



# **WEST OF ENGLAND DEVELOPMENTS LTD.**

**Full planning application for the erection of 12 dwellings  
and associated infrastructure**

**Land west of Station Road, Hatch Beauchamp, Taunton**

**Appeal Statement**

February 2020



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- Appendix D: SWT Planning Committee Report and Decision Notice for application 36/18/0048 Willey Road, Stoke St Gregory**
- Appendix E: Building for Life 12 Assessment**



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# 1.0 Introduction

## 1.1 Purpose and Scope of this Statement

- 1.1.1 This appeal statement has been prepared by WYG on behalf of the appellant, West of England Developments Ltd. It is submitted in connection with a planning appeal application against the decision of Somerset West and Taunton Council (SWT) to refuse planning application 19/19/0009 seeking full planning permission for the erection of 12no. dwellings with associated access, landscaping and drainage works.
- 1.1.2 Planning application 19/19/0009 (hereinafter referred to as the “application”) was reported to SWT Planning Committee on 5<sup>th</sup> December 2019. Within the Committee Report, the application was recommended by officers for approval subject to completion of a Section 106 Agreement and planning conditions.
- 1.1.3 At the meeting of 5<sup>th</sup> December 2019, SWT Planning Committee Members resolved to determine the application contrary to officer recommendation and refuse full planning permission on the grounds cited within the subsequent Decision Notice issued on 10<sup>th</sup> December 2019 and included at **Appendix A**.
- 1.1.4 This statement addresses the reasons for refusal set out within the Decision Notice and explains the reasons why the appellant considers that the appeal proposals are compliant with the Development Plan and all relevant material planning considerations such that the decision of SWT to refuse planning permission should be overturned and this appeal allowed.

## 1.2 Structure of this Statement

- 1.2.1 This Statement is structured as follows:
- Section 2: Appeal Site and Context – contains the background to the appeal, including the characteristics of the site, its surroundings and planning history.
  - Section 3: Planning Policy Context - explains relevant planning policies and material considerations at a local and national level.
  - Section 4: Grounds for Appeal – sets out the appellant’s case against the refusal reasons cited.
  - Section 5: Summary and Conclusions – including recommended planning conditions in this event that this appeal is allowed.

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## 2.0 Appeal Site and Context

### 2.1 Introduction

- 2.1.1 This section sets out the context of the appeal site and its surroundings alongside any relevant planning history. An explanation of the assessment and engagement undertaken ahead of a planning submission is also provided to aid understanding of the context within which the proposed development has been promoted as a rural exception site.

### 2.2 The Appeal Site and Surrounding Area

#### **Location, Access and Use**

- 2.2.1 The appeal site is located to the south of the village of Hatch Beauchamp which is itself approximately 5 miles south east of the county town of Taunton via the A358. The A358 is located approximately 1.5 miles to the west, with the M5 and A303 around 5 miles away to the north and south respectively. Local bus services run between the village and surrounding secondary schools with primary school provision located within the village.
- 2.2.2 The appeal site area is approximately 0.935 hectares and forms currently unused grassland which is bordered by hedgerows of varying quality along the eastern and southern boundaries. The topography slopes gently downwards from the north of the site alongside Home Orchard to the southern portion where the lowest levels are found. There are existing trees found along the northern boundary of the site which will be unaffected by the appeal proposals.
- 2.2.3 Beyond the northern boundary lies Home Orchard and directly east is Station Road, both of which are existing residential streets. To the south and west is open countryside.
- 2.2.4 The existing access to the appeal site is via a field gate off Station Road which runs along the eastern boundary. The existing access is located towards the southern end of the Station Road frontage. The proposed access arrangements are explained later in this statement.

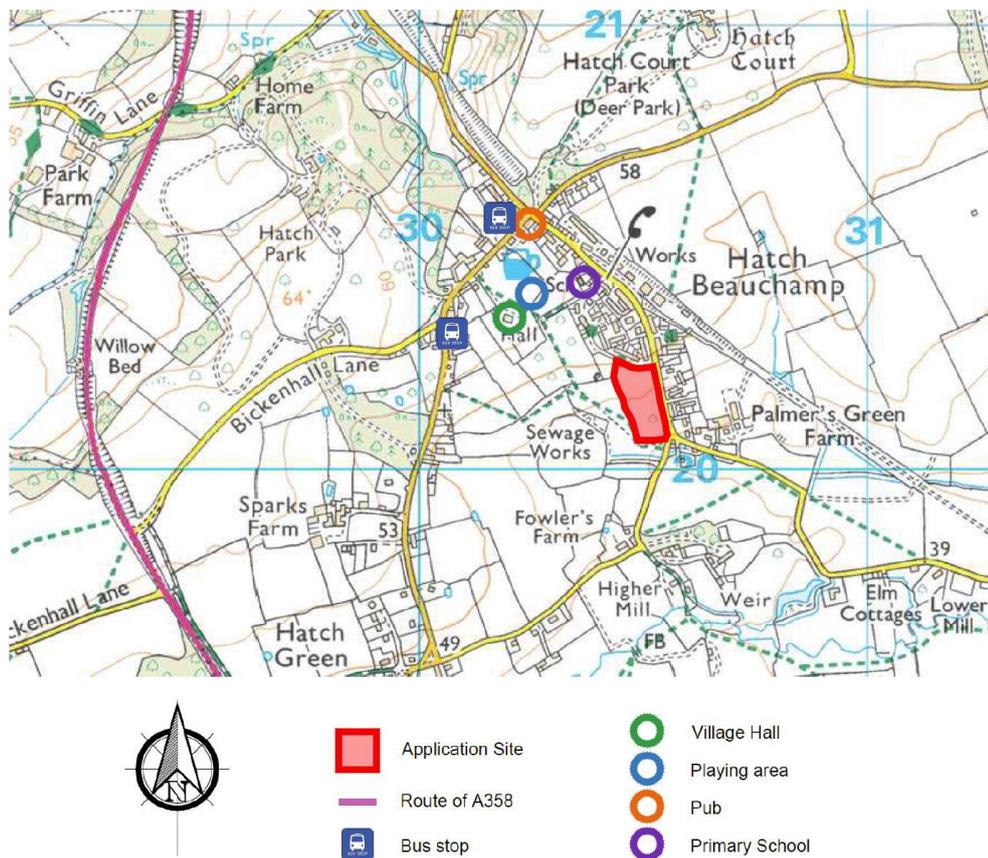
#### **Settlement Context and Local Facilities**

- 2.2.5 The parish of Hatch Beauchamp has a population of 620 people within an overall 265 dwellings (Census 2011). The most recent major housing development within the parish was built in 2006/07 and comprised 14 dwellings at Rectory Mews which is located along Station Road to the south east of the primary school. Therefore, the housing stock within Hatch Beauchamp has not changed significantly within the last decade.
- 2.2.6 As stated in the housing needs survey which accompanies this appeal, the average price of properties within the parish is £479,000 and the average income for a single person in Taunton Deane is £29,700.

There remains a real issue in terms of the affordability of local homes for local people which is an issue common to rural villages across the administrative areas of SWT. Indeed, this is also recognised nationally with the Government’s commitment to significantly boost housing supply and support mixed tenure rural exception sites in the NPPF which is explored later in this statement.

2.2.7 The village of Hatch Beauchamp provides a centre for the wider parish and contains a number of local services including a pub, primary school, village hall, commercial garage and playing area. All of these facilities are within walking distance of the application site. Pavements exist along the routes between the appeal site and Hatch Beauchamp Church of England Primary School and the pub along Station Road which is subject to a 30mph speed limit. Actual speeds along Station Road are slightly lower than this maximum limit, as demonstrated within the Access Note submitted with this appeal. Walking routes in and around the appeal site are therefore accessible, safe and well surveyed.

2.2.8 The appeal site boundary along with existing local facilities is shown in **Figure 1** below.



**Figure 1: Application Site Boundary and Local Context**

2.2.9 Located adjacent to the existing built up edge of the village, the appeal site is bounded on two sides by existing residential properties. This includes Home Orchard to the north and Neroche View to the east which are described at page 8 within the SWT Committee Report as follows:

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

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

- 2.2.10 It is considered that the locally distinctive features of this part of the village are the presence of wide variety of residential building forms with sporadic green edges which are typical of the rural villages in this part of Somerset. These features have been sought to be reflected within the appeal proposals and this is discussed later in this statement.

## **2.3 Relevant Planning History**

- 2.3.1 There is no relevant planning history associated with the appeal site and this is confirmed by SWT within the Committee Report.

## **2.4 Pre-application Engagement and Evidence Base**

- 2.4.1 The appeal proposals have been formulated on the basis of a recognised need for affordable housing within Hatch Beauchamp. This local need has been specifically investigated and evidenced through a Housing Needs Survey (HNS) which was carried out by Falcon Rural Housing in June 2019.
- 2.4.2 Falcon Rural Housing (formerly West Somerset Rural Housing Association) is responsible for delivering many small-scale affordable housing developments around the south west, focusing mainly on the provision of affordable rent units that are retained as such in perpetuity. Falcon Rural Housing has a long and well-established history of working with communities to deliver affordable housing and carrying out HNS to inform development proposals.
- 2.4.3 In carrying out the HNS, postal surveys were sent to properties in the village and a public consultation event was held in the village hall in June 2019. A full analysis of responses received is contained within the HNS submitted with the planning application and this appeal.
- 2.4.4 Evidence from the public consultation event and surveys received along with existing records on Homefinder Somerset indicate a need for 8 affordable units for those with a local connection to Hatch

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Beauchamp, with the recommended tenure being an equal split of social rent and affordable home ownership.

2.4.5 Potential alternative sites for delivery of the local housing need and site selection process has been set out within the Affordable Housing Statement submitted with the application and this appeal.

## 2.5 Appeal Proposals

2.5.1 The appeal proposals comprise the erection of 12 dwellings with associated access, drainage and landscaping works. The proposed site layout reflects the cul-de-sac pattern established to the north of the appeal site at Home Orchard and includes a mixed palette of natural stone and brick to complement the varying external materials found within the adjacent built form along Station Road as described earlier within this statement.

2.5.2 Reflecting the conclusions of the HNS and seeking to provide a sustainable and inclusive mix, the appeal proposals include a total of 6no. affordable units with a minimum of 3no. to be secured as social rent in perpetuity and the remaining 3no. to be delivered for affordable home ownership with the following bedroom mix:

- 1x 3bed semi (Plot 4)
- 3x 2bed semis (Plots 1-3)
- 2x 2bed bungalows (Plots 7 and 8)

2.5.3 An additional 6no. open market dwellings are required to cross-subsidise the delivery of this affordable housing and this is evidenced within the viability appraisal submitted with the application. The viability appraisal demonstrates that the appeal proposals would maximise provision of affordable units by delivering 6 of the 8 affordable units identified as being needed with the minimum open market cross subsidy required.

2.5.4 Vehicular and pedestrian access is proposed to be achieved primarily from Station Road to the east and located further north compared with the existing access, as shown on the submitted Site Layout Plan Drawing Ref: 17.98.02B). A secondary private driveway allows separate access for Plots 9 and 10 from Home Orchard along the northern site boundary.

2.5.5 A SuDs pond and public open space is to be provided to the south of the proposed dwellings. Structural landscaping will be retained and enhanced along the eastern boundary to maintain the approach along Station Road.

2.5.6 The proposed location and layout of the appeal proposals has been informed by the identified odour exposure zone associated with the Wessex Water Sewage Treatment Plant to the west of the appeal site. An assessment of the extent of this exposure zone was first carried out by the appellant in 2014 and

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subsequently updated in 2019. Both reports have been agreed with Wessex Water as per its formal consultation response dated 8<sup>th</sup> November 2019 and included within the SWT Committee Report at **Appendix B.**

2.5.7 At least 2 car parking spaces are provided for each proposed dwelling.

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## 3.0 Planning Policy Context

### 3.1 Introduction

- 3.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.1.2 Accordingly, this section provides a summary of the planning policy context relevant to the appeal taking into account the Development Plan, the policies cited within the Officer's Report for the application and all other material considerations relevant to the determination of this appeal.

### 3.2 Adopted Development Plan

- 3.2.1 The appeal site falls within the jurisdiction of SWT and is covered by policies contained within its statutory Development Plan which comprises the following:
- Taunton Deane Local Plan (2004) (saved policies)
  - Taunton Town Centre Area Action Plan (2008)
  - Core Strategy (2012)
  - Site Allocations and Development Management Plan (2016)
  - Taunton Deane Affordable Housing Supplementary Planning Document (SPD)
- 3.2.2 The following are also material considerations for the purposes of determining the application and this appeal:
- The National Planning Policy Framework 2019 (NPPF)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)
  - Somerset West and Taunton Local Plan 2040

### 3.3 Relevant Development Plan Policies

- 3.3.1 The Committee Report in respect of the application and contained at **Appendix B** lists the Development Plan policies that are relevant to the application, and therefore to this appeal, as follows:

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## **Taunton Deane Local Plan (2004) and Town Centre Area Action Plan (2008)**

- 3.3.2 There are no saved policies that are relevant to the appeal proposal and the Area Action Plan does not apply to the appeal location.

### **Taunton Deane Core Strategy**

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

### **Taunton Deane Site Allocation and Development Management Plan (SADMP) DPD**

- Policy A1 Parking Requirements (Appendix E)
- Policy A3 Cycle Network
- Policy A5 Accessibility of development
- Policy I3 Water Management
- Policy I4 Water Infrastructure
- Policy ENV1 Protection of trees, woodland, orchards and hedgerows
- Policy ENV2 Tree Planting within new developments
- Policy D7 Design Quality
- Policy D8 Safety
- Policy D9 A co-ordinated approach to development and highway planning
- Policy D10 Dwelling sizes
- Policy D12 Amenity Space
- Policy SB1 Settlement Boundaries

### **Taunton Deane Affordable Housing SPD**

- 3.3.3 The SPD was adopted by SWT (then Taunton Deane Borough Council) in 2014 and is intended to provide greater detail in relation to the implementation of Core Strategy policies for the delivery of affordable housing including Policy CP4 (which requires at least 25% affordable housing for all major residential proposals).
- 3.3.4 Section 1.10 of the SPD deals specifically with rural exception sites, recognising that *"it may be appropriate to permit the development of affordable homes on sites that would otherwise not be released for housing development that is 'exception sites'"*.
- 3.3.5 Section 1.10 then goes on to require such rural exception sites to be "small-scale" and meet the following criteria:

- Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met to be demonstrated through a housing need survey.
- Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.
- Consider all available sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.
- Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable housing through the use of planning conditions or Section 106 obligations.
- In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with SWT and a detailed statement, including viability information independently verified submitted with the planning application.

3.3.6 Rather than provide greater detail, some of the above criteria seek to go further than the provisions of Policy DM2 and are not consistent with the principles contained in the subsequently published NPPF. Nonetheless, it is considered that the appeal proposals fully comply with the provisions of the SPD and this is explained in more detail within Section 4.0.

3.3.7 We agree that the policies above are relevant to the appeal. We would however add that Core Strategy Policy CP1 is also relevant to the appeal proposals because it is required to be considered against proposals within the Open Countryside by SADMP Policy SB1.

