

<b>Application No:</b>	<a href="#">3/26/20/004</a>
<b>Parish</b>	Old Cleeve
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Alex Lawrey
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Nicholas Priddy
<b>Proposal</b>	Erection of 9 No. dwellings with associated works including drainage, landscaping and highway works
<b>Location</b>	Field adjacent to Station Road, Washford

## Recommendation

Recommended decision: Grant

### Recommended Conditions

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

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

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

(A2) Dr.No. 19.25.07 Floor Plan House Type D  
(A2) Dr.No. 19.25.05 Floor Plan House Type B  
(A2) Dr.No. 19.25.04 Floor Plan House Type A  
(A2) Dr.No. 19.25.02 Site layout - Roof Plans  
(A1) Dr.No. 19.25.02 Site layout - House Types  
(A1) Dr.No. 1730 Rev P2 Highways Long Sections  
(A1) Dr.No. 1740 Rev P3 Highways Construction Details  
(A1) Dr.No. 1710 Rev P1 Vehicle Swept Path  
(A1) Dr.No. 1700 Rev P3 Highways Engineering Layout  
(A1) Dr.No. 1500 Rev P3 Highways and Drainage Layout  
(A1) Dr.No. 0120 Rev P2 Impermeable Area Plan  
(A2) Dr.No. 19.25.20 Rev Street Scene and Section  
(A1) Dr.No. 19.25.19 Garage Plans and Elevations  
(A1) Dr.No. 19.25.18 Pedestrian Linkage Diagram  
(A2) Dr.No. 19.25.16 Plots 7 & 8 - Type D  
(A2) Dr.No. 19.25.17 Plot 9 - Type A  
(A2) Dr.No. 19.25.15 Plot 6 -Type C  
(A2) Dr.No. 19.25.14 Plot 5 - Type H  
(A2) Dr.No. 19.25.13 Plot 4 - Type B

- (A2) Dr.No. 19.25.12 Plot 2 & 3 - Types E & F
- (A2) Dr.No. 19.25.11 Plot 1 - Type G
- (A2) Dr.No. 19.25.10 Floor Plan House Type H
- (A2) Dr.No. 19.25.09 Floor Plan House Type G
- (A2) Dr.No. 19.25.08 Floor Plan House Types E & F
- (A2) Dr.No. 19.25.06 Floor Plan House Type C
- (A3) Dr.No. 19.25.01 Site Location Plan

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

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

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

- 4 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.  
  
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.  
  
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

- 5 No development, as hereby approved, which shall interfere with or compromise the use of footpath WL 18/22 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure continued access to a public right of way

Prior to commencement reason: Any commencement of construction works could restrict or block access to the public right of way

- 6 Development, in so far as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Reason: To ensure continued access to a public right of way

Prior to commencement reason: Any commencement of construction works could restrict or block access to the public right of way

- 7 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 south elevation of Plot 4
  - 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 on the north facing elevation of Plot 4.
  - c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations of Plot 2
  - d) A bee brick built into the wall about 1 metre above ground level on the east elevation of Plots 1, 4 and 5
  - 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

Photographs of the installed features will be submitted to 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 170(d) of the National Planning Policy Framework

- 8 Retained hedgerows shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy NH6 of the West Somerset Local Plan

- 9 Prior to the 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

- 10 The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing 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 and to ensure the adequate provision of highways and associated infrastructure

Prior to commencement reason: To ensure the adequate provision of transport infrastructure

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

Reason: To ensure good access to the development and in the interests of highway safety

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

Reason: In the interests of highway safety

- 13 In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of the promotion of sustainable transport

- 14 None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- 15 No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent surface water flowing onto the public highway and in the interests of highway safety

Prior to commencement reason: To prevent surface water flooding and in the interests of highway safety

- 16 Prior to any works commencing a condition survey of the local network will need to be undertaken and agreed with the Highway Authority and any damage caused as a result of the development to be rectified at the applicants cost.

