

SWT Planning Committee

Monday, 27th March, 2023,
10.00 am



Somerset West
and Taunton

The John Meikle Room - The Deane
House

[SWT MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Ed Firmin, Steve Griffiths, Roger Habgood, John Hassall, Mark Lithgow, Craig Palmer, Vivienne Stock-Williams, Ray Tully, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

Minutes of the previous meeting of the Committee to follow.

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 submitted any questions or statements, 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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5. **TPO West Buckland No.2 (SWT69)** (Pages 5 - 8)
6. **3/26/22/013 - Installation of solar panels on main building and static caravans along with ground mounted solar panels in the north-western garden area.** (Pages 9 - 20)
7. **43/21/0061 - Application for Outline Planning, with all matters reserved, for the erection of 3 No. dwellings on land to the west of Haymans Mill, Westford, Wellington as amended by agents email of 15th September 2021 "Application for Outline Planning, with all matters reserved, for the erection of 2 No. dwellings on land to the west of Haymans Mill, Westford, Wellington"** (Pages 21 - 40)
8. **46/22/0011 - Demolition of bungalow and erection of 1 no dwelling and garage at Catsbeer Farm, Ruggin Road, West Buckland (revised design - reduced scale/chane to finish materials)** (Pages 41 - 62)
9. **3/26/21/002 - Outline planning application with all matters reserved except for access for the erection of 8 No. dwellings (amended scheme to 3/26/19/024) | Land north of Huish Lane, Washford** (Pages 63 - 92)



ANDREW PRITCHARD
CHIEF EXECUTIVE

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**REPORT FOR THE SOMERSET WEST AND TAUNTON PLANNING COMMITTEE,
30th MARCH 2023**

**Objection to Somerset West and Taunton (West Buckland No.2) Tree
Preservation Order SWT69 (2022)**

The Tree Preservation Order protects 28 individual trees and 4 groups of trees growing within (or close to) hedgerows around fields and garden mainly to the south, east and west of 'Meadows', Chelston.

RECOMMENDATION

It is recommended that the Tree Preservation Order is confirmed but modified slightly with regards to G4.

Background

The Tree Preservation Order (TPO) SWT69 was served on 9th November 2022.

The grounds for serving the TPO were stated on the Notice as follows:

Hedgerow trees have recently been cut down to the northwest of Meadows, and trees bordering Meadows may now be under threat of either being felled or excessive pruning. The trees are important in the landscape and can be seen from public footpaths and nearby properties. SWT69 replaces SWT59, which will not be confirmed.

The earlier TPO, SWT59, was served on 4th August 2022 and was identical to the current one in question, SWT69. The owner of the fields to the northwest of Meadows, Mrs Smith, did not receive notice of SWT59 due to a change in address from that recorded by the Land Registry. A copy of SWT59 was attached to a tree on the site and found some time later by Mrs Smith, although details regarding the time limit for objections were omitted. It was therefore decided to re-serve the TPO to allow Mrs Smith to raise an objection within the 28-day time limit.

SWT69 has been served to protect 28 individual trees and 4 groups of trees that are within (or close to) hedgerows bordering land to the south, east and west of Meadows. Most of the trees are oaks, but also included are groups of beech and one willow.

In May 2022 it was brought to the council's attention that some mature trees had been felled along the hedgerow to the west of Meadows, and that there had been the threat that all the trees bordering that field would be 'sided up', ie. pruned entirely back to the boundary lines once the bird nesting season had passed. The tree felling was investigated by the Forestry Commission but was found to have been insufficient to have required a Felling Licence, and the works had not removed the hedgerow itself.

The hedgerow trees in this area are an important feature in the landscape and can be seen from various properties, public footpaths and to some extent the main A38. The TPO was served to ensure that the trees were retained and that any future management works to them were justified, in accordance with the recommendations in BS3998, not excessive and therefore unlikely to harm their health or aesthetic amenity value.

Trees belonging to Mr and Mrs Eyles of Meadows were also included, on the basis that they overhang land that may be developed in the future.

Procedure

A Tree Preservation Order comes into force on the day that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the Council. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision whether to confirm a TPO that raises objections is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

Representations

One objection to the TPO has been received, from Mrs Smith, owner of the field to the west of Meadows.

The reasons given for the objection can be summarized as follows:

- a) The TPO was applied without the owner's permission, and without anyone asking for her permission.
- b) There is no risk to the trees. The only trees that have been removed in the past 50 years were removed because damaged or dangerous.
- c) G4 is not a group of young beech trees but is a beech hedge and therefore cannot be included in the TPO.
- d) Beech trees within groups G2 and G3 are diseased and decayed and should therefore not be included in the TPO.

e) Any future management works required to enable the field to be used would require a TPO application.

Determining Issues and Considerations

Most of the trees included in the TPO are mature hedgerow oaks. Also included are some younger groups of beech, and a willow growing just inside the garden of Meadows but overhanging the adjacent field. The hedgerow trees in this area are an important feature in the landscape and can be seen from various properties, public footpaths and to some extent the main A38 to the north and west.

The TPO was served to ensure that the trees were retained and managed, if necessary, in accordance with best arboricultural practice.

In response to the points raised in the objection to the TPO:

a) The Council does not need to obtain permission from the owner of trees before it serves a Tree Preservation Order. Where it is stated 'anyone can apply but if they are not the owner, they need the owner's permission' this is referring to applications to fell or prune TPO trees. In that case, the above statement is true, and would be relevant if there was a desire to prune overhanging branches of trees belonging to the neighbour.

b) It is reassuring to hear that there is no intended threat to the trees. The TPO will ensure that this is the case and should not prevent reasonable management works if required.

c) Where an overgrown hedgerow becomes a line of trees can be a grey area, and in the case of G4 it does appear to have been a hedgerow that has in parts been allowed to grow into trees. It is agreed that parts of G4 are still essentially hedgerow, but a large portion of it contains young trees, albeit growing in close proximity. It is therefore proposed that the TPO is amended to reflect this, by reducing the length of G4. Permission is not required to trim a hedgerow, and the TPO would not prevent reasonable pruning of the lowest lateral branches over the fields, so long as applications are submitted to the Council for approval.

d) It is agreed that there is some decay in some of the beech trees included in the TPO. It is not unusual for mature trees to contain areas of decay, and this does not necessarily mean that the trees are unsafe or unworthy of protection. However, it is for the owner of those trees to have them professionally inspected on a regular basis to assess the extent of the decay, to determine whether there is a likely risk of branch or trunk failure. If such an assessment found that there was extensive decay and therefore high risk of failure, the Council would review the evidence and respond appropriately, by allowing trees or branches at serious risk to be removed.

e) A TPO application is now required to obtain permission to fell or prune any of the trees included in the TPO. An exception to this is where trees or branches are

considered to be dead, split, hanging or otherwise imminently dangerous. In this case the Council requires 5 days' prior notice of any proposed works.

Shortly after SWT69 was served, the case officer met the owner's husband, Mr Smith, on site to discuss the TPO. At this meeting the implications of the TPO were explained, including the process of applying to carry out management works. Crown-lifting of the lowest lateral branches over their field was agreed in principle, subject to the detail submitted in a TPO application. No TPO application has yet been received.

In conclusion, given the above points, it is therefore recommended that Tree Preservation Order SWT69 is confirmed, modified to reflect the situation with G4 (ie. the length of G4 is reduced).

Note: Dead or imminently dangerous branches can be removed from the trees, subject to written notice to the council, giving the council up to 5 days to respond.

Application Details	
Application Reference Number:	<u>3/26/22/013</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	11 November 2022
Expiry Date	<u>12 December 2022</u>
Extension of Time Date	06/04/2023
Decision Level	Planning Committee
Description:	Installation of solar panels on main building and static caravans along with ground mounted solar panels in the north-western garden area.
Site Address:	<u>Anchors Drop (The Blue Anchor) Blue Anchor, TA24 6JP</u>
Parish:	26
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	NA
AONB:	NA
Case Officer:	<u>Briony Waterman</u>
Agent:	Mr Elston,
Applicant:	Mr Kravis
Committee Date:	30 March 2023
Reason for reporting application to Committee	Councillor application

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The proposal is for the installation of solar panels on main building and static caravans along with ground mounted solar panels. It is not considered it would have a significant impact upon the visual or residential amenity of the neighbouring properties and is considered to comply with policy CC1 of the West Somerset Local Plan, and accords with the general principles of the National Planning Policy Framework,.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

3.1.1 Time limit

3.1.2 Drawing numbers

3.1.3 Removal of solar panels after they stop generating.

3.1.4 Details of fixing to be provided

3.2 Informatives (full text in appendix 1)

3.2.1 Proactive Statement

4. Proposed development, site and surroundings

4.1 Details of proposal

Installation of solar panels on main building and static caravans along with ground mounted solar panels in the north-western garden area.

4.2 Sites and surroundings

Anchors Drop, formerly the Blue Anchor) is a two storey pub located adjacent to the B3191 with a car park to the south east. The pub abuts directly onto the highway with the access onto the site to the south east. There is a beer garden to the north west and the rear of the pub overlooks the sea.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/26/21/022	Change of use of land with siting of 6no. static caravans for holiday let use (retention of works already undertaken)	Granted	01/06/2022
3/26/08/025	Erection of two detached bungalows with attached garages	Refused	13/11/2008
3/26/07/018	Permission for 2 existing caravans on the road side of the top field. Allowed at appeal for the temporary accommodation of seasonal staff, limited to a period of 5 years	Refused	14/09/2007

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other projects) pursuant to Regulations 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

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

8.1 Date of consultation: 21 October 2022

8.2 Date of revised consultation (if applicable): NA

8.3 Press Date: NA

8.4 Site Notice Date: A site notice was posted out to the applicant on the 21st October 2022, however the LPA has not had confirmation that it was displayed. However it is considered that the statutory duty to advertise has still been met as it went into the local paper and neighbour letters were sent out.

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
Old Cleeve Parish Council	<ul style="list-style-type: none"> • Environmental proposals should be applauded and encouraged, however they must be installed with suitable equipment, should be effective in scale and proportion with the site and situation in an appropriate location • Proposal lacks detail • As the panels generate DC current is there a battery storage facility and an inverter • if the intention is to export power to NG is a three phase available at this site • complete roof area of 6 caravans would be covered not stated if each array will be interconnected or linked back to the hotel • electricity will be generated during the day, demand will be greatest in the evening and without battery storage there will be minimal benefit in placing these panels on the caravans • Caravans are temporary and not energy efficient, unclear if the caravans are 	See Section 10.

	<p>structurally able to withstand the load of the panels</p> <ul style="list-style-type: none"> • Permission is only for 5 years, viability of the scheme is questioned • majority of panels face south east not south 23 panels are proposed which will have a significant visual impact, effectiveness of orientation is questioned • further intact of 5 panels facing the road, obtrusive and out of character • Array of 3 rows of 13 panels to be sited in the garden area, adjacent to the road, opposite a road junction. • Would be clearly visible from the road and neighbouring properties • Visual impact would be striking and not acceptable within the sea front landscape in this tourist area • ground in this garden area is clearly unstable and questioned whether it should be dug up in case it furthers coastal erosion • in total 175 panels, no detail re generating capacity, can only be used to optimum effect if combined with battery backup • a domestic dwelling is limited to 6kw which can be accomplished with 15 panels, this installation is 10x this size and output is therefore likely to far exceed the requirements of the hotel • questioned whether this proposal is trying to reduce the carbon footprint of the hotel and caravans or is actually planning to sell power back to the grid • Statement claims that the 	
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	<p>installation would provide all the power for the collective premises, this is optimistic at best, during the winter power generation is limited</p> <ul style="list-style-type: none"> • Old Cleeve have made comments on the retrospective application that the caravans should only operated between March and October • Whilst the Parish Council supports the use of renewable the proposals must be at a scale appropriate to the site in a suitable location as neither of these applies and due to lack of detail, object to the proposal 	
Highways Development Control	No observations	Noted
SCC - Ecologist	No comments received	

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Landscape	No comments received	

8.7 Local representations

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

No letters have been received.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises comprise the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

West Somerset Local Plan to 2032:

- OC1 Open Countryside development
- SD1 Presumption in favour of sustainable development
- CC1 Carbon reduction - small scale schemes
- CC3 Coastal Change Management Area

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

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

9.1 National Planning Policy Framework

The proposal is considered to accord with the general principles of the NPPF, in particular "Chapter 2 Achieving sustainable development" .

