

Application Details	
Application Reference Number:	<u>3/26/19/016</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	22 April 2022
Expiry Date	
Decision Level	Planning Committee
Description:	Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works
Site Address:	<u>Former Nursery Site, A39, Washford, Watchet, TA23 0NT</u>
Parish:	26
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	No
AONB:	Quantock Hills
Case Officer:	<u>Richard Boyt.</u>
Agent:	Samantha Thomas, Tetrattech
Applicant:	Acorn Developments (SW) Ltd.
Committee Date:	28 April 2022
Reason for reporting application to Committee	Revisions to plans and conditions previously agreed at Committee

Update report to Committee

This report to committee relates to the proposal for 9 open market houses on the former Nursery site previously considered by the Committee on 29 April 2021 when it was resolved to grant planning permission subject to a Section 106 agreement and conditions. The applicants are now seeking two amendments to the application:

1. To amend the site layout plan to move the vehicular site access to the A39 approximately 3.8 metres to the east.
2. Alter the wording of agreed Condition 15 of the Committee decision of April 2021 to change the minimum width of the bat corridor from 10 metres to 6 metres.

Recommendations:

1. That the Committee agrees to the revised access layout;
2. That the Committee agrees the revised bat corridor layout and the related revision to the wording of Condition 15;
3. Subject to the above revisions, that delegated authority be given to Officers to grant planning permission subject to the conditions set out in the Committee report dated 21 April 2021 and the prior completion of a Section 106 legal agreement to secure the planning obligations described in that report.

This application was originally submitted in tandem with a reserved matters (RM) application at the nearby Huish Mews site (reference 3/26/19/015 for the RM and 3/26/14/025 for the outline) and follows on from two outline consents granted in 2017 which linked both sites with this 'nursery' site (reference 3/26/14/026 outline) providing open market housing and the related Huish Mews site providing affordable housing. The approval for both outline applications was conditional upon a mix of affordable housing and open market being provided across the two sites which are separate and not directly linked or contiguous to one another but were in the same ownership.

This policy-compliant affordable housing mix was achieved via a legal undertaking related to both outline permissions. However, this application is a full planning application, which seeks to continue the principle of linking the sites to provide affordable housing on the other Huish Mews site, whilst providing open-market housing at this 'nursery' site. As before the formal link would be established via a legal agreement which is currently nearing completion.

The planning history is set out below:

(former Nursery site)

3/26/14/025 - outline: erection of up to 6no. dwellings, footpath – C/A – 20/06/2017

3/26/19/016 (this updated application) - Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works at Former Nursery Site – resolution to grant at planning committee 12 March 2020

(Huish Mews site)

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

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

NMA/26/19/001 - minor revisions to plan numbers approved under 3/26/19/015 – Approved

Proposed revision to Access

The applicants are now seeking revisions to the agreed scheme to move the access in order to avoid unadopted County Council land close to the A39. The housing positions are unaffected.

The Highway Authority have been consulted on the revised site access point which is 3.8 metres eastwards of its former position. Visibility splays are maintained as shown on the previous scheme and the Highway Authority raise no objections.

Bat Corridor Condition

It is proposed that Condition 15 (bat mitigation) be amended in order to accommodate the housing layout as follows:

(changes shown as bold and underlined)

*A minimum bat corridor with a minimum width of ~~10-6~~ metres along the entire eastern boundary of the site will be provided **with a minimum of 0.19ha of ecological mitigation land area**. The replacement habitat shall be of long sward meadow and scrub, which is accessible to bats and bordered by hedgerow next to the built area to form a sheltered passageway. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority prior to work commencing on site. This corridor will be protected with fencing, such as a Heras fence) during the construction period. The enhanced habitats will be planted at the earliest feasible date following permission unless otherwise agreed with the local planning authority. An updated Masterplan will be provided for the site and submitted to and approved by the Local Planning Authority Reason: In the interest of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the West Somerset Local Plan.*

The Somerset County Ecologist has been consulted on these changes and confirms they are acceptable.

Other Matters

The Deed of Variation for the Section 106 for this development is nearing completion in accordance with the decision of the committee in April 2021. It is anticipated to be signed shortly. As before, this will ensure that the delivery of affordable housing at the Huish Mews site.