Reason: To ensure the public highway is not damaged as a result of the development and in the interests of highway safety

Prior to commencement reason: To ensure that construction activities do not damage the highway

- 17 No development shall commence unless a Construction Environmental Management Plan (CEMP) 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 a map showing 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 amenity and highway safety

Prior to commencement reason: To ensure that construction activities do not increase risks to road users and have a detrimental impact on residential amenity

- 18 The proposed access shall be constructed in accordance with details shown on the submitted plan, 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

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

Reason: To prevent on-street parking

- 20 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Having regard to the heavy vehicles to access the site during the construction phase, such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety

- 21 Prior to the commencement of the development, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details, and a drainage strategy that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall follow the SUDS hierarchy and incorporate features such as permeable surfacings and rainwater-harvesting. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses and ensure the adequate provision of drainage infrastructure.

Prior to commencement reason: To ensure that the development does not create surface water flooding issues

### **Informative notes to applicant**

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary

(diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

- 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

## **Proposal**

Erection of 9 No. dwellings with associated works including drainage, landscaping and highway works

## **Site Description**

The site is part of a larger agricultural field and measures approximately 0.9 hectares. The red line includes a track and public right of way WL18/22. It is bound by the A39 road to the eastern side and has hedgerows and trees to the boundaries by the A39. The land is on an elevated position in relation to the road and the land rises to the south behind a steep embankment that subsides towards its western end where the site meets the existing Brendon Service Station. The application site is currently used as agricultural pasture land and is accessed from the A39 via a lane and agricultural gateway that run to the southeast of the garage. There is an extant permission (3/26/17/027) for a new garage building to the north of the site (which is on land in the same ownership). There are overhead wires traversing through the northern part of the site.

## **Relevant Planning History**

The site itself has no planning history but the track (and PROW) which forms part of this application has planning history in connection with the garage:

- 3/26/87/049 - pump canopy - granted - 22/11/1987
- 3/26/96/009 - workshop extension - granted - 20/05/1996
- 3/26/17/027 - Change of use of land from agricultural for the erection of a garage to include service bays, MOT facility, showroom and office with installation of solar panels to the roof and formation of access - granted - 12/02/2019

## **Consultation Responses**

*Old Cleeve Parish Council* - the parish council noted lack of local services, raised concerns about sheds, drainage and flooding incidents and compliance with SUDS hierarchy

- The development lacks sustainable features. The only element of Sustainable

Drainage incorporated is the lowest level of hard engineered water retention in two geocellular tanks that protrude from the ground and cannot be planted up. The tank located next to plot precludes the planting shown in the proposed plans

- The upper part of the plot, considered too steep to build on, has been ignored. This has the capacity to provide amenity, bio-diversity and landscaping and tree planting to protect the development and the settlement from run-off. It would then meet net gain requirements for amenity and biodiversity

Key objections on flood risk drainage:

1. The application fails to conform to NPPF as it does not take account of sources of flooding outside the site

2. The application fails to conform to NPPF as does not adequately address the potential, when considered cumulatively with the adjacent plot, to cause flooding elsewhere (see SWT Strategic Flood Risk Assessment 2019 and report on adjacent site, below, for the specific risks)

3. The Design and Access Statement and Drainage Statement demonstrate that due diligence has not been done on surface water management, either in the site appraisal or in the flood risk assessment element of the Drainage Statement

4. Insufficient attention has been given to exceedance pathways on a site that has the potential to close an A Road and flood homes. The claim that 'betterment' will be achieved is not supported by the facts and is based on supposition about existing run-off

5. The design is deficient, creating a real risk in that it creates an exceedance flow path towards the East and North East of the site, potentially affecting the most easterly property and running onto an under-designed 160m<sup>2</sup> shared parking area and then onto the highway, 7 metres below.