10. Material Planning Considerations

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

10.1.1 The principle of development

The panels to be erected are on an existing building and within the curtilage of the property known as "Anchors Drop". Somerset West and Taunton Council have declared a "Climate Emergency" and as such any schemes which endeavour to reduce the carbon footprint of a building are to be commended. However, there are other policy and material considerations to take into account before determining this application.

Policy CC1: Carbon reduction - non wind energy generating schemes states:

Energy generating development proposals (other than those for wind turbines) will be supported where:

- *They respect the local natural environment in which they are located*
- *They respect the local historic environment and the significance of any designated and identified potential heritage assets within and neighbouring it; and*
- *They respect the positive economic and social characteristics of communities affected especially those neighbouring them; and*
- *Adequate measures are taken to mitigate the cultural, economic, environmental and social impact of any related development of the communities affected, both in the short and the longer term.*

Due to the location of the proposal, policy CC3: Coastal Change Management Area, is also considered relevant. The policy states:

"Development within the coastal change management areas, as defined on the policies map, will be limited to temporary, tourism-related development.

No development will be permitted within parts of the coastal change management area which are vulnerable to rapid coastal erosion.

Exceptionally, where the use of such development locations are necessary for sustainable development purposes, other types of development may be permitted where they would be protected by new or existing sea defences which are to be maintained in the long term."

Given the above, the proposal for solar panels is considered to comply with policy. By their nature the solar panels are temporary and a condition has been included to ensure that they are removed within three months post generation. The panels located within the front garden on the caravans will not be visible, other than glimpses, from the public highway and the panels on the roof of the pub are not considered to have a detrimental impact upon the visual amenity of the area. It is considered that, whilst the proposal is within the coastal change area, the addition of solar panels is not considered to have a detrimental impact, the panels are temporary and due to the matters of fixing would not impact upon the coastal erosion. There is no heritage impact of the proposals, the building is not listed nor is the site within a Conservation Area.

Sustainability is a key theme which runs through the National Planning Policy Framework, in particular paragraphs 7 to 14.

The proposed scheme is outside of any defined settlement limits and is therefore defined as being within the open countryside, however the proposal is located on and within the curtilage of an existing building and is therefore considered acceptable in principle.

10.1.2 Visual impact

The proposal is not considered to have a significant impact upon the visual amenity of the area. Increasingly solar panels are becoming a common feature on buildings and it is considered that any perceived negative visual impact is outweighed by the

benefits of renewable energy generation. The ground mounted panels will not be visible from the road due to the existing boundary of a stone wall and hedge. It is noted that the panels would be visible from the beach however this is not considered to have a significant impact upon the views of the area as the panels are contained within the garden.

10.1.3 Residential amenity

Due to the nature and location of the proposal it is considered that the proposals would not have a significant impact. The nearest neighbour is approximately 25m away from the panels in the garden, over a highway with the proposal being well screened by the existing wall. The panels on top of the caravans are approximately 85m away from the nearest property, screened by the existing boundary and the highway.

10.1.4 Highways

Due to the location of the proposal it is considered that there would be no impact upon the parking and turning arrangements on the site, and no adverse impact to other highway users.

10.1.5 Biodiversity

Comments received from the Somerset Ecology Services recommend a Preliminary Roost Assessment is carried out on the pub to ensure that no harm is caused to any potential wildlife. However following correspondence with the agent it has been confirmed that the panels will be installed upon panels above the roof tiles and that they will be fixed to the roof without breaking the felt beneath, it is considered that a PRA would be unreasonable in this specific instance. A condition has been included requiring further details on the location and design of the fixings to ensure that no harm is caused to any protected species.

10.1.6 Additional matters

The Parish Council have raised a number of concerns in respect of battery storage and the connection to the grid and whilst these are insightful questions to better understand the process they are not a material planning consideration.

A comment was made regarding the cliff stability and it is noted that there is an issue with coastal erosion in this location. However, the agent has provided details of how the frames for the panels will be fixed and it is unlikely that this will contribute to cliff collapse, however it is recommended that the applicant seek specialist advice prior to the installation.

The Parish Council conclude their comments stating that whilst they "support the use of renewable or low carbon energy measures, any proposals must be of a scale appropriate to the site and in a suitable location, and as neither applies.... object to this planning application" These concerns are noted however it is considered that

the scale and location are appropriate, the panels on the pub are fixed to a frame and do not breach the eaves of the roof, maintaining the appearance of the building whilst providing a renewable source of energy. Likewise, the panels in the garden do not cause a significant visual impact.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not applicable.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

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

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

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:

(A2) DrNo 2239.2/100 Existing Site Plans
(A1) DrNo 2239.2/101 Existing Elevations
(A2) DrNo 2239.2/200A Proposed Site Plans
(A1) DrNo 2239.2/201A Proposed Elevations
(A1) DrNo 2239.2/202A Proposed Plans

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

- 3 The solar panels, hereby approved, shall be removed within three months of them ceasing to generate electricity.

Reason: In order to maintain the appearance of the area.

- 4 Detailed drawings of how and where the solar panels will be fixed to the roof on the pub shall be first submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: In the interests of ensuring the protection of protected species.

Notes to applicant.

In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

Application Details	
Application Reference Number:	43/21/0061
Application Type:	Outline Planning Permission
Earliest decision date:	13 October 2021
Expiry Date	30 July 2021
Extension of time	31 March 2023
Decision Level	Committee
Description:	Application for Outline Planning, with all matters reserved, for the erection of 3 No. dwellings on land to the west of Haymans Mill, Westford, Wellington as amended by agents email of 15th September 2021 "Application for Outline Planning, with all matters reserved, for the erection of 2 No. dwellings on land to the west of Haymans Mill, Westford, Wellington"
Site Address:	LAND TO THE WEST OF HAYMANS MILL, WESTFORD, WELLINGTON
Parish:	43
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Successfully addressed - legal agreement is required to secure.
AONB:	N/A
Case Officer:	Denise Todd
Agent:	Collier Planning
Applicant:	MITCHELL PARTNERS
Committee Date:	30 March 2023
Reason for reporting application to Committee	Town Council and 4 comments received contrary to officers' recommendation.

1. Recommendation

1.1 That permission be GRANTED subject to conditions and a legal agreement to secure the phosphate mitigation measures.

2. Executive Summary of key reasons for recommendation

2.1 The proposal, which has been revised from 3 to 2 dwellings is in outline with all matters reserved. for the erection of two. The principle of the proposal is considered to be acceptable as the site is in a sustainable location within a settlement boundary. Details of phosphate mitigation measures have been provided and will be secured by a legal agreement. The local highway authority is satisfied that the site is capable of accommodating the necessary parking provision and vehicular access. It is therefore concluded the outline proposal complies with the relevant development plan policies.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Standard Timeframe
- Approved Plans
- Lighting for bats
- Construction Environmental Management Plan to be submitted.
- Landscape and Management Plan to be submitted.
- Biodiversity net gain – biodiversity enhancement plan to be submitted.
- Protection of existing trees
- No removal of vegetation between 1 March and 31 August due to nesting birds
- Vegetation to be reduced to 10cm initially to safeguard any reptiles.
- No obstruction to visibility greater than 600mm
- A properly consolidated and surfaced access to be provided prior to occupation
- Disposal of surface water away from the highway

3.2 Informatives (bullet point only)

- Wessex Water connection

3.2.1 Proactive Statement

3.3 Obligations

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is an application for Outline Planning, with all matters reserved, for the erection of 3 No. dwellings on land to the west of Haymans Mill, Westford, Wellington. This was as amended by agents email of 15th September 2021 to "Application for Outline Planning, with all matters reserved, for the erection of 2 No. dwellings on land to the west of Haymans Mill, Westford, Wellington"

4.2 Sites and surroundings

The site is located on the west side of Westford and to the north of the railway line. The site is accessed via Rackfield, which is a private access and the development site itself is a field. Residential dwellings lie to the north of the development site.

The development site is within the settlement boundary for Wellington and is not within a Conservation Area. The leat to the rear of the site is a non-designated Heritage Asset (31990 in the Historic Environment Record)

5. Planning (and enforcement) history - None

6. Environmental Impact Assessment - NA

7. Habitats Regulations Assessment

The site lies within the catchment for the Somerset Levels and Moors Ramsar site. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must, as competent authority, undertake a Habitat Regulations Assessment proceeding to a project level Appropriate Assessment where a likely significant effect cannot be ruled out. Natural England have identified certain forms of development affected including new residential development.

The site is within the catchment area of the Ramsar site and the proposed development relates to new residential units. Therefore the proposed development must be able to demonstrate nutrient neutrality before planning permission can be granted.

The planning application has been accompanied by a Nutrient Neutrality Assessment (NNA) setting out proposed mitigation measures to ensure that the proposed development would be 'nutrient neutral' in perpetuity. The NNA and mitigation proposals therein has been reviewed by the Council's Nutrient Neutrality Officer who has also prepared a HRA for the proposed development. Natural England has been consulted on the NNA and HRA and have confirmed that "having reviewed the documents we agree with your Authority's conclusion that the proposals submitted will make the development nutrient neutral and therefore not adversely affect the integrity of the Somerset Levels and Moors Ramsar Site".

As Natural England has found the NNA and HRA to be acceptable a legal agreement (Unilateral Undertaken or Section 106) is required to secure the proposed mitigation in perpetuity.

The applicant also owns two areas of land which are currently used for grazing sheep and cattle. These areas are mapped in Appendix G of the submitted NNA, and labelled as Area A and Area B. Area A has an area of 0.44ha and is located approximately 260 m south-west of the site and is centred around national grid reference ST 1181020061. Area B has an area of 0.33ha and is located approximately 140 m north-west of the site and is centred around national grid reference ST 11871 20422. As confirmed by the Soilscape database, the soils on both areas of mitigation land are not freely draining.

The preferred option for mitigation would be to temporarily fallow Area A and plant woodland on Area B. It is proposed that Area A will be removed from agricultural production and temporarily fallowed until the end of 2024, at which point the Wellington WWTW upgrades would have to be implemented. Similarly, it is proposed that Area B will also be removed from agricultural production and planted with woodland at a planting density of at least 100 trees per hectare as set out in Natural England's Stodmarsh guidance.

The Farmscoper model has been used to calculate the phosphate loading of current grazing and the net benefit of temporary fallowing and the outputs are included in Appendix G.

Currently, based on the stocking density of sheep and cattle, 1 ha of land has a phosphate load of 0.75 kg/ha/year.

As the areas of mitigation land are less than 1 ha, the Farmscoper model used an area of 1ha to avoid issues with rounding errors in the model, with the results being converted to the correct site area on a pro rata basis. The phosphate loading of 1 ha of grazed land is 0.75 kg/year. Area A is 0.44 ha and therefore has an existing phosphate load of 0.33 kg/year (0.75 x 0.44). The phosphate loading of 1 ha of

fallowed land is 0.27 kg/year (refer to Appendix G), therefore by following Area A (0.44 ha) the phosphate load will decrease to 0.12kg/year (0.27 x 0.44). Therefore, following Area A would reduce the phosphate loading and provide a net benefit of 0.21 kg/P/year (0.33kg–0.12kg).

Area B is 0.33 ha and therefore has an existing phosphate load of 0.25 kg/year (0.75 x 0.33). It is proposed that Area B is planted with woodland. Based on recent guidance issued by Natural England in March 2022, the phosphate soil leaching rate for woodland needs to be taken as 0.02 kg/ha/year.

Therefore, the phosphate load of Area B (0.33 ha) would decrease to 0.0066 kg/year if planted with woodland (0.02 x 0.33). Therefore, planting woodland on Area B would reduce the phosphate loading and give a net benefit of 0.24 kg/P/year (0.25 kg – 0.0066kg).

A Section 106 legal agreement will be required to secure the above mitigation.

8. Consultation and Representations

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

8.1 Date of consultation: 8 June 2021

8.2 Date of revised consultation (if applicable): 22 September 2021

8.3 Press Date: 11 June 2021

8.4 Site Notice Date: 28 June 2021

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

Consultee	Comment	Officer Comment
WELLINGTON TOWN COUNCIL	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • Concerns that the property is out of keeping with other properties in the area. • Risking the integrity of the Leat • Council echoed the public comments on the planning portal • Concerns over the access to the site • Concerns over the safety of children walking to school – no pavement on what is already a very busy 	

	<p>road.</p> <ul style="list-style-type: none"> • The significant impact and load of traffic on an already dangerous road 	
SCC - ECOLOGY	<p>Confirmed that the matter of phosphates has to be address and requested conditions for :-</p> <ul style="list-style-type: none"> • Lighting for Bats • Construction Environmental Management Plan • Landscape and Ecology Management Plan • Bio-diversity net gain <p>Reviewed once phosphates had been successfully addressed and the following conditions requested:-</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan • Protection of retained hedgerows and trees • No vegetation removal works between 1 Mar -31 August unless competent geologist has checked trees, shrubs and scrub • Vegetation reduced to 10cm in height and left for 48 hrs before clearing • Landscape and Ecology Management Plan • Bio-diversity net gain 	
SCC - TRANSPORT DEVELOPMENT GROUP	<p>Requests conditions regarding visibility, properly consolidated access and the disposal of surface water drainage</p>	
WESSEX WATER	<p>No objection requests informative on new drainage and water supply connections</p>	

TREE OFFICER	Request for the standard tree-protection condition for the alders to the rear of the development. The protective fence will need to go along the rear boundary of the proposed plots, no less than 3.5 metres from the tree trunks.'	
DRAINAGE ENGINEER	None received	

8.6 Local representations

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

6 objection have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
<ul style="list-style-type: none"> • Water voles are present in Mill Pond and Leat system • Dragonflies live in Mill Pond area • Grass snakes and slows are also seen entering and leaving Mill Pond area • Sluice is located at the corner of Mill Pond - Has this been taken into consideration • Increase in traffic and issues with satnav records • Road layout for 3 dwellings comes onto the highway close to a blind bend • There has been an increase in walker and wildlife since lock-down • No public footpath linking the development site to the village • Lack of neighbourhood notification and site notice • Site is part of a previous nature reserve • Proposal does not fit with existing community • Not a community suitable for high density, small dwellings with limited garden space • Development should reflect the existing development which has big gardens and lots of space 	See Paragraph 10.1.10

- Applicant has not used the land much for 30 years
- This proposal is not appropriate or in keeping with our community or our properties.
- The access, its a privately maintained vehicular surface with huge manoeuvring and visibility problems.
- We all share, in the upkeep and any properties developed here effect us very closely
- It is part of a complex web of wildlife that is Rackfield's community.
- Peregrines, water voles and both kinds of newts are common at neighbours bird feeding stations
- The neighbourhoods children have inadequate play space at Westford and they play on the corner in the road just before the proposed development.
- The land which is adjacent to the Leat Mill is a much valued local habitat which really should be preserved as a local amenity.
- Concern on run-off impacting on Rackfield and Payton Road
- A three story development would be completely out of character with this semi-rural location.
- The nearby Grange development has proved to be a planning disaster and demonstrate the difficulties of over-crowding and lack of amenity for the residents in the development.
- This application is immediately adjacent to the non-designated Heritage Asset of the Millpond and Leat (31990 in the Historic Environment Record) and therefore a Heritage Impact Assessment should be submitted.
- Unless protected the historic leat and millpond system will gradually lose its integrity and significance.
- Lost of bus service No.22 bus, due to vehicles causing an obstruction, due to over-development
- Over development on Rackfield as there is already planning for 8 dwellings on Hayman's Mill and a further planning application for two

<p> dwellings on Westford Drive</p> <ul style="list-style-type: none"> • I note that it is proposed to run water from the roofs of the proposed houses under Rackfield and into a ditch by the electricity pole by the entrance gates to the Environment Agency's Westford Flood Relief Reservoir. What guarantees will be made that Rackfield will be fully passable at all times, for residents for whom this is the only way in and out by vehicles. • Similar remarks apply to the connection to the water mains and sewers to the north of the proposed development site. 	
Support	Officer comment
None	

Some objectors have provided multiple comments, however they have only been counted as one objector

8.7.1 Summary of objections - non planning matters

8.7.2 Summary of support - non planning matters

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

Taunton Deane Core Strategy

SD1 - Presumption in favour of sustainable development
SP1 - Sustainable development locations
DM1 - General requirements
CP1 - Climate Change
CP4 - Housing
CP6 - Transport and accessibility
CP8 - Environment

Taunton Deane adopted Site Allocations and Development Management Plan (December 2016)

A1 - Parking requirements
A5 - Accessibility of development
D7 - Design Quality
D8 - Safety
D10 - Dwelling sizes
D12 - Amenity space
SB1 - Settlement Boundaries
14 - Water Infrastructure

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021
District Wide Design Guide, December 2021
Other relevant policy documents:

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

Neighbourhood plans:

No neighbourhood plans in this location

9.1 National Planning Policy Framework

10. Material Planning Considerations

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

10.1.1 The principle of development

The application has been reduced from three to two dwellings and is seeking 'outline' planning consent only, all matters of detail (access, layout, scale, appearance and landscaping), are reserved for future consideration.

The development site is located within the settlement boundary for Wellington and therefore is considered a sustainable location. The principle of development is therefore accepted, with a 'reserve matters' planning application being required for access, layout, scale, appearance and landscaping.

10.1.2 Design of the proposal

The application has been reduced from three to two dwellings and is seeking 'outline' planning consent only as stated above.

The submitted plans are indicative only to show how the development could be laid out on the site. The house type is also indicative however the agent has stated that these are the types of dwellings envisaged for the site.

The Planning Statement refers to the dwellings as "*townhouses situated over 3-storesys, with habitable accommodation on the first and second floors*". The Planning Statement also refers to the use of high-quality building materials and additional landscape planting to mitigate for the loss of hedgerow. The indicative plans show dwellings of a suitable size with appropriate amenity space to accord with policies D10 and D12 of the SADMP.

Whilst the aspirations of design and materials are noted the proposal is an outline application with all matters reserved. The matter of the 'final' design of the proposed dwellings, including landscape planting will therefore be assessed at the 'reserved matters' stage.

10.1.3. Access, Highway Safety and Parking Provision

The exact location of the access will be determined at the 'reserved matters' stage however there is a private road which is within the applicants ownership that provides access to the development site from the public highway which lies to the north.

Amended plans have been submitted to address highway concern including visibility. These plans also demonstrate the possible parking for the development site. The Highways Authority have confirmed that "*the whole of the parking area indicated allows for a roomy parking arrangement and potentially sufficient space to allow vehicles to turn into and out of the parking area in an efficient manner, which along with the turning area will enable vehicles to enter and leave the site in forward gear. On this basis it is accepted that sufficient and appropriate parking and turning provision can feasibly be provided. Given this is an outline application it is accepted that this is a sufficient level of detail for this stage*".

The Highways authority have requested conditions regarding the following matters:-

- No obstruction to visibility greater than 600mm above adjoining road level
- Before the dwelling are first occupied a properly consolidated and surface access
- Disposal of surface water so as to prevent its discharge onto the highways

The Highways Authority, following the submission of amended plans have no objection to the proposed development of this site. The site is capable of providing the necessary parking and visibility for the proposed development. There will be an increase in traffic, however as the proposal relates to two new dwellings this is considered to be minimal.

The proposed development is therefore considered capable of providing a suitable access and sufficient parking to address policies A1. The development sites location within the Wellington settlement boundary is considered to accord with policy A5 of the Site Allocations Development Management Plan (SADMP) as being within a 15 minute car journey fro shopping and education facilities. In terms of policies SP1 and CP6 of the Core Strategy the site is within an sustainable location and therefore accords with policy.

10.1.4. The impact on the character and appearance of the locality

The design of the proposed dwellings, and any possible overlooking, loss of amenity

will be assessed at the reserved matters stage and there no further comment can be made on design or materials etc.

10.1.5. The impact on neighbouring residential amenity

As this is an outline application, will all matters reserved it is not possible to comment on any adverse impact on residential amenity from the design of the proposed dwellings. The application has however been assessed by the relevant experts who have not objected to the principle of development on the site.

10.1.6. The impact on trees and landscaping

The loss of hedgerow etc, will be assessed at the reserve matters stage and any reasonable and necessary conditions will be imposed at that stage of the planning process.

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

The county ecologist has assessed the proposed development and requested conditions for:-

- Lighting for bats
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Bio-diversity net gain

As the application is now able to progress through the planning system having successfully addressed the matter of phosphates, the county ecologist was asked to review the application. As a result of the review additional conditions for the retained trees and hedgerow, check for active birds nests, vegetation in the construction are to be reduced to a height of 10cm and no removal of vegetation between 1 March - 31 August unless a competent ecologist has checked the site. The ecologist confirmed the need for conditions for a CEMP and bio-diversity net gain. The lights for bats will remain, as per the original ecology advice.

10.1.8. Waste/Recycling facilities

The plot size is large enough to provide waste/recycling facilities without impacting on neighbours or the highway, however this will be assessed at the reserved matters stage when detailed design and layout plans are submitted.

10.1.9. Flood risk and energy efficiency

To the west of the proposed development site is a mill leat (pond), which once served the nearby redundant woollen mill. The agent has confirmed that *"There is a Mill Leat (designated as an 'ordinary watercourse') situated approximately 6m to the west of the application site. The water level in the Mill Leat is controlled by a sluice (situated on land within the applicant's ownership) that discharges water to the nearby Westford Stream."* The figure of 6m refers to the distance from the rear boundary of the plots to the edge of the leat, with the nearest rear wall of a dwelling being located approximately 8m from the leats edge.

As a precautionary measure, to address the possible failure of the control mechanisms that control the water levels within the Mill Leat, the ground floor of the proposed dwellings would not contain habitable rooms, however whilst this information is useful the design of the proposed dwellings will be assessed at the 'reserve matters' stage.

10.1.10. Any other matters

Objections have been received from the Town Council and 6 interested third parties

The Town Council have commented on the design which is a matter to be determined at the reserve matters stage and not a consideration for this outline application. Concerns have been raised on highway matters, however the Highway Authority have not objected to the proposed development. It is not possible to comment on issues with the planning portal, however the application is available to view online using the local planning authorities own website. The proposal's possible risk to the integrity of the leat would be a matter for the applicant to considered and construction matters are dealt with my building regulations. It is noted that the applicant is the land owner of both the development site and the sluice for the leat.

The interested third parties have raised the issue of design with three storey dwellings being out of keeping with the area. This is however an outline application and the elevational and floor plans that were submitted are only indicative of what could be erected within the development site should consent be granted. To be clear with this outline planning application all matters are reserved for the subsequent 'reserve matters' planning application.

Many objectors have raised concern about the ecology of the site, however the county ecologist as the relevant expert has not objected to the proposed development and has confirmed the use of relevant planning conditions. The application was recently reviewed by the ecologist once the phosphate matter had been successfully addressed .

It is not clear why the lack of neighbour notification have been raised as a site notice was erected on 13 July 2021 and neighbour consultation letters mailed on 27 September 2021.

The increase in walkers using area the highway and the lack of a public footpath appear to be at odds. It would however be a matter for the walkers to take appropriate care when walking along a highway as they would be aware of the lack of public footpath.

The applicant not using the land 'much' for 30 years would be a matter for the applicant and is not a planning consideration for this proposed development.

The matter of the access being 'privately maintained' does not prevent a planning application, however it is accepted that the occupiers of the dwelling (if successful at reserve matters stage) may have to be added to the private maintenance/upkeep agreement for the highway.

One of the objection related to the nearest bus-top being three-quarters of a mile from the development site, however as the site is within the settlement boundary for Wellington the development site is considered a sustainable location.

It is noted that objectors claim children play in the road, however that is a matter for parents/careers to address.

The wish of an objector to have the land adjacent to the Leat Mill as a 'local amenity'

is not a planning consideration of this application.

The concern on run-off impacting on Rackfield and Payton Road would be assessed at reserve matter stage for the dwelling, however the Highway Authority have requested a condition for the disposal of surface water drainage away from the highway. Building regulations will address the matter of drainage.

It is not clear why the Grange development has been called a 'planning disaster', however at the time of that planning applications approval consideration would have been given to dwellings size/types and amenity space.

It would appear that the No. 22 bus service has been lost, however this appears to be the result of inconsiderate owners parking vehicles so as to cause an obstruction. Planning applications can only assess proposals against the relevant planning policies. The matter of parking causing highway obstruction would be a police matter.

The proposed development of 2 dwellings is not considered to be an overdevelopment of Rackfield and whilst mention of other development in the area has been made and noted, each planning application is assessed on its own merits.

This application is immediately adjacent to the non-designated Heritage Asset of the Millpond and Leat (31990 in the Historic Environment Record) however a Heritage Impact Assessment has not been submitted or requested as this is an outline application.

The issue of guarantees of access have been made in relationship to the proposal to run water from the roofs of the proposed houses under Rackfield and into a ditch by the electricity pole by the entrance gates to the Environment Agency's Westford Flood Relief Reservoir. The phasing of construction works would be a matter for the applicant who may or may not have to seek a temporary closure of the highway.

Similar concerns have been made regarding the connection to the water mains and sewers to the north of the proposed development site, however Wessex Water have not objected to the proposed development. Wessex Water have however requested informatives for applying for new drainage and water supply connections

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of dwellings is CIL liable and the application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and

demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to condition for Lighting for Bats, Construction Environmental Management Plan, Landscape and Ecology Management Plan, No removal of vegetation between 1 March - 31 August, Vegetation to be reduced to 10cm in height and left for 48 hrs, protection of retained trees and hedgerow, Bio-diversity net gain, visibility, properly consolidated access, disposal of surface water drainage and tree protection.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Conditions

1. Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

(A3) DrNo 18-56-03 Indicative Site Layout Plan
(A3) DrNo 18-56-01 Location Plan Westford_
(A3) DrNo 18-56-02 Rev A Block Plan
(A3) DrNo 18-56-04 Rev A Indicative House Type
(A1) Existing Site Plan

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

3. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design

should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - (a) Risk assessment of potentially damaging construction activities.
 - (b) Identification of "biodiversity protection zones". *Note: During construction, the pond should be buffered by at least 5m to protect the area from pollution and for management, and appropriate mitigation measures should be followed as detailed within a Construction and Environmental Management Plan.*
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - (f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
 - (h) Use of protective fences, exclusion barriers and warning signs.
 - (i) *Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy CP8 Local Plan Core Strategy.

5. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
 - a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.

- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

6. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority to commencement of construction works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:
 - a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter on 2x plots
 - b) One no. Schwegler 1B and one no. Schwegler 2H bird boxes will be installed on retained trees at the boundary and maintained thereafter.
 - c) A bee brick will be built into the wall about 1 metre above ground level on the south or southeast elevation of each plot
 - d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
 - e) One log pile as a resting place for reptiles and or amphibians constructed on the northwest boundary.
 - f) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

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

7. Before any part of the development hereby permitted is commenced, the Alder

Trees to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed along the rear boundary of the proposed plots, no less than 3.5 metres from the tree trunks and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered.

Reason: A pre-commencement condition is required to avoid potential harm to the root system of any hedge leading to possible consequential damage to its health in accordance with policy CP8 of the Taunton Deane Core Strategy.

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

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given.

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

Reason: In the interests of UK protected and priority species and in accordance with policy CP8 Local Plan.

10. 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 24 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

11. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing

by the Local Planning Authority. The access shall be constructed in accordance with the agreed details and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety.

12. 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 access is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Wessex Water offer the following additional advice:-

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 on our website : www.wessexwater.co.uk

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 map attached to our full response, available to view at www.somersetwestandtaunton.gov.uk, for advice on what to do if an uncharted pipe is located.

The surface water strategy

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 ditch, this is subject to agreement with the local authority.

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

Application Details	
Application Reference Number:	46/22/0011
Application Type:	Full Planning Permission
Earliest decision date:	27 December 2022
Expiry Date	30 September 2022
Extension of time	
Decision Level	Conditional Approval
Description:	Demolition of bungalow and erection of 1 No. dwelling and garage at Catsbear Farm, Ruggin Road, West Buckland (revised design - reduced scale / change to finish materials)
Site Address:	CATSBEAR FARM, RUGGIN ROAD, WEST BUCKLAND, WELLINGTON, TAUNTON, TA21 9LG
Parish:	46
Conservation Area:	NO
Somerset Levels and Moors RAMSAR Catchment Area:	YES - replacement dwelling so deemed nutrient neutral
AONB:	NO
Case Officer:	Denise Todd/Ben Gilpin
Agent:	James Venton
Applicant:	MR & MRS R LEITNER
Committee Date:	30 March 2023
Reason for reporting application to Committee	Parish Council and more than 4 objects have views contrary to officer recommendation. Although reconsulted on revised design, original objections have not been withdrawn.

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The proposed replacement dwelling, following lengthy negotiations, is deemed acceptable knowing the fall back of the site (in terms of what can be constructed through existing permitted development rights), subject to the inclusion of the rural workers tie and other planning conditions as identified.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

1. Time Limit
2. Plans
3. EV Charging point
4. Materials to be submitted
5. Rural Workers Tie

6. Landscape Details to be submitted (including hedgerow replacement to close existing access)
7. Water Management
8. Removal of Permitted Development Rights
9. Properly consolidated access
10. The garage to be for private motor vehicle use
11. Parking and Turning area to be kept free of obstruction
12. No obstruction to visibility greater than 900mm
13. Any gates to be set back from the highway and to open inwards
14. Existing access to be block up
15. Copy of the licence issues by Natural England or a written statement from a licensed bat ecologist to the state that a licence is not required
16. No works that could disturb bats between the dates of 15 September – 31 October or alternatively 01 April – 30 April of any given year. Any works undertaken during this period should only be carried out under the direction of a licensed bat ecologist
17. All ecological measures and/or works shall be carried out in accordance with the details contained in recommendations section of Crossman Associates on 18 October 2022.
18. Lighting for bats
19. Bio-diversity enhancement
20. No removal of vegetation between 1 March and 31 August unless a competent ecologist has undertaken a detailed check

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.2.2 Legal protection afforded to Bats and their roosts

Legal protection afforded to badgers

Check for hedgehogs.

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal seeks planning permission for the demolition of bungalow and erection of 1 No. dwelling and garage at Catsbear Farm, Ruggin Road, West Buckland (revised design - reduced scale / change to finish materials).

The current bungalow has an agricultural occupancy tie and a condition for 'sufficient space for one garage and one parking space, together with a vehicular access thereto, shall be provided..... and not used other than for the parking of vehicles or the purpose of access'. A further condition restricts the erection of garage and access to it, without the approval of the Local Planning Authority. All other Permitted Development Rights remain.

The current property is a large single-storey bungalow, set within a sizeable plot. The existing bungalow, and what could also be delivered using the sites permitted development rights, equates to 312.5 square metres of floor space.

The proposed replacement dwelling would have a floorspace of 309.5 square metres as measured by the CIL Officer.

4.2 Sites and surroundings

The site is a large single plot, with access to the south.

The site is adjacent to the boundary of the Blackdown Hills AONB but not within. The site has no statutory designation constraints.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
4/46/77/016	Erection of bungalow and garage	Approved (C9 incl. - agricultural tie)	15.07.1977
46/97/010	Erection of Conservatory	Approved	13.06.1997

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

Not required as the proposal seeks a 'like-for-like' replacement.

8. Consultation and Representations

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

8.1 Date of consultation: 10 August 2022

8.2 Date of revised consultation (if applicable): 6 December 2022

8.3 Press Date: 12 August 2022

8.4 Site Notice Date: 18 August 2022

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

Consultee	Comment	Officer Comment
WEST BUCKLAND PARISH COUNCIL	Revised PC Comments (04.01.2023): "West Buckland Parish Council considered the amended plans and noted there would still be a significant increase in size from the original. dwelling.	Objection is recorded (not withdrawn following reconsultation)

	<p>The Parish Council's recommendation is refusal as this is contrary to TDBC Development Management Policy 2, 5 - is not substantially larger than the existing dwelling."</p> <p>Original Objection to original proposal still in place and that objection has not been withdrawn following reconsultation.</p>	
SCC - ECOLOGY	<p>Requested conditions for the following:-</p> <ul style="list-style-type: none"> • Bat licence • Protection of roosting bats • All works carried out as per Crossman Associates document dated 18/10/2022 • Lighting for bats • bio-diversity net gain • No vegetation removal works <p>Informatives for the legal protection of bats and their roost, badgers and hedgehogs</p>	See paragraph 10.1.8
SCC - TRANSPORT DEVELOPMENT GROUP	Standing Advice	See paragraph 10.1.4
WESSEX WATER	No objection	No objection is recorded
LANDSCAPE	The proposals for the dwelling shown in the attached revised scheme are considered acceptable	The comments received are in relation to the most recent redesign of the proposal and the comments are considered to be in support from a Landscape / Character perspective

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
N/A		

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted

Statement of Community Involvement.

Five objections received to the original scheme and these were not withdrawn following reconsultation (see below).

Following reconsultation on the amended scheme in November 2022 / December 2022, 03 number of letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
Too big for the location	Considered within the report
Unaffordable for agricultural workers	Considered within the report
Out of keeping	Considered within the report
No change to the Bio-diversity checklist which was seriously deficient	Considered within the report
Located too close to the highway	
Support x 1	Officer comment
Proposed dwelling will be a far more attractive property than the existing dwelling	Considered within the report

8.7.1 Summary of objections - non planning matters - N/A

8.7.2 Summary of support - non planning matters - N/A

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADM) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are

listed below:

Taunton Deane Core Strategy 2011-2028
SD1 - Presumption in favour of sustainable development
SP1 - Sustainable development locations
DM1 - General requirements
DM2 - Development in the Countryside
DM4 Design
CP1 - Climate change
CP4 - Housing
CP6 - Transport and accessibility
CP8 - Environment

Taunton Deane adopted Site Allocations and Development Management Plan
(December 2016)

A1 - Parking Requirements
A5 - Accessibility of development
D7 - Design Quality
D8 - Safety
D10 - Dwelling Sizes

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021
District Wide Design Guide, December 2021
Other relevant policy documents:

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

9.1 National Planning Policy Framework

10. Material Planning Considerations

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

10.1.1 The principle of development

The applicant has 22 acres, plus 4 acres at Catsbeer. He also has an option to buy a further 15 acres at Catbeer, however this is dependant on the success of this planning application. The applicant therefore has a minimum of 26 acres to continue his agricultural herd. The agricultural herd consists of between 25-35 head of cattle on the applicants current premises at any one time. The cattle are reared from young stock and sold for beef once they reach maturity. The agent has confirmed that the applicant did for some time run a building company alongside his agricultural herd, however that company ceased 10 years ago and since that time the applicants primary income has been from his agricultural enterprise. The view is therefore taken that the applicant accords with the exiting agricultural tie. The applicant is also willing for the agricultural occupancy condition to be used to secure the dwelling's future for use by a rural worker.

In terms of whether the proposed replacement dwelling accords with the requirements of Core Strategy policy DM2 - Development in the Countryside, 5) Replacement Dwellings, consideration must be given to the following:-

The Policy reads:

"Replacement Dwellings

a. only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a one-for-one replacement and is not substantially larger than the existing dwelling."

The current bungalow, when viewed on the site visit, has not been abandoned.

The dwelling, of simple construction has been stated by the agent as 'thermally deficient'. The building when seen on site evidences this and it is considered that to bring the dwelling to an acceptable level of repair, costs incurred could be significant.

It is accepted that, as it stands, the proposed dwelling is larger than that currently in situ. However, and as discussed below in the applicant's fall-back position, the floor space of the property could be comparable to that proposed if development allowed using permitted development rights were to be built out (which is legitimate). The principle of the 'fall back' position is best explained as below:

"A 'fallback position' is what is a development or use which is likely to occur if the planning permission is refused, for example a development which is already permitted or can be built under permitted development rights.

In a Court of Appeal Judgement *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, Lindblom LJ confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement were as follows:

– The basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice

– There is no rule of law that in every case the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO)."

What is important in deliberations, knowing the above, is that a fall back position using permitted development rights only has to be a possibility, and not probable or likely.

Knowing the size of what could possibly be built, and that what is proposed is similar in floor space, it is considered the replacement building would not be substantially larger than the one in place (were it to use its permitted development rights).

The current property has an agricultural tie and it is proposed this form of occupancy constraint be retained.

In this instance, one of the objections received has suggested that the new build

would not qualify as being affordable for rural workers due to the increase in floorspace.

For consideration in this case is the applicants 'fall-back' position.

The existing property has granted consent under application 4/46/77/016 and retained all permitted development rights in place. With those rights the property could legitimately have a floor space of circa 312.5 square metres. The proposed replacement dwelling is to have a floor space of circa 320 square metres.

The floorspace of 312.5 sq.m could possibly be achieved in the following way:

Under permitted Development the following could be allowed: Either a dormer which provide a 50% Volumetric Increase in attic space would result in a total of 190.5 cubic Metres of attic space volume. This would translate effectively as a dormer across the back elevation roof of the main property. This would subsequently translate as 76.5 square metres of additional useable space. Alternately, an additional storey could be added under Class AA of Schedule 2 of the GPDO 2015 which was introduced in 2020 which would result greater increase in floor area.

In addition, using permitted development rights, a single storey rear extension could be built. This could be the width of the original house (circa 15.1m (internal)), and extend 4 metres deep externally (3.7m internal).

This size would give a further 55.6 square metres.

Furthermore, with a side extension that could possibly be delivered, the depth of the property by half the width of the house could be constructed. Internal measurements, 7.7m deep by 7.5m wide would deliver circa 57.75 square metres.

The floor area of Proposed House would be 320 Square Metres.

The existing property plus potential permitted development would be 123 sq.m + 76.5 sq.m + 55.6 sq.m + 57.75 sq.m = 312.85 sq.m.

The applicant could also add a further 3 square metres to the 312.85 sq.m in the form of a front porch giving a total of 315.85 sq.m.

It could also be reasonably argued, as the site has no immediate neighbours to consult, the rear extension could go even larger under the Neighbour Consultation Scheme (with no neighbours to consult, so no opportunity to receive objections, such development would be possible).

In addition further structures could be built in the curtilage.

Based on the figures above, under permitted development a similar end floor area could be achieved to that proposed.

Were a new build rural worker-tied property, it is conceivable that a dwelling with a floor space of 309.5 square metres would be beyond the financial reach of rural workers.

However, this approach cannot be applied in this instance as the site still benefits

from permitted development rights (and bearing in mind the Court of Appeal Judgement Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314). As such, it is considered reasonable to approach deliberations with an understanding that the currently agriculturally tied dwelling could be 312.85 square metres in floor space area, and compare that with the floorspace of what is proposed in the replacement dwelling (being 332 square metres).

As the floor space of what could be delivered in both scenarios is numerically comparable, it is not considered unreasonable to apply a rural workers tie to the replacement dwelling knowing the two dwellings could be of similar size (the original dwelling would still have the occupancy condition even at 315.85 square metres in floor space area).

In addition, were planning permission to be granted for the replacement dwelling, the current permitted development rights could (and would) be removed through the application of a planning condition.

Knowing the above it is considered the replacement dwelling is acceptable in principle, subject to accordance with other elements of the Development Plan.

10.1.2 Design of the proposal

Following lengthy negotiations with the agent, Somerset West and Taunton Landscape Officer and the Local Planning Authority the current design has been reduced in size and scale so as to be considered acceptable from a design and landscape perspective. Furthermore the design is considered not to be overly dominant in the landscape.

The south-west (principle) elevation would be brick and the north-west elevation would be rendered with brick quions. The north-east and south-east elevation would be a mixture of brick and render with the porch and garden room being brick. It is proposed to use a brick interlocking concrete roof tiles which would match the existing dwelling.

When compared to the likely permitted development expansion of the existing dwelling, the resulting replacement dwelling is considered acceptable, and will have no adverse impact upon the rural location.

The proposed development is considered to accord with Core Strategy Policy DM1 d) which states that *"The appearance and character of any affected landscape, settlement, building or street scene would not be unacceptable harmed by the development"*.

Policy CP4 of the Core Strategy relates to Housing and this proposed development relates to a replacement dwelling with its continuous contribution to the policy aims of delivering a *"flexible supply of housing"* achieved by the retention of the agricultural workers occupancy tie

The landscape officer has worked with the agent/applicant to achieve a design that would be acceptable. It is considered that the amended plan accords with policy D7 of the Site Allocations and Development Management Plan which seeks to ensure that new housing meets the following criteria:-

A. Creating places with locally inspired or otherwise distinctive characteristics and materials;

- B. Reflecting the site and its context, including existing topography, landscape features and the historic environment;
- C. Integrating into their surroundings through the reinforcement of existing connections and the creation of new ones, and creating legible, connected street networks; and
- D. Ensuring that buildings define and enhance the streets and spaces, and that buildings turn street corners well.

The reduction in size, the revised design and the use of matching brick and roof tiles are considered to accord with the above criteria.

Policy D8 of the SADMP relates to 'Safety' and requires new development to incorporate measures to reduce the likelihood of crime which are compatible with the need to create an attractive and sustainable layout. The proposed replacement dwelling has a legible main entrance and pedestrian/vehicle routes. The dwelling would be set back from the highway and well screened by existing hedgerows which would make 'passive surveillance' unlikely, however this would also apply to the existing dwelling, therefore the proposed development is considered to accord with policy D8.

10.1.3 Quality of Accommodation

The proposed development would include a study and rear entrance into the utility which would be expected in an agricultural workers dwelling. The amount of accommodation is as expected for a family home and is not considered to be unreasonable. The quality of design for the proposed dwelling is considered to be high, particularly when compared to the development of the existing dwelling under permitted development rights, which is likely to result in large areas of flat roof extensions.

It is therefore considered that the quality of accommodation is acceptable

10.1.4 Access, Highway Safety and Parking Provision

The Highways Authority have stated that their standing advice should be applied. A 4 bedroom dwelling in this location would require 3.5 parking spaces, rounded up to 4 to accord with policy A1.

The proposed garage located to the south-west of the proposed dwelling, has internal measurements of 5.4m (depth) and 8.4m (width) and is shown as a triple garage. Under policy A1 a garage should have internal measurements of 3m x 6m, however the same policy states a parking space as 2.4m x 4.8m. It is therefore considered that the garage is capable of accommodating a minimum of two vehicles, with 2 additional vehicles being able to park to its fore. Turning will remain available for the site to allow vehicles to enter/exit in a forward gear. It is therefore considered that the site accords with policy A1 in terms of the required parking.

Standard conditions for a properly consolidated access, the garages to be used for private motor vehicles only, the parking and turning area to be kept free of obstruction and for no obstruction to visibility greater than 900 mm, the existing access to be blocked up and any gates to be set back from the highway and to open inwards will be used to secure highway matters.

Policy A5 of the SADMP requires residential development to be within *"walking distance of, or should have access by public transport to, employment, convenience*

and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities". The existing dwelling does not accord with this policy therefore it is considered unreasonable to refuse the proposed replacement dwelling under this policy, as replacement dwellings can be allowed under policy DM2.5.

As there is an existing dwelling on site it is considered that the proposed development would comply with Core Strategy policies CP1, SP1 and CP6 and policies A1 and A5 of the Site Allocations and Development Management Plan (SADMP) as there would be no increase in traffic movements associated with the proposed development.

10.1.5 The impact on the character and appearance of the locality

The lengthy negotiations have resulted in an amended design that is considered to respond well to its surroundings and does not detract from the character of the Area of Outstanding Natural Beauty (AONB) to the south.

10.1.6 The impact on neighbouring residential amenity

The nearest neighbour is Catsbeer Farm which lies to the south-east of the development site. The nearest building on that unit would be approximately 55m from the proposed dwelling. As the proposed dwelling would have 4 ground floor windows on the south west elevation it is considered that there will be no adverse impact on Catsbeer Farm in terms of overlooking or loss of privacy.

As there is an existing dwelling on site it is considered that there will be no difference in the levels of domestic noise and disturbance.

10.1.7 The impact on trees and landscaping

The condition for the 'blocking-up' of the existing entrance also addresses the boundary treatments, therefore it will be possible to ensure the proposed development would have a suitable boundary with the highway.

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

The site is within the Somerset Levels and Moors RAMSAR Site catchment area, however the proposed development relates to a replacement dwelling therefore it is considered to be nutrient neutral.

The county ecologist has reviewed the application and requested conditions regarding to the following:-

- Copy of the licence issues by Natural England or a written statement from a licensed bat ecologist to the state that a licence is not required
- No works that could disturb bats between the dates of 15 September – 31 October or alternatively 01 April – 30 April of any given year. Any works undertaken during this period should only be carried out under the direction of a licensed bat ecologist
- All ecological measures and/or works shall be carried out in accordance with the details contained in recommendations section of Crossman Associates on 18 October 2022
- Lighting for bats
- Bio-diversity enhancement
- No removal of vegetation between 1 March and 31 August unless a competent

ecologist has undertaken a detailed check

The ecologist also requested informatives regarding the legal protection afforded to bats and their roost and badgers plus a check for hedgehogs.

The ecologist has not commented on the submitted Bio-Diversity checklist however as they have provided conditions and informatives it is considered that the ecology of the site and the proposed development has been addressed.

Policy CP8 of the Core Strategy required development to "*conserve and enhance the natural and historic environment, and will not permit development proposals that would harm those interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance*". As there is an existing dwelling on site which could be extended to create a dwelling of a greater size and mass to that proposed, it is considered that the proposed development will have no adverse impact upon and would conserve and enhance the natural and historic environment due to its holistic design.

10.1.9 Waste/Recycling facilities

The site has sufficient space to accommodate waste and recycling facilities.

10.1.10 Flood risk and energy efficiency

The scheme would have no effect on flood flows or be exposed to flood risk.

10.1.11 Other Matters

None

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of a dwelling is CIL liable regardless of size and this proposed development measures approximately 309.5 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £38,750.00. With index linking this increases to approximately £54,500.00.

Self-Build Exemption would need to be applied for to avoid CIL.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

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

the standard time limit, approved plans, EV Charging point, materials to be submitted, rural workers tie, landscape details to be submitted (including hedgerow replacement to close existing access), water management, removal of Permitted Development rights, properly consolidated access, the garage to be for private motor vehicle use, parking and turning area to be kept free of obstruction, no obstruction to visibility greater than 900mm, any gates to be set back from the highway and to open inwards, existing access to be block up, copy of the licence issues by Natural England or a written statement from a licensed bat ecologist to the state that a licence is not required, no works that could disturbed bats between the dates of 15 September – 31 October or alternatively 01 April – 30 April of any given year, any works undertaken during this period should only be carried out under the direction of a licensed bat ecologist, all ecological measures and/or works shall be carried out in accordance with the details contained in recommendations section of Crossman Associates on 18 October 2022, lighting for bats, bio-diversity enhancement, no removal of vegetation between 1 March and 31st August unless a competent ecologist has undertaken a detailed check and the retention of the existing hedge boundary with the highway..

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Conditions

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

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

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

(A3) DrNo 0043-22-01 Location Plan

(A3) DrNo 0043-22-02 Block Plan

(A3) DrNo 0043-22-03 Site Plan

(A1) DrNo 0043-22-01 Existing Bungalow & Garage Floor Plan & Elevations

(A1) DrNo 0043-22-06 Proposed Garage and Overview - Nov 2022

(A3) DrNo 0043-22-07 Proposed Floor Plan, Elevations & Overviews - DEC 2022

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

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry [or identified rural worker industry], or a widow or widower of such a person, and to any resident dependant's.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need.

4. Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing sustainable development.

5. Details of the proposed boundary treatments on the application site shall be submitted to, and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments and / or planting schedule (and 5 year maintenance programme). The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved.

Any scheme shall detail the permanent closure of the existing access, and its replacement with the proposed access to the east.

Reason: To safeguard the character of the area / In the interests of the amenities of the neighbouring residents.

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

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

7. 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, alterations, outbuildings, gates, walls, fences or other means of enclosure shall be added to the building / 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 ensure that the proposed development does not harm the character and appearance of the area.

8. No individual dwelling hereby approved shall be occupied until:
 - i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
 - ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 and CP8 and the Supplemental Planning Document - Districtwide Design Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

9. The existing access shall be stopped up in accordance with the details shown on the approved plans (Dr No. 0043-22-03) prior to the occupation of the dwelling hereby approved. The access shall not thereafter be reopened.

Reason: To ensure the site is not served by multiple/substandard access's, in the interests of highway safety.

10. There shall be no obstruction to visibility greater than 900mm above the adjoining carriageway level within the visibility splays shown on the approved plans (Dr No. 0043-22-03). Such visibility splays shall be fully provided before the new access is brought into use and the dwelling is occupied and

shall thereafter be maintained in the approved form.

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

11. 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 modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

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

12. The parking spaces in the garage hereby approved shall at all times be kept available for the parking of private 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.

13. The areas allocated for vehicle parking and turning on the site plan shall be kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason:- In the interests of highway safety

14. Prior to the dwelling hereby approved being first occupied the proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Any associated drainage shall be installed in accordance with details submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason:- This condition is pre commencement in the interests of highway safety

15. Works to any of the buildings shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interests of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Local Plan.

16. No activities that could result in disturbance (such as demolition, roof stripping,

excavations or building works or associated operations) shall be carried out between the dates of 15 September – 31 October or alternatively 01 April – 30 April of any given year. Any works undertaken during the specified period should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed. Confirmation of the works by the licensed bat ecologist should be submitted to the Local Planning Authority within one week of completion. Maternity roosts are mainly occupied by female bats and are the roosts where the females give birth and raise their young. The maternity roosts are normally active between May – September. These timings are variable and are subject to local weather, in warmer springs the maternity roosts will assemble earlier while in cooler springs the full assembly of the colony may be delayed, in this situation the roost was clearly active well into September.

Reason:- In the interests of policy CP8 of the Taunton Deane Borough Council Core Strategy 2011-2028.

17. All ecological measures and/or works shall be carried out in accordance with the details contained in recommendations section of Crossman Associates on 18 October 2022 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy CP8 Local Plan Core Strategy.

18. Prior to installation, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority for all external lighting. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

19. Prior to the development hereby approved being first occupied, the following shall be provided:-

- 1x Habitat bat box (type 001) is built into the new wall of the garage as it is constructed. This model is designed for a variety of bat species and has good thermal properties making it suitable as both a maternity roost and hibernation roost. The bat box ideally should be placed beneath the eaves or on gable ends and away from windows and doors and ideally should be fitted in a location that gives bats immediate access to foraging habitat. A variety of facings can be fitted to suit any existing brick, wood, stonework or rendered finish, making the box unobtrusive and aesthetically pleasing.

This should be installed facing a southerly direction, approximately 3-5m above ground level. Such bat boxes would provide additional roosting habitat for bats present within the local area.

- 2x number integrally fitted sparrow nest boxes are fitted. A recommended location would be below the replacement garage's western eaves elevation which faces onto a boundary hedgerow.
- New native hedgerow is planted along the northern boundary of the garden, this will provide a link between the existing boundary hedgerows to the east and west and will provide an extra green corridor allowing bats and other wildlife increased opportunities move in and out of adjacent habitats.
- Further traditional varieties of apple trees are planted within this area of the garden where possible.
- The pond is reinstated where possible.

Photographs of the installed features will be submitted to by the Local Planning Authority prior to first occupation of the dwelling Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

Reason: In accordance with Government policy for the maintenance and enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
3. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

4. Prior to vegetative clearance, any features potentially used by hedgehogs, such as dense scrub and hedgerows, will be checked by a competent ecologist via a fingertip search. Any individuals found will be translocated to an appropriate location outside of the construction site and away from roads prior to works commencing. Written confirmation of the completion of the hedgehog mitigation measures will be submitted to the LPA by the ecologist prior to works commencing on site.

Application Details	
Application Reference Number:	3/26/21/002
Application Type:	Outline Planning Permission
Earliest decision date:	08 August 2022
Expiry Date	16 April 2021
Extension of Time Date	
Decision Level	Planning Committee
Description:	Outline planning application with all matters reserved except for access for the erection of 8 No. dwellings (amended scheme to 3/26/19/024)
Site Address:	Land north of Huish Lane, Washford
Parish:	26
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	No
AONB:	No
Case Officer:	Russell Williams
Agent:	The Wyndham Estate
Applicant:	Savills (UK) Ltd
Committee Date:	March 2023
Reason for reporting application to Committee	Parish Council and more than 4 comments received that are contrary to officer recommendation.

1. Recommendation

1.1 That permission be GRANTED subject to conditions and a s106 agreement to provide affordable housing

2. Executive Summary of key reasons for recommendation

2.1 One of the key material considerations is the Inspectors decision on the previous scheme for 14 dwellings dated 23rd September 2021 where in dismissing the appeal he attributed significant weight to the conflict with the development plan , policy SC1 in that the proposal did not constitute the required ' limited development' and to the harm of the setting of the Linhay , grade 2 listed structure. This proposal has reduced the number of dwellings down to 8 dwellings thereby being seen to meet the 'limited development' requirements and would not propose development in the paddock to the east, which the Inspector considered to provide the setting for the listed Linhay building. Your officers consider that the concerns of the Planning Inspector in dismissing the earlier appeal have now been met and the general principle of residential development at this scale can be considered acceptable.

2.2 Whilst the application is only in outline form, with access forming a consideration, the details of the access show that it would not cause detrimental harm to highway flow and safety in the immediate vicinity of Huish Mews and the wider road network ,

including the A39. There would also be reasonable access to a number of facilities in the village of Washford, just a short distance away and the requirements of policy SC1 of the adopted plan are considered to have been met.

2.3 The illustrative drawings then show that a high quality proposal for 8 dwellings can come forward on the site without causing harm to trees and landscaping or ecology in the area, nor either being at flood risk or risk of causing flooding, The layout also illustrates that a scheme could be developed out with no harm to existing neighbouring residential amenities.

2.4 Finally the scheme would provide either three much needed discounted open market properties or a financial contribution of £487,038 towards affordable housing in the area.

3. Planning Obligations and conditions and informatives

3.1 Conditions (bullet point only full text in appendix 1)

- 1) Approval of reserved matters
- 2) Approved plans
- 3) Archaeological scheme of investigation
- 4) Suds drainage scheme to be submitted
- 5) Wheel cleaning facilities to be provided
- 6) Access to be provided in accordance with submitted plan
- 7) Consolidated surface material
- 8) Proposed estate roads details to be submitted
- 9) Surface water disposal details to be submitted
- 10) Parking spaces provision
- 11) Cycle storage provision
- 12) Implement travel measures
- 13) Visibility splay [provision
- 14) EV Charging points
- 15) Bin and recycling facilities
- 16) CEMP
- 17) CEMP (biodiversity)
- 18) Boundary treatment details to be submitted
- 19) Hedgerow retention
- 20) Hedgerow protection
- 21) Lighting design for bats
- 22) LEMP
- 23) Ecology measures provision
- 24) Water consumption
- 25) Turning head for Huish mews properties
- 26) Cycle/footway crossing west to east
- 27) Retention of paddock/agricultural land

3.2 Informatives (bullet point only)

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

3.3 Obligations

Provision of affordable housing - A financial contribution of £487,038 in lieu of affordable housing on site or provide 3 discounted open market properties at 40% discount from open market value in perpetuity.

4. Proposed development, site and surroundings

4.1 Details of proposal

Outline planning permission was originally sought for the erection of 10 dwellings, however this has been revised to 8 dwellings. Only access is currently sought, while appearance, landscaping, layout and scale form reserved matters. The revised illustrative drawings show 4 x 2 bedroom dwellings, 3 x 3 bedroom dwellings and a four bed unit within a cul de sac arrangement, with 3 of the dwellings in a secondary (inner) cul -de sac. A swale is shown to the north of the site and a paddock to the east. A turning head to the end of the existing access road to adjacent houses in Huish mews is also proposed.

4.2 Sites and surroundings

The site is located in Washford, which is a village located approximately 3km west of Williton and 3.5km southwest of Watchet. The site is located to the north of properties 1 - 7 in Huish Lane and comprises around 0.6ha of green field land. To the west of the site lies a set of five recently built dwellings on previous allotments, while to the south east lies the grade 2 listed Linhay building , which has been converted in to residential properties . To the north there are fields. The site was vacant at the time of the officer site visit but has been used for grazing livestock.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/26/19/024	Outline application with all matters reserved except for access for the erection of 14 dwellings	Refuse Appeal dismissed	18/09/20 23/09/21

6. Environmental Impact Assessment

Whilst no EIA screening opinion has been undertaken for this application, a previous one was undertaken for 16 dwellings on the site ref: EIA/26/18/001 and it was determined that no further EIA would be required for this application.

7. Habitats Regulations Assessment

The site does not lie within the hydraulic catchment area for the Somerset Moors and Levels Ramsar site. and therefore there is no requirement for a Habitats Regulations Assessment.

8. Consultation and Representations

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

8.1 Date of consultation: 18 January 2021

8.2 Date of revised consultation 22 July 2022,

8.3 Press Date: 22 January 2021

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

Consultee	Comment	Officer Comment
<i>Police - Designing out Crime officer</i>	<i>No objection At outline stage, so difficult to provide specific comments. Proposal gives opportunity to ensure good surveillance, overlooking of communal areas , definition of public and private areas and good all round security</i>	<i>Noted</i>
Consultee	Comment	Officer Comment
<i>Old Cleeve Parish Council</i>	<i>The following concerns are raised :- 1) Loss of greenfield, site in open countryside, not allocated for housing; 2) Would erode the viability of the tenanted Kentsford farm holding; 3) Question the need for further housing (social/affordable) in the area, with Magna Housing Association being said to have disposed of 3 development plots and the comment being made that there consents for 36 dwellings either not built out or not occupied. 4) A sum of money towards affordable housing would be insufficient and the</i>	<i>These matters are addressed in section 10.2 of this report</i>

	<p><i> dwellings need to be provided on site;</i></p> <p><i> 5) The ground saturates, so significant infrastructure improvements would be required;</i></p> <p><i> 6) Foul water flooding occurs in lower Washford and this would need to be considered in relation to providing more dwellings.;</i></p> <p><i> 7) The general view at the public consultation event was not supportive;</i></p> <p><i> 8) Contrary to the applicant's statement there has been a rapid decline in local facilities in Washford over the last 10 years and worse over 45 years.</i></p> <p><i> 9) The proposal would only bring temporary employment opportunities in construction;</i></p> <p><i> 10) The proposal would be contrary to Policy SC1 of the adopted plan in that Huish lane does not have good footpath links to services and and the development would generate significant additional traffic movements.</i></p> <p><i> 11) In relation to highway policies TR1 and TR2 it should be noted that Washford residents are reliant on their cars with a limited bus service and that there have been more traffic accidents than the applicants state in their report.</i></p> <p><i> 12) The proposed access is considered poor and would be used by several persons including farmers, children and allotment holders.</i></p>	
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	<p>13) Furthermore, the County Council have had previous concerns with accesses here and the expansion of the school has lead to additional parking in this area;</p> <p>14) Whilst it is recognised that layout forms a reserved matter, the scheme would need to ensure that the allotment users would be taken into account and that it could be serviced adequately, as well as ensuring adequate access for emergency vehicles, road sweepers and car parking.</p> <p>With regard to the revised scheme for 8 dwelling, comments were made regarding the lack of timely submission of revised documents, lack of revised site notice, the lack of detail of the 5 dwellings now built on the allotment site and the risk that the indicated paddock area could be built upon.</p> <p>The previous objections were all considered to remain.</p>	
<p>Consultee</p> <p><i>Highways Development Control</i></p>	<p>Comment</p> <p><i>In terms of traffic impact the proposed development would lead to an incremental increase in traffic generation along Huish Lane and the junction with the A39. The effect is considered to be modest and would not lead to any severe impact on the approach roads or</i></p>	<p>Officer Comment</p> <p><i>Noted that there is no objection subject to conditions.</i></p> <p><i>Matters addressed in section 10.2 4 of this report</i></p>

	<p><i>highway safety.</i></p> <p><i>The proposed access is considered to be acceptable, and whilst the internal layout would be subject to a reserved matter, it should be noted that County Highways would not currently adopt it as shown , leaving it as a private street that would need to be built to a satisfactory level to qualify for an exemption under the Advance Payment Code. If it was to be offered for adoption, amendments would be required.</i></p> <p><i>Overall there is no objection subject to conditions on visibility splays, access as approved plan to include new footway access cross over arrangement, consolidated surface for first 6m of access, provision of removal of surface water, submitted details of parking spaces, a Construction Environmental Management Plan ,</i></p>	
Consultee	Comment	Officer Comment
<i>County Ecologist</i>	<i>A Preliminary Ecological appraisal has been carried out. Most of the site consists of a paddock of improved grassland. The site is bounded by two species rich hedgerows associated with the farm track to the west of the site and species poor hedgerow to the north and east of the application site. The hedgerows were</i>	<i>These matters addressed in section 10.2.7 of this report.</i>