Conclusion

The aforementioned revised access position and amended bat mitigation condition are considered policy compliant and these minor changes are recommended for approval as laid out at the start of this report.

APPENDIX - PREVIOUS REPORT TO COMMITTEE - 29TH APRIL 2021 GRANTED AS OFFICER RECOMMENDATION

1. Recommendation 1.1

Grant

Recommendation

Recommended decision: Grant

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

Site Description

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

Relevant Planning History

3/26/14/025 - outline: erection of up to 6no. dwellings, footpath – C/A – 20/06/2017

(Huish Mews site)

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

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

NMA/26/19/001 - minor revisions to plan numbers approved under 3/26/19/015 approved

Consultation Responses

Old Cleeve Parish Council - The above application was reviewed by Old Cleeve Parish Council at the August 2019 meeting and the following comments were noted: o Old Cleeve Parish Council previously objected to the development by the Wyndham Estate, both on this site and the linked site in Huish Lane. The main

reason being the A39 traffic issues; entering through Washford and close proximity to the dangerous Walnut Tree Corner junction with Huish lane, combined with the lack of suitable footways/crossings

- o There are concerns over; the proposed public footpath linking the development to Huish Lane, safe access to essential services and the capacity of the school
- o The foul sewer serving Washford to Watchet, regularly surcharges in adverse conditions, creating flooding in Lower Washford - in particular the school. Any further loading may exacerbate this issue with increased frequency
- o The proposed full application submitted changes from the previous approved outline application scheme from six dwellings to ten number, an increase of 40%, that in our opinion requires re- evaluation

- o Old Cleeve Parish Council is also aware of an impending application by the Wyndham Estate for a further scheme of fifteen units situated between this site and the Huish Lane scheme - approved in outline. Any such proposal linking these developments via its roadway and Huish Lane would have an enormous impact for the reasons previously given and would be strongly opposed by Old Cleeve Parish Council
- o Planning Statement

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

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

- o Clause 3.2.2 This lists amenities, which is true, however some are only operated on a limited and part time basis - in particular the Post Office/shop and the railway station. The school has limited capacity and is currently at its maximum. Access to the services required is by lanes or the A39 with either no or limited safe footways
- o Clause 3.2.4 'Regular trains' are not available as the part time railway is primarily holiday season use and is closed during the winter. This must be discounted as a regular or economic commuter service. The use of the private car is the prime means of transport, whilst the use of the bus service is possible (to Minehead and Taunton), the route and access to the bus stops are particularly hazardous at all times on the A39.

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

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

Under the outline planning permission, it is stated that;

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

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

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

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

o Clause 3.4.5/3.4.6 The site is not well related to the village services – recognised at the outline stage requiring the essential linked footpath to Huish Lane. Clause 3.4.6 states that there is no intention to light the path or create a hard surface and it will be managed by a company for future maintenance - the transport document indicates tarmac. It is essential that the path is lit and surfaced as this was a particular issue raised by Old Cleeve Parish Council at the planning committee determination and agreed conditions imposed. Without this level of protection, during winter months/dark mornings and nights and the footpath being used by children or persons with disabilities - safety will be compromised. Condition 12 requires the linking footpath to be lit and 2.0m wide - this has not been considered

o Clause 5.3 Transport, Access and Parking

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

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

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

o Clause 5.37/5.38 It is considered that part of the data is flawed as the former nursery and 5.39 site only operated between April and September and remained closed during the winter months. The operator was occasionally assisted by one other person (only ever a maximum of two persons). It was operated on a small-scale specialist basis and not a Garden Centre as suggested. This also meant that the traffic flow in and out of the site was minimal - vehicle movements were very low

and cannot be used as a measurement against the increase in potential vehicle movements. West Somerset planning authority did not take this into account when considering the outline consent for six no. dwellings and with the increase to ten no. units, the comparison is distorted