- All street lighting in Washford is owned and maintained by SCC. Old Cleeve Parish Council do not wish to assume responsibility for any street lighting if provided

- Whilst there appears to be sufficient parking spaces noted overall, in reality these will not always all be available. In particular, the spaces in garages are more likely to be used for storage and access to these will be obstructed by vehicles parked in the driveway spaces. There is no room 'on-street' for safe parking without an obstruction being caused

- The swept path diagram for private vehicles accessing plots 8 and 9 will require co-operation should multiple vehicles be parked outside the garages, as the turning head is less than that shown for plots 5 and 6

- The proposed A39 crossing point would only benefit the community if it was a full controlled crossing

- The proposed pavement and drop kerbs only increase the hazard to a greater number of persons perceiving the proposed to be a crossing point

- The West Somerset Railway cannot be used as a commuter service. It is a tourist and seasonal facility only and must be discounted

- The Somerset and Dorset Railway Museum at Washford has been given notice (now less than one year) to vacate the site, no specific details are given for the future use of the railway/workshop complex

Clause 2.5.3

- Should the proposed road not be adopted by the local Highway Authority, provision will need to be made for the private collection of waste and recyclables and also for street cleaning by the management company in addition to the landscape areas/private drainage

Clause 4.3 Affordable Housing Statement



- It is noted that only 2 houses are offered as affordable or social housing whereas the recommendation is minimum of 3.15. There is a proven need for such housing in proposed walking route whilst referenced is not shown on the plan

Old Cleeve Parish Council consider that the application offers the potential to provide a scheme of good quality in preference to the scheme currently yet to be determined to the rear of Huish Mews (application 3/2619/024) to which the Parish Council raised considerable comment. However, recommendation for approval cannot be made unless a controlled crossing in full is provided and all other issues raised are addressed.

Therefore, Old Cleeve Parish Council object to the current scheme for the reasons above.

#### *Highways Development Control -*

##### *Drainage strategy*

No objections in principle to the surface water management strategy proposed with the following observations on drainage matters as they relate to both the existing public highway fronting the site and the proposed new access road. If the access road is to be offered for adoption, then the surface water drainage system will be subject to further auditing against County Council design standards.

o Drainage Statement Report Ref: 1308w0002 dated 09.04.2020

o Highways and Drainage Layout Ref: 1308-1500 Rev. P3

o Highways Engineering Layout Ref: 1308-1700 Rev. P3

Please note comments were provided on the previous planning application 3/26/17/027 and would reiterated those that remain relevant to this application.

1. The construction specification and methodology of access road construction of the access road over the existing surface water sewer will need to be approved by both Wessex Water and Somerset County Council as highway authority.
2. Contours on the layout plan indicate that access road carriageway is designed with a longitudinal fall towards the A39 and as such any surface water run-off not collected by the gullies within the development will discharge out onto the public highway and will further burden the existing highway drainage, which could lead to flooding. This being the case it is considered essential that further gullies are provided on the junction radii to intercept channel line run-off to prevent discharge onto the A39.
3. The existing concrete drainage channel that extends across the garage forecourt and rear access lane will need to be removed where it conflicts with the proposed new access bellmouth junction. Further road gullies will be required within the development side road channel of the A39 immediately upstream of the new junction to prevent surface water from discharging across the new access road.
4. Interceptor drainage will be required within the development to prevent surface water run-off from private hardened areas discharging onto any prospective public highway areas.
5. The private attenuation tank needs to be set back with an adequate offset from the rear of the adjacent footway to reduce the potential of future maintenance and utility company works inadvertently compromising its structural integrity.
6. The designer will need to consider whether cut-off drains will be required at the base of the 1 in 2 cutting adjacent to the rear of the footway to reduce the potential for surface and sub-surface water adversely affecting the adjacent prospective public highway.
7. The structural design of the 900mm diameter attenuation pipes proposed to be

located within the carriageway will need to be approved by the County Council's Structures Engineer.

#### Internal Layout

The access is via an existing track that is planned to be upgraded to a type 4 access road with a 5m carriageway with two x 2m footways. The audit on the access at least is assumed by others but please find some general comments, Visibility commensurate with a major road is not shown on plans provided.

Access is shown as road 1, road 2 should provide a turning head in line with expected traffic, if its going to be accepted as a residential turning head it appears around 5.0m short and needs tracking to suit.