	<p><i>considered to form potential commuting and foraging corridors for bats. No bat activity surveys have been undertaken so it is assumed the presence of light adverse species. A condition is required for a lighting design for bats. In addition, the site is on the edge of a settlement and overall, the potential for Hazel Dormouse is considered low. The paddock grassland and nearby gardens and allotments are all good potential habitats for hedgehog. A Construction Environmental Management Plan covering how the above features will be protected and maintained during the construction period is recommended by Geckoella. This needs to be conditioned for hedgerow and vegetation clearance. The area for swales and surrounding habitat could provide enhancement for biodiversity as set out in the National Planning Policy Framework. In order for this area to provide this enhancement it would need to be subsequently managed for wildlife. This can be achieved through a condition for a Landscape and Ecological Management Plan. The National Planning Policy Framework (170d) requires biodiversity enhancement to be</i></p>	
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	<i>provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan.</i>	
Consultee	Comment	Officer Comment
<i>Wessex Water Authority</i>	<p><i>Recommend a holding objection as there is an existing 225mm public sewer crossing the site and the proposal shows buildings and a swale within the 3m easement of it.</i></p> <p><i>Revised</i> <i>The amended plans show no structures or swales within the easement , therefore objection removed.</i></p> <p><i>Wessex Water currently have rights of way access to the Washford CSO and these must be retained.</i></p>	<i>Noted that holding objection now removed. The proposal would not block access to the Washford CSO.</i>
Consultee	Comment	Officer Comment
<i>Local Lead Flood Authority</i>	<p><i>Original</i> <i>The Drainage strategy as submitted does not relate to the updated proposal.</i></p> <p><i>Revised</i> <i>Comments:</i> No objection to the scheme in principal and the proposed drainage concept, subject to full details being provided at the reserved matters stage. These details to include a full range of SuDS measures such as rainwater harvesting, rain gardens, permeable paving, water butts etc, as well as detailed design</p>	<i>It is noted that the LLFA have no objection to this outline planning application but would require greater detail at the reserved matter stage. A condition would be included on any approval for full drainage details including management and maintenance.</i>

	<p>calculations to prevent surcharging, location of associated swale elements, details of infiltration testing measures and maintenance tasks, responsibilities and frequencies , showing private and adopted areas.</p> <p><i>In summary, the information submitted only covers the concept which is adequate at outline planning stage, and we would anticipate that a planning condition would be set to ensure that full details are provided at the next stage</i></p>	
<u>Consultee</u>	<u>Comment</u>	<u>Officer Comment</u>
<i>South West Heritage Trust</i>	<i>The submitted heritage statement identifies some potential for previously unrecorded pre historic activity and therefore a programme of works in accordance with a written scheme of investigation condition is recommended.</i>	<i>Comments are noted and the requested condition would be attached to any approval.</i>

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Arboricultural Officer	<p>No major concerns about this one, so long as most of the existing hedgerows are retained as indicated. These will not be protected by the Hedgerow Regulations if the site is developed, so can they be protected by condition or section 106? How will these hedges be retained consistently when next to private gardens? Can we have more trees in</p>	<p>Conditions recommended on any approval to retain and protect hedgerow, and for them and the area surrounding the swale to be enhanced by additional RHS recognised native trees.</p>

	<p>areas that are outside the private gardens – e.g. around the swales and near to the southern boundary? Scope for some good new hedgerow oaks in the new hedge to the north</p>	
Housing enabling officer	<p>Under West Somerset Local Plan Policy SC4 affordable housing contributions are sought on schemes of between 6 and 10 units within the Designated Rural Areas described under Section 157(1) of the Housing Act 1985.</p> <p>Washford is one of the Designated Rural Areas and therefore a tariff style contribution should be sought from this development on the basis of 35% affordable housing contributions. Based on the proposed housing scheme mix of 1 x 4 bed house, 3 x 3 bed houses and 4 x 2 bed houses the required affordable housing financial contribution is £487,038. This is based on an affordable housing requirement of 2.8 units.</p> <p>The last Housing Need Report identified 5 households in need of low-cost home ownership. No low-cost home ownership has been provided in the village since this report was published therefore instead of a commuted sum, the delivery of three Discounted Open Market</p>	<p>The section 106 requirements would be included in any recommendation for approval</p>

	<p>properties at 40% discount in perpetuity would be most welcome.</p> <p>The S106 Planning Agreement should include an option to either pay a financial contribution of £487,038 in lieu of affordable housing on site or provide 3 discounted open market properties at 40% discount from open market value in perpetuity.</p> <p>Any affordable homes should be integral to the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site. Due to the size and location of the scheme there would be a requirement for a local connection clause in relation to the affordable housing.</p>	
Conservation officer	<p>Original scheme The proposed two units numbered 5 and 6 in proximity to the Linhay need reorientating.</p> <p>Revised scheme No objection, the amended site layout as found through Dwg No 220.38-003 Rev C is considered to preserve the contribution the setting makes to the significance of the Linhay a Grade II listed building.</p>	Noted and comments support conclusion in section 10.2.4 of this report

8.7 Local representations

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

Material Planning Considerations	
5 Objections - original scheme of 10 dwellings	Officer Comment
1) Facilities in village not as numerous as implied in the application. 2) There is not a network of continuous footpaths in the village. There are some narrow areas of street which are dangerous, particularly for children going to school. 3) Proposal would add to current parking issues in area and excessive parking could restrict access for service and emergency vehicles. 4) Application field is susceptible to flooding. 5) Policy SC1 only allows limited development in the village and cumulatively too much is being proposed. 6) Proposal would harm the setting of the listed Linhay building. 7) The proposal doesn't respond positively to the local context and would not make a positive contribution to the local environment. 8) Building on too much green space in the village. 9) The application site is farming land and should be retained as such to ensure country is self sufficient.	These matters are covered in section 10.2.1 to 10.2.4, with flooding covered in 10.2.10
Revised scheme of 8 dwellings	
5 objections re-iterating previous comments and possible sighting of dormouse.	Noted
Support	Officer comment
None	

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development

plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

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

West Somerset Plan to 2032

- SC1 - Hierarchy of Settlements
- SC2 - Appropriate Mix of Housing types and tenures
- SC4 - Affordable housing
- SV1 - Development and Primary and Secondary Villages
- CF2 - Planning for healthy communities
- CC2 - Flood risk management
- NH1 - Historic Environment
- NH4 - Archaeological sites
- NH6 - Nature conservation and the Protection and Enhancement of Biodiversity
- NH13 - Securing high standards of design
- TR1 - Access to and from West Somerset
- TR2 - Reducing reliance on the private car

West Somerset Local Plan (saved policies)

T/8 - Car parking

Supplementary Planning Documents

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021).

National Planning Policy Framework

10. Material Planning Considerations

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

10.2.1 The principle of development

Policy SC1 of the West Somerset Local Plan to 2032 (the WSLP), amongst other things, establishes a settlement hierarchy for the location of development within the plan area. At SC1.2 it identifies Washford as a primary village where limited development will be permitted where it is demonstrated that it will contribute to the wider sustainability benefits of the area.

Its supporting text clarifies that 'limited' means schemes of up to 10 dwellings providing about a 10% increase in a settlement's total dwelling number during the plan period, limited to about 30% of this increase in any 5-year period. Washford had circa 304 dwellings at the start of the WSLP period, so a 10% increase over the plan's lifetime would equate to around 30 or 31 dwellings and an increase of 30% over a 5-year period would amount to about 9 dwellings.

The previous application on the site (Ref: 3/26/19/024) was for 14 dwellings, therefore failing the definition of 'limited' development and was refused planning permission for the following reason:-

'The proposed quantum of development does not meet stipulations in Policy SC1.2 of the adopted West Somerset Plan to 2032 for limited development. It is not considered that the provision of new affordable housing as a planning benefit would outweigh the policy conflicts. '

The application was subject to an appeal and the Inspector in dismissing the appeal concluded that the site would not be suitable for the proposal in that it would conflict with the development plan's approach to the supply of housing.

The current application in its revised form is only for 8 dwellings, thereby meeting the definition for 'limited development', while looking at the 5 year period figures it is below the 30% threshold of 9 dwellings.

A recent analysis by the Local Planning Authority has then come to the conclusion that there are 21 valid planning permission for dwellings in Washford, therefore the overall figure of 30 /31 dwellings (10%) over the plans lifetime would not be exceeded.

Policy SC1 then requires development to be within 50 m to the contiguous built-up area of the settlement, which is the case here, while also requiring development;-

- 1) To be well related to existing services and social facilities;
- 2) To provide safe and easy access to these facilities;
- 3) To respect the historic environment and compliment the character of the existing settlement;
- 4) To not generate significant additional traffic movements over minor roads to and from primary road networks;

5) To not harm the amenity of the area or the adjoining land uses.

The principle of development on the site is considered acceptable in relation to the number of dwellings being proposed and the following sections of this report address the 5 requirements outlined above.

10.2.2 Design of the proposal

Both the NPPF and policy NH13 of the adopted local plan expect new development to meet high standards of design. The current proposal is just shown in illustrative form, as only access is currently for consideration, however the proposed dwellings are shown well spaced in relation to each other and neighbouring dwellings, while hedgerows would be retained along with the tracks to the north west and a link is shown to the footpath to the east. The proposed swale as well as providing sustainable drainage would be an attractive feature in itself and the revisions down to 8 dwellings mean the paddock to the east would be retained. This again would be an attractive feature that provides a setting for the development as well as preserving the setting of the existing 'Linhay' building. The illustrative drawings also show a mix of dwelling sizes, including 2 x 2 bedroom, 3 x 3 bedroom and a four bed unit to accord with policy SC3 in relation to providing a mix of housing types.

The proposal gives opportunity to ensure good surveillance, overlooking of communal areas, definition of public and private areas and good all round security

10.2.3 Quality of Accommodation

As stated previously all but access form a reserved matter. The illustrative drawings do show dwellings with good outdoor amenity area, while the Local Planning Authority would look to ensure that the dwellings met the nationally described space standards in terms of internal layouts at the reserved matter stage.

10.2.4 Accessibility, Access, Highway Safety and Parking Provision

Policy SC1 of the adopted plan requires that development be well related to existing services and social facilities, while also ensuring safe and easy access. Policy TR1 then states that proposals for development must encourage the use of sustainable modes of transport and Policy TR2 of the adopted plan looks for proposals to reduce the reliance on the private car. The village has a number of facilities including a hair dressers, church, public house, community hall, school, and post office, which are all accessible by walking. There is also access to bus stops on the A39, which would take you westwards to Minehead and eastwards to Williton and Bridgwater. It is accepted that in some parts of the village the streets are narrower and the pavements are not continuous, however the level of traffic on these roads is relatively light and the scale of the development only involves 8 dwellings. There are paths around the village and within the accompanying travel statement there is confirmation that travel packs would be given to the new occupiers and a notice board erected displaying walking and cycling routes. These measures would be conditioned as part of any approval of the application.

The Local Highway Authority have stated that in terms of traffic impact the proposed development would lead to an incremental increase in traffic generation along Huish Lane and the junction with the A39, however the effect is considered to be modest and would not lead to any severe impact on the approach roads or highway safety.

In terms of the access itself they also have no objection, subject to conditions on visibility splays, access as approved plan to include new footway access arrangement, consolidated surface for first 6m of access, provision of removal of surface water, submitted details of parking spaces, and a Construction Environmental Management Plan. They have flagged up that with regard to the current layout they might not seek to adopt it, but request it remains private, however this is a consideration for the reserved matters stage.

In terms of parking the illustrative drawings show 2 spaces per dwelling, which would be policy compliant.

Overall in conclusion it would be difficult to substantiate a reason for refusal on access and highway safety grounds, and it is considered that the requirements of policy SC1, TR1 and TR2 have been met.

10.2.5 The impact on the character and appearance of the locality

Policy SC1 also places caveats on proposals at the primary villages, stating schemes will only be considered acceptable where they respect the historic environment and complement the character of the existing settlement. Policy NH1 of the adopted plan states that proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance. The impact of the development upon heritage assets is assessed in Section 10.2.12 of this report.