o Design and Layout

- o Clause 5.4.6 Measures to reduce carbon emissions - it is noted that the designs incorporate chimney structures/fireplaces. As Washford has no gas supply and oil is no longer compliant, solid fuel will emit considerable carbon. The designs do not incorporate solar thermal or solar voltaic provision. This is recommended along with battery storage and grid feedback facilities. To suggest the use of buses (diesel) or the railway (coal or diesel) is of no value as a design feature to reduce carbon emissions. Air sourced heat pumps of ground source are the preferred means of heating. Insufficient space is available for ground service provision. If air sourced heating is used, the position of the units will need to be designed so as not to cause a nuisance. Power loading (electric supply) may give rise to issues within the locality. Provision should be made for electric car charging - the parking court and tandem parking may present problems - how will this be addressed?
- o Ecology
- o Clause 5.8.3 Old Cleeve Parish Council noted that the site was stripped of all vegetation and burnt on the day of purchase by the current developer, thus negating any habitat that may have been present. This was just before the ecological survey undertaken in June. Another survey is due to be conducted in September 2019
- o Flood Risk and Drainage

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

- o Clause 5.9.3 Both the existing foul sewer (W.W.A.) and surface water spring/pond are noted as being in existence. No details are provided as to how these are going to be mitigated due to conflict with the proposed buildings. It should be noted that the foul sewer at the western boundary according to W.W.A. records is incorrectly plotted and is included in the adjacent property and also serves properties to the south of the A39
- o Layout Design
- o Old Cleeve Parish Council considers that the layout is flawed in part. Whilst it is accepted that consent in principle has been granted for six dwellings, subject to conditions, the increase to ten is excessive due to dwelling size and positioning
- o The street scene facing the A39 is of concern as the mass of plots 1 - 3 overpowers the entry to Washford due to the forward positioning
- o Plot 2 - a four-bedroom unit is constrained with minimal maintenance space between it and plot 3
- o The triple (one behind the other) parking provision is particularly poor and rarely works in practice, giving rise to parking issues and neighbour disputes, particularly when visitors require parking
- o Likewise, parking courts of this type serving plots 1 - 4 in time, may create issues over maintenance, cleaning and dumping of rubbish (social issues)
- o There is an inconsistency between the transport document (Bellamy) stating minimum garage sizes and that provided for in the Reed Holland statement and house/garage/carport sizes. The larger sizes will be required
- o Plot 3 is considered to be too large for the plot, the gable mass dominating the entry to the development site. Consideration should be given to a lesser property

i.e. perhaps 1 ½ storey or single storey. The large screen wall abutting the footpath urbanises the approach

- o Plot 5 pinches the pavement edge and it is suggested that it be set back to avoid possible damage to the structure
- o Plots 6, 7 and 8 are poorly spaced, served by a shared driveway space and may well lead to conflict (as above) with regards to a lack of parking for visitors. Poor capacity can lead to parking issues within the road turning head or the potential of parking on the single pavement - creating damage and restricted movement for pedestrians and pram, wheelchair and mobility scooter users
- o Provision for waste storage and recycling is not indicated - there is a strong objection to bins on streets or in front gardens
- o This is not a level site, the proposed dwelling floor levels are not stated. In summary, Old Cleeve Parish Council objects to the current proposals. Consideration should be given to reducing the plot numbers/mass and provide a revised scheme addressing the issues raised. Old Cleeve Parish Council also request that this planning application is called in for review by the Planning Committee.

This was agreed by all members present.

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

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

Rights of Way Protection Officer - no comments received

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

Landscape officer - no comments received

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

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

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

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

Conservation Officer - no comments received

SCC - Ecologist - Required amendments to initial plans to allow for an ecological buffer. These have been provided and the ecologist has accepted the revisions and has not objected but has requested conditions, cited above

The South West Heritage Trust - The site overlies a deserted historic settlement noted in HER and is likely to impact on a heritage asset, previous permission had a condition for archaeological investigation. Therefore in accordance with paragraph 199 of the NPPF a condition for a programme of archaeological works to be completed in accord with an approved Written Scheme of Investigation should be attached to any permission granted.

Representations Received

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

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

- Increase from 6 to 10 and high density which is out of keeping with the area
- Road safety and bad junction

- Drainage in the area limited and already there are reflux flooding events after heavy rainfall
- Not enough parking for visitors, turning space and room for bin lorries · overdevelopment

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

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

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

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

Determining issues and considerations

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

Principle of development

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

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

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

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

and culverting of the watercourse. The previous outline application at the site was subject to a similar legal agreement allowing for two developments to be linked with one delivering the market element and one delivering affordable housing (see committee updates for the WSC planning committee December 2017. The essential principle of one site for affordable and one for market housing is considered to have been replicated in this application, with appropriate safeguards should there be a failure to deliver affordable housing at the Huish Lane site (3/26/19/015).

Design

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

Roads and parking

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

Ecology

The site has some significant biodiversity potential including for protected species such as bats and these have been surveyed in the initial Preliminary Ecological Assessment. The County ecologist recommended creation of a wildlife buffer to the edges of the proposed development, and this has been agreed by the agents and plans amended accordingly. A final survey and report was submitted on 25/11/2019 and this was reviewed by the County ecologist, who has not raised any objections but has recommended various conditions pertinent to the development.

Landscaping and trees

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

Archaeology

The site is recorded as having some archaeological potential in the Somerset Historic Record and it is therefore required that a 'prior to commencement' condition for a scheme of archaeological investigation and reporting is agreed by the LPA and implemented. The previous outline application at the site included a site specific archaeological report.

Public Open Space and footpath

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

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

Drainage and flooding

The majority of site is not within a high risk category flood zone although due to the presence of an open watercourse there is a small portion of the site which has increased flood risks. The application documentation includes an initial drainage strategy drawn up by Shear Design, consultant civil engineers, based upon establishing connections to existing foul water pipes for sewerage disposal and soakaways (with appropriate ground testing undertaken) for disposal of surface water, and culverting the stream which bisects the site. Whilst in principle the drainage strategy is acceptable it is based on the originally submitted layout to provide 10no. dwellings and has not been amended since revisions have been made to reduce this number and amend the layout. Additionally the consultation response from Wessex Water (WW) has identified a fresh water mains pipe cutting across the south-east corner of the site which the utility company have stated cannot be built over and that at least a 3m easement is needed around it. Most of the area indicated

in WW's plan submitted as part of the consultation response would be soft landscaped including the root protection zone of an extant tree, but it is very likely that the road access point will be close to, or within the minimum 3m area in which build-over works could not take place. The proposed culverting works have been assessed by the LLFA and whilst it is not their preferred option they have not objected to the proposal. However final details of the culverting and its management have not been supplied and will be required prior to implementation of any culverting works.

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

Other matters

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

Conclusion

This application departs from the original outline consent and has taken a new approach to delivering open market housing at the site from that envisaged under permission 3/26/14/026. However with a legal link to the Huish Mews site it would be possible to ensure policy-compliant provision of affordable housing at the two sites. The issues initially highlighted by the County ecologist have been addressed in revised drawings through the creation of a wildlife buffer zone to the peripheries of the site, and no further objections raised by him, subject to requested conditions. Provided that any decision is subject to a suitable legal agreement under section 106 of the 1990 Town and Country Planning Act, and the conditions as cited above are included with any permission granted, the application is recommended for approval.

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

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:

(A3) DrNo 18.82.01 Site Location Plan

(A1) DrNo 18.82.02-G Site Layout- House Types

(A1) DrNo 18.82.03-E Site Layout-Roof Plans

(A2) DrNo 18.82.04A House Type Floor Plans Type A

(A2) DrNo 18.82.05c House Type Floor Plans Type B

(A2) DrNo 18.82.06-A House Type Floor Plans Type C

(A2) DrNo 18.82.07-B House Type Floor Plans Type D

(A2) DrNo 18.82.08-C House Type Floor Plans Type E

(A2) DrNo 18.82.09B House Type Floor Plans Type F

(A2) DrNo 18.82.10 Plots 1 & 2 Elevations

(A2) DrNo 18.82.11 Plot 3 Elevations

(A2) DrNo 18.82.12 Plot 4 Elevations

(A2) DrNo 18.82.13A Plot 5 Elevations

(A2) DrNo 18.82.14A Plot 6 Elevations

(A2) DrNo 18.82.15 Plot 7 Elevations

(A2) DrNo 18.82.16A Plot 8 Elevations

(A2) DrNo 18.82.17A Plot 9 Elevations

(A2) DrNo 18.82.18A Plot 10 Elevations

(A2) DrNo 18.82.19 Site Elevations

(A1) DrNo 18.82.20B Garages - Sheet 1 of 1 Floor Plans & Elevations

(A1) DrNo 18.82.21 A Footpath Route & Detail

(A1) DrNo 3097.001 Landscape General Arrangement

- (A1) DrNo 3097.002 Kerbs & Edges
- (A2) DrNo 3097.003 Paving Details
- (A2) DrNo 3097.004 Fences, Walls & Street Furniture
- (A1) DrNo 3097.005.1 Planting Plan - Sheet 1 of 2
- (A1) DrNo 3097.005.2 Planting Plan - Sheet 2 of 2

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

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

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

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

Reason: To prevent surface water discharge into public foul water sewers, maintain existing fresh water supplies, and to ensure the adequate provision of drainage infrastructure.

- 6 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of
 - the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
 - On-site vehicle wheel washing facilities

Reason: In the interests of highway safety and amenity.

Pre-commencement reason: This information is necessary prior to the development being implemented to ensure that construction works are controlled.

- 7 The proposed access shall have a minimum width of 5 metres and incorporate radii not less than 6 metres.

Reason: In the interests of highway safety.

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

Reason: To prevent flooding of the highway and in the interests of highway safety.

- 9 The proposed estate roads, footways, footpaths, tactile paving, cycleways, lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in

accordance with details to be approved by the Local Planning Authority in writing before their construction begins. These details shall include those for the footpath as illustrated in approved plan 18.82 21 A. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is well designed and internal estate roads are functional and fit for purpose.

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

Reason: To ensure pedestrian and vehicular access to the dwellings is possible and safe prior to their occupation.

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

Reason: In the interests of sustainable transport and pedestrian and cycle safety.

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

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

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

Reason: In the interests of highway safety.

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

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

- 15 A minimum bat corridor with a minimum width of 10 metres along the entire eastern boundary of the site will be provided. The replacement habitat shall be of long sward meadow and scrub, which is accessible to bats and bordered by hedgerow next to the built area to form a sheltered passageway. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority prior to work commencing on site. This corridor will be protected with fencing, such as a Heras fence) during the construction period. The enhanced habitats will be planted at the earliest feasible date following permission unless otherwise agreed with the local planning authority. An updated Masterplan will be provided for the site and submitted to and approved by the Local Planning Authority

Reason: In the interest of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the West Somerset Local Plan

- 16 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the completion of the first phase 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 interest of the integrity of the conservation objectives of a European site and in accordance with policy EQ4 of the West Somerset Local Plan

- 17 Prior to occupation, 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, including amenity and security 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. 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 EQ4 of the West Somerset Local Plan

- 18 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. Any reptiles found will be translocated to the bat corridor. Once cut a reptile exclusion fence will be erected around the boundaries of the site except for the eastern boundary will it will be installed on the western boundary of the bat corridor and maintained for the duration of the construction period. Following installation of the fence a further check will be made by a competent ecologist prior to any further vegetative clearance or groundworks occurring. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible within one week of the .

Reason: A pre-commencement condition in the interests of UK protected species and in accordance with policy EQ4 of the West Somerset Local Plan

- 19 Within 8 weeks of vegetative clearance and or groundworks commencing a survey for badger activity will be undertaken by a competent ecologist and reported, along with any mitigation measures required, in writing to the Local Planning Authority.

Reason: A pre-commencement condition in the interests of UK protected species and in accordance with policy EQ4 of the West Somerset Local Plan

- 20 The following will be integrated into dwelling and or mounted upon suitable trees as appropriate:
- a) 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 9
 - b) Two Vivara Pro Woodstone Nest Boxes (32mm hole version) will be installed mounted on the northerly facing aspect of trees and maintained thereafter
 - c) A bee brick built into the wall about 1 metre above ground level on the east or southeast elevation of each dwelling

Photographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

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

1 **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application issues/concerns were raised by a statutory consultee which were addressed. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 2 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