The type 4 access road shows as a crossfall with surface water gullies on the northern side, the amount and catchment areas of gullies to be determined at detailed technical stage.

The shared surface road transition and tie in with the type 4 road will need agreeing at detailed technical stage. The materials will need to be visually different to warn users of the change of use. This would usually be by block pavements and any variations will need to be agreed in advance.

The shared surface turning area would seem to be acceptable but will need to be checked by tracking. The two access roads to garages for plots 5,7,8,9 would remain private if adoption for this development is being sought.

It is noted that there is an overhead power line, this will need to be considered and liaison with the Power distributor required.

In the event of permission being granted, conditions should be imposed for: estate roads; service road; gradients of driveways; cycleways and footpaths; street lighting; right of water discharge; survey of condition of roads; CEMP; access; parking spaces; and visibility splays

#### **Updated comments 30/11/2020**

In principle the suggested pedestrian crossing point is acceptable to this Authority. The wall outside Oak House is noted as being within the ownership of the applicant and therefore visibility splays for and of pedestrians can be improved.

The s106 agreement will need to cite s278 Highways Act 1980 and the highway detail will be subject to safety audit during the technical approval stage.

The submitted drawings would need to show the pedestrian visibility splays.

*Rights of Way Protection Officer* - There is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (public footpath WL 18/22). No objections to the proposal, subject to inclusion of recommended conditions for a stopping up/diversion order and related informative.

A Grampian-style condition will be required in this respect with regard to timing. Recent case law supports the use of conditions in this way. It is suggested that a condition for the requirement for the stopping up or diversion of the PROW is included in any permission granted

Please include an informative note on the permission, if granted regarding obstructions to PROWs.

There are no objections if a diversion order is applied for and if a s38 agreement is in place for the footway road over which the footpath runs. If there is to be no s38 agreement, then a s278 agreement will be required.

*SCC - Ecologist* - A Preliminary Ecological Appraisal of the application site was carried out in April 2019 by JH Ecology. The site comprised an area of cattle grazed species poor grassland bounded by hedgerows to the north and east, and continuation of pastureland to the south and west. The field sloped northwards

towards Station Road, which runs parallel to the northern boundary. The site is located on the fringe of the residential area of Washford, with the surrounding landscape characterised by hilly agricultural land with small - medium scale field pattern delineated by a network of hedgerows and scattered mature trees. There are several woodlands within the local area. The site was bounded to the north and east by species-poor native hedgerows. The report recommends that hedgerows are protected during construction and this should be set by condition accordingly.

The short grazed, species-poor grassland covering the site provided low value foraging habitat for bats. The site is however connected to suitable off-site habitat including woodland (e.g. Trowden Wood LWS), and pasture fields bounded by hedgerows and river corridor (Washford River, tree-lined in parts). The boundary hedgerows provided some potential for foraging and commuting bats. The northern hedgerow is subject to light pollution from existing street lighting on Station Road, and considered sub-optimal for commuting light-sensitive species. The eastern hedgerow provides a potential flight corridor, and an increase in light spill may deter such species which are known to follow hedge lines to their foraging sites and illumination of such features could lead to fragmentation of a commuting route. Therefore a condition for a "lighting design for bats" is required.

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. It is recommended that a condition for a bat box, swift bricks, Sparrow terraces, bee bricks and a hedgehog holes is included with any permission granted.

No badger setts would be affected by the proposed development. However, it was considered that as badgers are likely to be active in the local area and may use the site for passage and forage, there is potential for badger to fall in to any deep trenches left open / uncovered overnight during the construction phase. However, as provision of planks, etc to allow badgers to escape cannot in reality be reasonably enforced through a condition. Therefore, an informative should be applied to the planning permission addressing this matter. This would also apply to hedgehogs which were considered possibly present in hedgerows.

*Somerset County Council - flooding & drainage* - As this is a minor application, it falls below the requirements for LLFA statutory consultation.

Therefore, the LLFA has no comments to make regarding this application.

