as stated within National Planning Policy Framework (NPPF). Paragraph 59 states that it is the Government's objective to significantly boost the supply of homes. In the context of the national housing shortage paragraph 122 states that decisions should support development that make efficient use of land.

It should be noted that with 25 affordable homes already provided on site, requirements under Policy SC4 Affordable Housing, have already been satisfied.

Policy NH2 requires that development within a conservation area should preserve or enhance its character or appearance. The proposed scheme is not considered likely to give rise to harmful impacts upon the conservation area. The completion of the site and new and improved play area should overall enhance the visual amenity of

this part of the conservation area. The architectural style, materials and finishes are proposed to be in keeping with those already deemed acceptable within the conservation area under the approved scheme.

Retained Policy T/8 establishes the Council's parking requirements for residential development whereby a minimum of 2 car parking spaces is usually expected. Where no garages are provided, 1 secure and covered cycle parking space is expected to be provided per dwelling. Concerns were raised with the applicant that the garages proposed were below the Council's minimum size standards (as set out in the Somerset County Council Parking Strategy (2013) and these have now all been removed within this scheme. The parking standards meet with the Council's policy requirements.

Two of the additional dwellings are proposed to be sited on the area identified within the existing S106 Agreement as a children's Locally Equipped Area for Play (LEAP). This play area has already been delivered on site and therefore the proposals would result in the existing play area being removed and a new play area being provided in an alternative location.

Policy CF1 states that the *'unnecessary loss of valued services and facilities should be prevented, particularly where this would reduce the community's ability to meet its day to day needs'*. It also states that *'Where a development proposal would result in the loss of such facilities, equivalent or greater replacement facilities serving the same area must be provided as part of the proposals.'* Therefore for the proposals to be policy compliant the applicant is required to reprovide an equivalent or greater play facility.

The play area is proposed to be located adjacent to the existing play area but further to the south and closer to the stream, still connected to the existing pedestrian network. This site is more sloped than existing which the applicant has sought to make use of as a feature and incorporate within the design, for example including a slide. The new location will continue to be fenced and gated and informal surveillance will be provided by the new two dwellings fronting on to it. Concerns were raised on the previous application in relation to the footpaths leading to up to it which have now been redesigned. Other locations for the play area on the site have been explored such as in the area of green space on the east of the site. However this area is not as well connected to the pedestrian network from the village and there are active badger setts in this area.

In accordance with retained Policy W/7 the River Corridor environment must be protected. Full landscape details will need to be provided with the revised scheme. This will be required under a revised condition.

It is acknowledged that this aspect of the proposed amendments has generated objection from local residents who clearly value the existing play facility. It is considered however that the delivery of a new play area can provide the opportunity for a better quality, improved facility to that already on site. A Supplementary Agreement to the original S106 will be required. Via this agreement the applicant will also be required to retain the existing play area on site until the new play area is

completed so that residents are not left without the facility. Although the relocation of the play area has met with considerable objection locally, it is considered that the benefits of the completion of this stalled site and delivery of additional housing outweigh the potential concerns about the new location.

Retained Policy R5 sets out the requirements for public open space on large developments for twenty-five dwellings or more. Even taking in to account the loss of the 500sqm of amenity space from the removal of the play area, overall the amount of public open space on site remains policy compliant.

Conclusions and Recommendations

Paddons Farm has stood incomplete for some ten years creating significant disruption and uncertainty for the existing residents. This application provides a way of completing the site whilst providing additional housing and a new, modern play facility in landscaped surroundings.

It is the Officer's view that the increased number of dwellings on the site can be satisfactorily accommodated and that the overall density of the development remains acceptable. The previous concerns raised over garages, parking provision and quality of play equipment have now been addressed.

The existing Section 106 agreement (together with the Supplementary Agreements) remain in place and all of the contributions have now been made except for the transfer of land to the Council for burial ground. A Deed of Variation will accompany this application relating to the provision of the relocated play area. The list of conditions attached to the approved scheme will be reapplied where relevant as well as any new conditions that may be necessary.

For the above reasons it is recommended that the application should be approved subject to prior resolution of a Supplementary Agreement under Section 106 TCPA 1990. Unless previously discharged, the requirements include those set out in the Section 106 Agreement previously entered into by the Applicant with the Council under Ref: 3/32/06/003 dated 3rd July as well as any Supplementary Agreements thereafter :

The provisions of the Principal S106 Agreement include obligations for:

- Landscaped open space and a children's play area;
- Reservation of an area of land for potential future provision by the Council of a burial ground;
- Payment of financial contribution to the Council (£15,000 Index Linked) towards the cost of providing a public toilet and car park for use in association with the burial ground;
- Payment of a financial contribution (£22,000 Index Linked) to the Council to enable it to carry out repair works to a specific length of the existing boundary wall of the Priory Church of St Andrew;

- Payment of a financial contribution (£20,000 Index Linked) to the Council towards the costs of providing an appropriately equipped motor vehicle to facilitate the operation of the Mobile Youth Provision which the Council considers to be requisite to meet the need expected to arise from the Development Proposal;
- Payment of a financial contribution (£20,000 Index Linked) to the Council towards the cost of the provision or enhancement of off-site recreational facilities which the Council considers to be requisite to meet the need expected to arise from the Development Proposal.

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



APPEALS RECEIVED – 4 DECEMBER 2019

Site: 61 Gillards Close, Rockwell Green, Wellington, TA21 9DX

Proposal: Erection of walls to the front and side and fencing to the side and rear of 61 Gillards Close, Rockwell Green, Wellington (retention of part works already undertaken)

Application number: 43/19/0018

Appeal reference: APP/W3330/D/19/3238604

Enforcement Appeal:

