

Application No:	3/05/20/001
Parish	Carhampton
Application Type	Outline Planning Permission
Case Officer:	Abigail James
Grid Ref	
Applicant	Mr R Sherrin
Proposal	Application for outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings
Location	Land off, Withycombe Lane, Carhampton, TA24 6RF

Recommendation

Recommended decision: Awaiting s106 Signing

Recommended Conditions

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

(A1) DRNO 1933/101 EXIST SITE LAYOUT PLANS

(A1) DRNO 1933/102 EXISTING STERET ELEVATIONS

(A1) DRNO 1933/201 PROPOSED SITE LAYOUT

(A1) DRNO 1933/202 PROPOSED SITREET ELEVATIONS

(A3) DRNO 1933/100 EXISTING SITE PLANS

(A3) DRNO 1933/200 PROPOSED SITE PLANS

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

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

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

- 4 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements
 - Construction operation hours
 - Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route
 - Construction delivery hours
 - All construction deliveries being made off highway
 - On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
 - Expected number of construction vehicles per day
 - All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
 - 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
 - On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways

Reason: In the interests of highway amenity.

- 5 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 1933/201B, 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 interest of highway amenity.

- 6 The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway amenity.

- 7 Provision shall be made within the site for the disposal of surface water so as to

prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

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

- 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.

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

Reason: In the interests of highway safety and amenity.

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

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

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

Reason: To ensure that access is not compromised.

- 11 There shall be no obstruction to visibility greater than 900 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 25 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is

brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 12 Prior to first occupation of any dwelling, a “lighting design for bats” 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: In the interests of the ‘Favourable Conservation Status’ of populations of European protected species and in accordance with policy NH6 of the West Somerset Local Plan

- 13 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds’ nests immediately before the vegetation is cleared 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. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy NH6 of the West Somerset Local Plan

- 14 Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand under the supervision of an experienced ecologist, 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. Any features such as rubble piles which potentially afford resting places for reptiles will be dismantled by hand by the ecologist and any individuals found translocated. 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 species and in accordance with policy NH6 of the West Somerset Local Plan

- 15 The following will be integrated into buildings or otherwise provided:
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 elevation on one plot
- b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level and away from windows on the north elevation of one plot
 - c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevation of one plot
 - d) A bee brick built into the wall about 1 metre above ground level on the east elevation of the dwelling on three plots

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to construction above ground level

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

Informative notes to applicant

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

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

The 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 soakaway. The planning authority will need to be satisfied that soakaways will work and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations. The use of soakaways currently attracts a discount in the sewerage infrastructure charge, proof of arrangements will be required when applying for foul sewerage connection.

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

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

Proposal

Outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings.

Site Description

The application site is a parcel of agricultural land located south of the A39, east of Hill Lane and north of Withycombe Lane in Carhampton. To the west is residential development, and to the south and east of the site lies further agricultural land.

The application site has a total area of 3400sqm. It is located and accessed from Hill Lane. The site has a concrete drive with metal field gates and contains a flat roof, unfinished blockwork structure.

Relevant Planning History

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

3/05/18/009 - Outline planning permission with some matters reserved, except for access, for the erection of 3 dwellings. Granted on 23/07/19.

Consultation Responses

Carhampton Parish Council – Firstly points out potential the inaccuracies in the application form:

Q6 The agent states the current use of the land is 'agricultural land'.

Q6 - the agent states that there is no suspicion of land contamination.

Q10 the agent states that he does not know how foul sewage is to be disposed of when the site is adjacent to a main highway.

Q11 the agent states that the site is not within 20 metres of a watercourse and that surface water disposal through soakaway will not increase the flood risk elsewhere.

Q12 the agent states that trees and shrubs are on the site. The application also indicates that a footpath will be provided along the east side of

Withycombe Lane from the A39 to the development site. This will involve removing the existing mature hedge.

Q15 the agent is unable to say how many bedrooms each of the proposed dwellings will have but that they will all be for open market sale.

Q16 the agent states that there will be no loss on non-residential floorspace.

Q17 whilst it is obvious that no employees are on this site for more than a few

minutes at any one time, given the nature of the current use, it is incorrect of the agent to state that there are none.

All Members are agreed that this application should be objected to on the following grounds:

- Highways
- Nature, biodiversity or trees the destruction of mature trees
- Drainage
- Account must be taken of the sewage generated by the approved development south of this site along Withycombe Lane (Garlands 3/05/17/016 and 3/05/18/006) to ensure a complete picture of the effect on the village is established.

Wessex Water Authority – no objections- advice to be added as informative.

Highways Development Control - It is noted that part of their proposal is to create a 1.8m footway linking to the bus stop on the A39, which involves cutting back a bank and installing a reinforced earth retaining structure.

This will be a Category 0 structure to CG300. An AIP will not be required but a design and check certificate will which shall contain the information set out in Appendix I if CG300 plus a copy of the calculations including the design assumptions, surcharge loads (10kN/m² min), soil parameters, allowance for overdig in front of the wall and protection from falling material.

All works within or adjacent to the highway will also require an agreement under s278 Highways Act 1980. If the access road is to be offered for adoption a separate agreement will also be required under s38 Highways Act 1980.

In the event of permission being granted, conditions have been recommended.

SCC - Ecologist - The application site is not hydrologically connected to the Somerset Levels and Moors Ramsar or in a Bat Consultation Zone. Should planning permission be granted, a number of conditions are required.

Habitats Regulations Assessment

Not required.