For Information: Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

*Environment Agency* - no comments received

*Landscape* - no comments received

*LEISURE DEVELOPMENT* - no comments to make as do nto adjacent land

*Housing and Community Project Lead* - Public Open Space (POS)

West Somerset Local Plan POLICY CF1 requires the appropriate provision of formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development.

The West Somerset Council Play Providers Audit (2008) found that there are distinct gaps in the amount of designated play spaces in West Somerset. The audit

also highlighted that the overall quality of designated play spaces is only considered 'fair'.

It is noted that this development will be providing an informal play and open space area on site, however, there will be an increased local need for play space as a result of this development and therefore this development should achieve improvements on local existing play areas through an offsite contribution.

The commuted sum for offsite children's play contribution should be calculated as £3391.00 per each 2 bed + dwelling which is a total of £30,519.00. The contribution will be index linked and spent on additional play equipment for the play area that is within the closest proximity of the development.

*Housing Enabling Officer* - Housing Enabling comments:

The policy requirement in the West Somerset Local Plan to 2023 is that a minimum of 35% of all new housing should be in the form of affordable units. Based on a development scheme size of 9 homes this would mean that 3.15 affordable homes would be required, or 3 affordable homes and a commuted sum equivalent to 0.15 of an affordable home).

Ideally the affordable housing on this site would consist of 60% social rented and 40% affordable home ownership i.e. 2 social rented dwellings and 1 affordable home ownership dwelling.

The Housing Need Report, 20 May 2019, for Old Cleeve (inc Washford Parish) states that 3 households with a local connection are in housing need:

- 1 x 1 bed home
- 1 x 2 bed home
- 1 x 3 bed home

There were 5 additional local households in housing need registered with Homefinder Somerset at this time:

- 2 x 3 bed homes
- 3 x 2 bed homes

Any application which does not comply with the West Somerset Local Plan policy requirement above will need to justify the proposed housing mix with viability assessment which will be independently assessed.

This application proposes to deliver 2 homes for affordable home ownership. The Housing Need Report identified 5 households with a need for low cost homeownership. The housing survey found that average sale price in the parish is £381,379, much higher than the average sale price in the West Somerset area as a whole which was £238,325. In order to purchase an average home in Washford the buyer would need a deposit of £38,138 (10% deposit) and an income of £98,000 pa (borrowing of 3.5 of annual income). The average salary in Somerset West and Taunton is £33,500pa and therefore insufficient to buy properties at this value. None of the respondents to the survey with an interest in home ownership had a purchase budget above £250,000.

For the reasons above affordable home ownership units provided on this site must be at a 40% discount to the open market value in perpetuity to ensure these homes are affordable for local people. All the affordable home ownership homes should be 2 and 3 bedroom properties.

The affordable homes should be integral to the development and should not be visually distinguishable from the market housing on 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.

The affordable housing scheme must be submitted to and approved in writing by

the Development Enabling Specialist at Somerset West and Taunton Council. Early engagement to agree the affordable housing provision is recommended.

*Avon & Somerset Police* - No objection subject to comments

- Crime Statistics – reported crime for the area of this proposed development averages less than 1 offence per month, which is classed as a very low level of reported crime.
- Layout of Roads & Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The single vehicular entrance/exit to the development has advantages from a crime prevention perspective over through roads.
- Orientation of Dwellings – all the dwellings appear to overlook the street and public open spaces which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.
- Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this.
- Public Open Space –communal areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. The main areas of POS appear to be to the east and west of the site and both appear to be fairly well overlooked from the proposed dwellings. A Play Area does not appear to be included in the proposals.
- Car Parking – is a mix of on-plot garages, which is the recommended option, and a small court of communal parking spaces in the north/east corner of the development serving two adjacent dwellings and visitors.
- Landscaping/Planting - should not impede opportunities for natural surveillance and must avoid potential hiding places.
- Street Lighting – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.
- Physical Security of Dwellings – in order to comply with Approved Document Q: Security – Dwellings, of Building Regulations, all external doorsets must be tested to PAS 24:2016 security standard or equivalent.
- Secured by Design (SBD) – if planning permission is granted, the applicant is advised to refer to the ‘SBD Homes 2019’ design guide available on the Secured by Design website

*Devon & Somerset Fire & Rescue Service* - no comments received

*South Western Ambulance Service* - no comments received

*Landscape* - no comments received

*Wessex Water Authority* - Wessex Water has no objections to this application and can advise the following information for the applicant:

The planning application indicates that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The current planning submission indicates that rainwater (also referred to as “surface water”) will be disposed of via sustainable drainage systems.