In regard to the impact of the development upon the character and appearance of the surrounding area, the design of the indicative layout scheme has been reviewed and is considered to be appropriate for this edge of settlement site. The diffuse layout offers a low density scheme with a pattern of development that will not be at odds with the surrounding area. Key features such as hedgerows will be retained.

Detailed matters relating to the scale, layout and finished appearance, together with landscaping, will be secured through the reserved matters application process and planning conditions, when Officers are confident that a high-quality scheme can be secured that will have a positive effect upon the character and appearance of the area.

Regarding the outline submission, Officers are satisfied that a well design scheme can be secured that will not adversely impact upon the character and appearance of the locality.

10.2.6 The impact on neighbouring residential amenity

The application is only in outline form, however the illustrative drawings show a scheme where the proposed dwellings relate comfortably to each other and

windowed elevation to windowed elevation with the existing properties in Huish Mews would be around the 21 m design guide requirement. There is shown a similar distance between proposed dwelling number 5 and Huish Barns no.1 and some 13m from the garage flank elevation for dwelling no.1 and the existing dwellings to the west. These would all be more than distances to ensure no overlooking or general harm to amenities. There would obviously be comings and goings to and from the eight new dwellings, but there is currently an access here. The level of disturbance would not be considered to cause material harm.

10.2.7 The impact on trees and landscaping

Most of the site consists of a paddock of improved grassland and site is bounded by hedgerows. The tree officer states that he has no major concerns as long as the existing hedgerows are retained and the proposal includes some trees, both to enhance the hedges and around the swale to the north. While landscaping forms a reserved matter, conditions for hedgerow retention and protection will be added to any recommendation for approval, as well as a condition to require trees as part of the reserved matters for landscaping.

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

It should be noted that the proposal is not within the hydrological catchment area for the Somerset Levels and Moors. Policy NH6 of the adopted plan does however require proposals not to generate unacceptable adverse impacts on biodiversity and to protect, enhance and restore the ecological network within West Somerset. A preliminary ecological appraisal has been carried out and the County Ecologist has no objection the scheme subject to conditions requiring a Construction environmental management plan and a Landscape and Ecological management plan, along with a condition for bee bricks and a lighting design for bats. As the area is also good for hedgehogs, fence holes would be conditioned on any approval as well as the provision for bird boxes. The combination of all these measures would ensure policy NH6 would be met.

10.2.9 Waste/Recycling facilities

Provision of Bin and recycling facilities would be conditioned on any approval.

10.2.10 Flood risk and energy efficiency

The site is within flood zone 1 and is therefore not in an area of high flood risk. The proposal is seeking to use sustainable drainage systems as shown by the swale on the illustrative drawings. The Local Lead Flood Authority confirm that they have no objection to the scheme in principal and the proposed drainage concept, subject to full details being provided at the reserved matters stage. These details to include a full range of SuDS measures such as rainwater harvesting, rain gardens, permeable paving, water butts etc, as well as detailed design calculations to prevent surcharging, location of associated swale elements, details of infiltration testing measures and maintenance tasks, responsibilities and frequencies, showing private and adopted areas. A condition would be attached to any recommendation for

approval to provide these details.

Wessex Water did have concerns that there was potential for buildings to be within the 3m easement of their public sewer crossing the site as shown on the original proposal, however their objection was removed on the revised scheme for 8 dwellings.

With regard to energy efficiency a condition would be recommended for electric vehicle charging, while in terms of water efficiency a restrictive water consumption condition would be proposed.

10.2.11 Affordable housing

The Housing enabling officer has stated the following:

'Under West Somerset Local Plan Policy SC4 affordable housing contributions are sought on schemes of between 6 and 10 units within the Designated Rural Areas described under Section 157(1) of the Housing Act 1985.

Washford is one of the Designated Rural Areas and therefore a tariff style contribution should be sought from this development on the basis of 35% affordable housing contributions. Based on the proposed housing scheme mix of 1 x 4 bed house, 3 x 3 bed houses and 4 x 2 bed houses the required affordable housing financial contribution is £487,038. This is based on an affordable housing requirement of 2.8 units.

The last Housing Need Report identified 5 households in need of low-cost home ownership. No low-cost home ownership has been provided in the village since this report was published therefore instead of a commuted sum, the delivery of three Discounted Open Market properties at 40% discount in perpetuity would be the best option.

The S106 Planning Agreement should include an option to either pay a financial contribution of £487,038 in lieu of affordable housing on site or provide 3 discounted open market properties at 40% discount from open market value in perpetuity. '

In conclusion the above would therefore be sought via a section 106 agreement on any approved scheme.

10.2.12 Heritage

The impact of the development upon the setting of nearby heritage assets should be assessed against LP Policies NH1 and NH2.

LP Policy NH1 states that "proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance." Policy NH2 expands upon this by setting out how heritage assets such as Conservation Areas will be managed through the development process. Policy NH2 states proposals that "affect a conservation area should preserve or enhance its character or appearance, especially those elements

identified in any conservation area appraisal."

Section 16 of the NPPF sets out the national guidance for assessing the significance of heritage assets and considering the impact of development proposals.

Para 202 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 then requires a duty to pay special regard to the desirability of preserving the setting of the grade 2 listed Linhay building. Whilst it didn't constitute a reason for refusal on the earlier application, the Inspector identified the effect of the proposal on the desirability of preserving the setting of the listed Linhay as the main issue in the appeal.

He stated in his report that:

"The significance of the Linhay primarily derives from its agricultural form and appearance, which is enhanced by its rural setting, including former farm buildings and agricultural land. These elements of significance have been eroded by the Linhay's conversion and new housing around it. However, the site provides an open field across the back of the Linhay and forms part of the agricultural land which undulates gently away to the north. This leads the site to make a positive contribution to the setting of the Linhay"

and continued by then stating;

"The drainage strategy indicates that the north part of the site may well be given over to swales. In these circumstances, the proposed quantum of housing would likely be established across the breadth of the remaining site area, including close to the Linhay. The area around the Linhay would therefore see a harmful change from open, agricultural land consistent with its significance, to obvious residential use."

and reaching the following conclusion:

"Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area bearing in mind the special regard that should be paid to the desirability of preserving the setting of the Linhay. It would conflict with the heritage aims of Policy SC1.4 of the SWLP and the Framework. "

The applicants have sought to overcome this concern by first of all reducing the number of proposed dwellings down from 14 to 10 and then reducing further down to 8 dwellings. The amendment down to 8 dwellings would remove the elements of the proposal from the open field to the rear that the Inspector identified as providing the setting for the Linhay. A condition on any approval would then ensure this field remained a paddock, thereby preserving the setting of the Linhay. The Council's conservation officer has confirmed that they are satisfied that the revised scheme showing 8 dwellings would preserve the contribution the setting makes to the

significance of the Linhay.

The submitted Heritage statement also identified the potential for previously unrecorded prehistoric activity and in line with policy NH4 the South West Heritage Trust have recommended a programme of works in accordance with a written scheme of investigation form a condition on any approval.

The proposal therefore accords with policies SC1, NH1 and section 16 of the NPPF.

When assessed as a whole, the proposal is considered to be in keeping with the general character and appearance of the locality and as amended, will preserve the setting of the listed heritage asset, The Linhay. In addition the public benefit associated with the delivery of open market and affordable homes in a sustainable location is considered to significantly and demonstrably outweigh any harm that might arise. The development therefore accords with LP Policies NH1 and NH2 and guidance within the NPPF.

11 Local Finance Considerations

11.1 Community Infrastructure Plan

CIL does not apply in the former West Somerset Council area.

12 Conclusion

12.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions and a s106 for affordable housing to provide either a financial contribution of £487,038 in lieu of affordable housing on site or provide 3 discounted open market properties at 40% discount from open market value in perpetuity. '

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

(A3) DrNo 220,38-001 Existing Site and Location plans

(A3) DrNo 220,38-002 Existing Site plan

(A3) DrNo 220,38-003 Proposed Site plan

(A4) DrNo 11341-T01 Site Access

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

- 3 Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure the protection of any important archaeological features.

- 4 No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The

drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details. These details shall include:

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
- Details on how the system will operate appropriately under flood conditions and surcharged outfall, and further investigation into any flood risk considerations in the area.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant). This should also demonstrate any works offsite are within the applicant's ownership,
- Where it is proposed to discharge to a drainage system maintained/operated by other authorities' evidence of consultation and the acceptability of any discharge to their system should be presented for consideration
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development for all of the system. This should also include any system outside the site boundary constructed as part of the development to ensure adequate discharge of water.
- Infiltration testing, soakaway/infiltration system detailed design and construction in accordance with Building Research Digest 365. Soakaways must be located more than 5m from building and road foundations. If

soakaways/infiltration features are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.

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

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

Reason: In the interests of highway safety.

- 6 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 11341-T01, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and to ensure adequate access to the development is available prior to occupation.

- 7 Prior to occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and to ensure adequate access to the development is available prior to occupation.

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

Reason: In the interests of highway safety.

- 9 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before construction above damp-proof-course level and thereafter maintained at all times.

Reason: In the interests of highway safety and to prevent surface water discharging onto the public highway.

- 10 The dwellings hereby permitted shall not be occupied until the parking spaces for the dwellings in accordance with current policy standards and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to prevent on-street parking.

- 11 The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles.

- 12 The approved Measures-Only Travel Statement shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority.

Reason: In the interests of the promotion of sustainable transport.

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

Reason: In the interests of highway safety.

- 14 Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing sustainable development.

- 15 The development shall provide for bin storage and recycling facilities, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 16 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and measures to avoid traffic congestion impacting upon the Strategic Road Network;
- Protection of retained features and surface water bodies on or adjacent to the site, including control of surface run-off;
- Details of waste management and offsite disposal.

The approved Construction Environmental Management Plan shall be implemented throughout the period of work on site including any preparatory works.

Reason: In the interests of highway safety, environmental protection and residential amenity, and in accordance with policy SD1 of the adopted West Somerset Council Local Plan to 2032

- 17 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy NH6 of the West Somerset Local Plan.

- 18 Details of the proposed boundary treatments on the application site have be submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwellings hereby approved.

Reason: To safeguard the character of the area and in the interests of the amenities of the neighbouring residents.

- 19 The hedgerows within the site shall be retained and the landscaping scheme to be submitted at the reserved matters stage shall clearly show the retention of them as well as details of species, siting and numbers of RHS endorsed native trees to enhance the hedgerows and to be planted in the area surrounding the swales.

Reason: In the interest of biodiversity and appearance of the development.

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

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

- 21 Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where

external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

22 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy NH6 of the West Somerset Local Plan to 2032.

23 The following will be integrated into or mounted upon buildings:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the southwest facing elevation of three plots
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves and away from windows of the northeast elevation of three plots
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart

directly under the eaves and away from windows on the northeast elevations of two plots

d) A bee brick built into the wall about 1 metre above ground level on the southeast elevation of eight plots

e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in the National Planning Policy Framework and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

24 No individual dwelling hereby approved shall be occupied until:

i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and

ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with the West Somerset: Local Plan to 2032 Policy CC5 and NH6, the Supplemental Planning Document - Districtwide Design Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

25 The proposed turning head as shown on the approved drawing to end of existing access road to adjacent houses in Huish Mews shall be constructed and made available for use before commencement of the construction of the proposed dwellings. It shall there after be kept clear and retained as a turning head.

Reason; In the interest of highway movement and safety.

26 A shared cycle /footway crossing the site in an west to east direction shall be provided as part of a link to the development known as the 'Old Nursery Site' before the occupation of the proposed dwellings. The link shall be retained for the duration of the development.

Reason: To encourage safe sustainable forms of transport.

27 The area identified as the paddock on the approved drawings shall be retained solely as a grassed field for the grazing of animals, while the area of the site

shown directly to the north of the paddock shall be retained as agricultural land.

Reason; To preserve the setting of the Grade 2 Listed Linhay building.

Notes to applicant.

- 1 In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

- 3 Legal agreement with Highway Authority Required.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority on tel: 0300 123 2224 to progress this agreement well in advance of commencement of development.

- 4 Section 171 Licence

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. You can apply for a licence online at: [Apply for a licence to do minor works on or near the road \(somerset.gov.uk\)](https://www.somerset.gov.uk/apply-for-a-licence-to-do-minor-works-on-or-near-the-road)