Representations Received

4 objections were received which raised concerns regarding:

- Traffic
- Flooding
- Soak away not efficient
- Ecology
- Need for housing
- Type of housing
- Precedent
- Noise and light pollution
- Existing building on site

- Character
- Lack of highways compliant footpath

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC4	Affordable Housing
SV1	Development at primary and secondary villages
ID1	Infrastructure delivery
NH1	Historic Environment
NH13	Securing high standards of design
TR2	Reducing reliance on the private car
CC6	Water Management

Determining issues and considerations

Principle of development

Carhampton is a 'Primary Village' where policies SD1, SV1 and SC1 are applicable. Policy SD1, advises that there should be a presumption in favour of sustainable development and that proposals should be considered on economic, social historic and natural environmental conditions in the area. The proposed development will contribute to the settlement and the wider area.

Policy SV1, advises that development in primary and secondary villages should be designed to form an integral, harmonious addition to the settlements character and to help maintain or enhance their existing level of service provision and also help to create balanced communities at a level appropriate to their role and function. It is considered that the addition of these five dwellings are a harmonious addition to Carhampton which reflect the existing character of the area and which will enhance service provision by contributing to the village in terms of economic and social roles.

Policy SC1 guides that limited development in such areas could be considered, so long as the development would contribute to the wider sustainable benefits of the area, it must be within or in close proximity to contiguous built up area, and it must demonstrate the following;

a) It is well related to existing essential services and social facilities:- The site is within walking distance of the village hall, a pub and small shop via existing pavements down to the centre of Carhampton and the local facilities of a Post Office, Village Hall and Public House.

b) There must be safe and easy pedestrian access to services and social facilities:- Hill Lane, does not have a designated pavement/footpath, however part of the proposal is to create a 1.8 metre footpath linking to the bus stop on the A39, which will create a safe route to the pavement leading to local amenities.

c) Development respects the historic environment and complements the character of the existing settlement:- It is considered that the proposed detached dwellings could be designed to be in keeping with built development in the area which comprises of a mix of both semi-detached and terraced two storey housing in the area.

d) Development does not generate significant additional traffic movements over minor roads to and from National Primary and County Highway network:- An increase of vehicle movements on Hill Lane is inevitable and this is discussed further in the report. Access is proposed via an existing access point currently serving the field.

e) The development does not harm the amenity of the area and of adjoining land uses:- This application is for Outline permission and the submitted indicative layout of the five new dwellings would be an extension in close proximity (50m) to the contiguous built-up area of Carhampton which is classed as a Primary Village in the new local plan.

The definitions to policy SC1 makes clear that "limited development" in the context of Primary Villages means individual schemes of up to ten dwellings providing about a 10% increase in a settlements total dwelling numbers during the local plan period (to a maximum of 30% in any 5 year period). This proposal is for 5 dwellings and so fits well within the definition of this policy requirement.

For all of these reasons, the proposal is not contrary to the policy requirements of the West Somerset Local Plan. Therefore the proposal is acceptable in principle.

Impacts on the character and appearance of the area

This proposal is on partially undeveloped agricultural land which appears to be used as a dumping ground. There is a small block building on the site. The surrounding local vernacular consists of mostly bungalows. The indicative design suggests the 5 dwellings would be chalet type which would be consistent with the other dwelling styles in the vicinity.

At this stage only the principle of development and the access to the site is being considered. Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

Flooding and drainage

The site is identified on the Environment Agency website as being located in Flood Risk Zone 1. This is the lowest flood risk area and is defined as being land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (that is less than 0.1%).

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

Inspector's consideration of the site known as Garlands (ref 3/05/17/016), located south of the subject site concluded they saw no reason why the site could not be developed without increasing flood risk on the site or adjoining areas.

Comments returned from Wessex Water are noted, and an informative note is added to draw them to the applicant's attention.

A condition recommended by Highways would be added in regards to the provision of surface water to prevent discharge onto the highway.

Highways

The Highway Authority does not raise an objection to the principle of developing five dwellings on the site and that the indicative layout does seem to provide sufficient parking and turning for vehicles.

It is proposed to improve the visibility to the north and south by cutting back the existing hedge and reforming the existing grass bank. To the south of the access it is proposed to erect a low level stone retaining wall to accommodate the change in ground levels.

The Parish Council have drawn attention to the hedgerow. It is unlikely that cutting back of a section of hedgerow would require planning permission. If the hedgerow is protected the applicant would be required to submit a notification to the Council.

The Planning Inspector for appeal decision at Garlands (3/05/17/016), which adjoins the same road, considered that that the development did not conflict with local policies SC1 (4D) and TR2 with regard to an increase in traffic movements over a minor road and would not generate an unacceptable level of highway risk.

The proposal is therefore recommended for approval on highways grounds, subject to conditions as suggested by the Highway Authority, which are appended to the

decision.

Landscaping

The indicative layout appears to accord with local policies NH5 and NH13 of the West Somerset Local Plan to 2032. It is considered that further future information would fully consider the impacts on the site and the wider area.

Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

Planning Obligations

As only 5 dwellings are proposed, off site contributions are not required as noted in the NPPF and as such a contribution as outlined in Policy SC4 can not be requested.

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

Conclusion

It is considered that the proposal meets all of the relevant policies of the adopted West Somerset Local Plan and the NPPF. It is therefore recommended that subject to the applicant entering into a legal agreement for the provision of £5,00 per dwelling towards recreation/community infrastructure, outline planning permission be granted subject to conditions.

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