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site.

The surface water strategy

Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system. We will only consider a surface water connection into the public surface water sewer where infiltration methods are proven unviable. There must be no surface water connections into the foul sewer network.

## **Representations Received**

10no. individuals wrote letters of objection. The issues raised are:

- Unsuitable site with steep ground
- Drainage
- Traffic impacts
- 2no. affordable units is tokenistic
- Overlooking
- Loss of privacy
- Spoil the view
- Lack of local services
- No employment locally
- No pedestrian crossing
- Public transport is limited
- Potential landslip
- Continued access along track to other properties might be affected
- Impacts on heritage assets has not been considered
- Impact on character of village

One letter of support was recieved, noting that the proposal would help bring new families to the area and would not impact on existing dwellings due to being set back from them

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

- |     |                                              |
|-----|----------------------------------------------|
| SC1 | Hierarchy of settlements                     |
| SC4 | Affordable Housing                           |
| CF1 | Maximising access to recreational facilities |

NH13	Securing high standards of design
T/8	Residential Car Parking
T/9	Existing Footpaths
NH6	Nature conservation & biodiversity protection & enhancement
SV1	Development at primary and secondary villages
NH1	Historic Environment
TR2	Reducing reliance on the private car
TR1	Access to and from West Somerset

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

SC1	Hierarchy of settlements
SC4	Affordable Housing
CF1	Maximising access to recreational facilities
NH13	Securing high standards of design
T/8	Residential Car Parking
T/9	Existing Footpaths
NH6	Nature conservation & biodiversity protection & enhancement
SV1	Development at primary and secondary villages
NH1	Historic Environment
TR2	Reducing reliance on the private car
TR1	Access to and from West Somerset

## **Determining issues and considerations**

The main issues are the principle of development; affordable housing and play provision; design and materials; traffic, access and parking; pedestrian crossing; PROW; landscape; biodiversity; drainage; heritage; and section 106 legal agreement

### **Principle of development**

The application is for 9no. dwellings for a site adjacent to the A39 road in Washford. Policy SC1 (Hierarchy of Settlements) stipulates that Washford is a recognised settlement (primary village) where 'limited development' of up to ten dwellings is allowed within 50m of the 'contiguous built-up area'. Additionally a figure of 10% is given as the approximate maximum number of new dwellings to be approved in the plan period (2016-2032) over the extant figure for dwellings in Washford at the date of adoption of the Local Plan which was 304no.dwellings. There are two developments which have either permission (3/26/19/015) or committee resolution to grant subject to signing a section 106 agreement (3/26/19/016) totalling up to 14no. dwellings so with this application the total number would reach 23no. which is below

the maximum of 31no. (10% of 304) in the plan period. As Washford has access to public transport (bus routes) and some shops and services (including a tourist railway service, public house, church, primary school, post office and some employment provision) the village is considered to be a sustainable location for limited residential development. The site is considered to be in conformity with these requirements so is considered to be acceptable in principle. As the proposal is for residential development and delivers 9no. dwellings policy SC.4.4 (Affordable Housing) requires affordable housing either as on-site dwellings or an off-site contribution at a rate equivalent to 35% to which the developers have agreed. Other relevant policies include saved policy T/8 (residential parking) and NH13 (High Quality Design).

### **Affordable housing and play provision**

The proposed development will require adequate affordable housing provision to meet requirements under policy SC4. At 9no. dwellings the 35% requirement equates to 3.15 dwellings, or three dwellings and an offsite contribution equivalent to the cost of 0.15 dwellings. The applicants have proposed to deliver 3no. onsite affordable dwellings either for social rent or at 60% of market value (discounted open-market dwellings) and offsite contributions equivalent to 0.15 dwellings, making the affordable provision equivalent to 3.15 dwellings. This is agreed by the authority's housing enabling officers and meets policy requirements provided that the dwellings are of a type and scale which is equivalent and indistinguishable from open-market dwellings. In this instance that is considered to be the case. The affordable housing provision will be subject to a section 106 legal agreement (see below).

The proposal would also require contributions for play provision which would be set via the section 106 agreement.

### **Design, materials and amenity**

The proposed development would create an internal estate road with spurs off to rear garages and a parking court, and would use traditional designs for two storey dwellings, with pitched roofs and finished mainly in render. The design and layout have utilised the topography to position dwellings around contour lines and create more level surfaces. The layout features some detached garages to the rear of dwellings and access to them via accesses between detached dwellings with one having a coach-house style arch marking the entrance. Although traditional the design incorporates decorative features such as false-chimneys and has some variations in house types. Subject to approval of materials the design is considered acceptable and reflects the local vernacular.

The proposed dwellings are setback from the main highway (A39) and on an elevated position. However they are at least 30m to the nearest existing dwelling and for most considerably further than this. It is therefore considered that there would not



be significant overlooking or loss of privacy issues. Each of the proposed dwellings has reasonable garden spaces.

### **Traffic, access and parking, and pedestrian crossing**

The proposed development at 9no. dwellings is considered to have a less than severe impact on extant traffic levels. The site is adjacent to main A39 highway between Minehead and Taunton and in a 30mph urban zone. Access would be via an existing access to the north-west of the site which is also a public right of way, between the site and the extant service station. The access is on a slight bend but has reasonably good visibility, particularly within a 30mph controlled zone. Improvements to the access track have been granted under permission 3/26/17/027 and the principle of use of this existing access point has therefore been agreed.

In terms of parking the proposal is for a mix of garages and a parking court and at levels which are compliant with policy requirements. Comments from the police have also noted that reasonable surveillance can be achieved, to decrease the potential for vehicular thefts.

The proposal also includes provision of an uncontrolled pedestrian crossing (zebra crossing) over the A39 which is acknowledged as being a planning benefit potentially accruing from the proposed development. As the site is on an elevated position and is gently sloping there are existing issues with drainage which would impact on both the existing public highway and proposed access, however the proposal includes a drainage strategy and the highways authority have reviewed proposed drainage arrangements. The highways authority have not objected to the scheme but have requested conditions for: estate roads; service road; gradients of driveways; cycleways and footpaths; street lighting; right of water discharge; survey of condition of roads; CEMP; access; parking spaces; and visibility splays. Further comments in relation to the proposed pedestrian crossing note that "in principle the suggested pedestrian crossing point is acceptable to this Authority. The wall outside Oak House is noted as being within the ownership of the applicant and therefore visibility splays for and of pedestrians can be improved." The pedestrian crossing would be secured via a section 106 agreement with details agreed pursuant to that agreement. A drawing showing the position of the crossing is included within the suite of submitted drawings. The pedestrian crossing is needed because Station Road/A39 immediately adjacent to the site does not have pavements to one side and access to the centre of the village and primary school would require increased pedestrian safety. Given that the proposed crossing would be secured via a legal agreement and the highways authority have agreed *in principle* to it, the proposed development is considered to meet requirements under SC1.4 B that there is 'safe and easy pedestrian access to the essential services and social facilities within the settlement'.

### **Public Right of Way (PROW)**

The access track is also a public right of way WL18/22 and accordingly a stopping up/diversion order must be in place for the development to proceed. The PROW officer at Somerset County has not objected to the proposed development but has mandated conditions for the stopping up/diversion order and an informative. Subject to these recommendations the proposal is considered acceptable.

### **Landscape and biodiversity**

The site is currently an open field on the edge of the settlement and has intrinsic landscape value. However the land is partially masked from main public receptors due to the steep bank along the A39 and extant hedgerows and trees. The proposed development would be sited alongside the consented new garage building and would be seen as part of the wider village from longer distance views. The application documentation includes a landscape appraisal which concludes that the proposal would have low/moderate landscape impacts and that these could be mitigated with a good landscaping scheme. The proposal would retain the majority of trees and hedgerows at the site and subject to a condition for landscaping is considered acceptable in regards to landscape impacts.

The proposal includes a Preliminary Ecological Assessment which has been reviewed by the County ecologist. The site has relatively low biodiversity potential except to the hedgerows on the fringes. As most of these would be kept intact the development is considered acceptable subject to the County ecologists recommended conditions for hedgerow protection, lighting design for bats and provision of bat/bird boxes and hedgehog holes and bee bricks within the dwellings.

### **Flooding and drainage**

As the development is not a major development the Lead Local Flood Authority have not commented. However the proposal includes a Drainage Design Statement from JRC Consulting Engineers and associated 'Highways and Drainage Layout' drawing. This has been reviewed with comments by the highways officer and subject to recommended conditions found acceptable. Additional to the highways condition a general foul and surface water condition will be included with any permission granted which will also require that SUDS features such as permeable paving and rain-water harvesting are included in the drainage strategy. The main feature of the drainage design is a large underground tank however it is acknowledged that due to the topography and inadequate soil permeability conditions an engineered solution to drainage issues is required. Subject to conditions as cited above the proposed development is considered acceptable and should lead to improvements in the situation with existing surface water management issues at the site and surroundings.

### **Heritage**

There are no designated heritage assets directly bordering onto the proposed development site however the remnants of Cleeve Abbey, which is a scheduled ancient monument, and has grade II listed buildings to its' peripheries, is near to the site, located within 200m to the south-east of the site. All applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses". There are related duties for planning authorities regarding scheduled ancient monuments and provisions of the NPPF require that planning authorities consider the impacts of development upon heritage assets. The topography of the area means that the main heritage site (Cleeve Abbey) is the other side of the hill from the development, and there are no direct line-of sight views between the site and Cleeve Abbey. In terms of the character of the area the development would be alongside existing contiguous built development in the village so would not fundamentally change the surrounding character and is not considered to have a detrimental impact on the setting or context of the scheduled ancient monument and listed buildings, due to separation distance, topography and extant buildings which mask the eastern and southern fringes of the site from views from/towards the heritage features.

### **Section 106 legal agreement**

The recommendation of conditional approval for this application is made on the basis of agreeing and signing/sealing a section 106 agreement providing for the affordable housing and related offsite contributions, financial contributions for play provision, and design/implementation of the uncontrolled pedestrian crossing. Additional legal agreements relevant to highways are also noted and are mandated by separate legislation.

### **Other matters**

9no. individuals residents and one letter from an agent representing the Wyndham Estate (local landowners and who have a recently refused application at Huish Lane reference 3/26/19/024) have written letters of objection and one letter of support has also been received. Additionally the parish council have objected. The issues raised include traffic impacts and highway safety, loss of privacy, drainage problems, access issues, poor pedestrian connectivity, and lack of local services and employment. The points made are noted and addressed above. As there have been ten letters objecting to the development and opposition from the parish council the recommendation of approval will be brought to the next available planning committee.

There are telegraph or power lines traversing through the northern part of the proposed development site. The applicant will require relevant consents for moving or undergrounding these telegraph poles/wires at the construction stage from the relevant utility companies.

## **Conclusion**

The application would provide for 9no. new dwellings with 3no. affordable and a related offsite contribution, and improvements to the Washford pedestrian infrastructure (and for 'non-motorised users' – wheelchair users, buggys, etc) through a new pedestrian crossing. It is considered to be in compliance with policy requirements and would not have a significant visual or landscape impact due to the topography. With recommended conditions and the section 106 agreement it is recommended for approval.

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