## 3.4 Policies relevant to the refusal reasons

3.4.1 The following policies are cited within the reasons for refusal and are therefore summarised below:

- Core Strategy Policy SP1 (Sustainable Development Locations) – sets out the spatial strategy, housing growth targets and settlement hierarchy across Taunton Deane for the plan period up until 2028. Under Policy SP1, Hatch Beauchamp is designated as a village where there is scope for small-scale development within the defined settlement boundary. No specific housing allocations are included for the villages. Development proposals that are affordable-led are permitted outside of the settlement boundary within Core Strategy Policy DM2.
- Core Strategy Policy CP6 (Transport and Accessibility) – requires new development to reduce the need to travel, improve accessibility and mitigate adapt to climate change.

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- Core Strategy Policy DM2 (Development in the Countryside) – provides support for affordable housing schemes in the open countryside.
  - Core Strategy Policy DM4 (Design) – encourages the use of design SPDs, masterplans and design codes.
  - SADMP Policy D7 (Design Quality) – includes design requirements to achieve high standards of design and sense of place within new developments.

3.4.2 Claimed conflicts with the Taunton Deane Affordable Housing SPD and NPPF are also cited within the reasons for refusal and these provisions are set out in more detail above and below.

### **3.5 Material Planning Considerations**

3.5.1 The following are material planning considerations for the purposes of determining the application and this appeal:

#### **National Planning Policy Framework (NPPF)**

3.5.2 With the Government agenda of significantly boosting the supply of housing, there are many parts of the NPPF concerned with housing delivery. However, for the purposes of the grounds of appeal, we would draw attention to the following most relevant paragraphs:

- Paragraph 11: requires planning permission to be granted without delay where proposals accord with the adopted Development Plan
- Paragraphs 77-78: provides support for rural exception sites and to consider whether allowing some market housing to bring such sites forward.
- Paragraphs 124 – 130: sets out the approach to be taken to achieve high quality design within new developments.
- Paragraph 213: requires due weight to be applied to adopted Development Plan policies according to their degree of consistency with the NPPF.

#### **Planning Practice Guidance (PPG)**

3.5.3 The PPG was first published by MHCLG in March 2014 and contains guidance related to all parts of the NPPF which is a material planning consideration for the purposes of determining planning applications.

3.5.4 Of most relevance to the appeal proposals and the reasons for refusal are the following:

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- Design process and tools – encourages the use of pre-application discussions, community engagement, design and access statements and BfL12 assessments to improve understanding of the site and overall design solutions.
  - Housing needs of different groups (rural housing) – recognises the specific issues of rural communities and the affordability gap and states that local authorities can support rural exception sites with landowners and parish councils.

### **National Design Guide**

3.5.5 This was published by MHCLG in October 2019 and seeks to draw together good practice and principles in respect of achieving high quality design within new developments.

3.5.6 It introduces 10 characteristics to be considered within development proposals: context, identity, built form, movement, nature, built form, public spaces, uses, homes and buildings, resources and lifespan.

### **SWT Local Plan 2040**

3.5.7 In January 2020, SWT published its Local Plan 2040 Issues and Options consultation which runs until 16th March 2020. Given that the Local Plan 2040 is in the very early stages of preparation and that no consultation feedback is available, it is suggested that no weight is given to the consultation document for the purposes of determining this appeal.

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## 4.0 Planning Analysis

### 4.1 Introduction

- 4.1.1 This section summarises the reasons for refusal and provides the appellant's statement of case for allowing the appeal. It is suggested that it is read in conjunction with the SWT Planning Committee Recorded Transcript (to be submitted under separate cover once converted from an audio file) and SWT Committee Report (**Appendix B**) within which officers recommend that planning permission be granted subject to the completion of a Section 106 Agreement and planning conditions.
- 4.1.2 A copy of the SWT Committee Report which includes recommended planning conditions is contained at **Appendix B**. A draft S106 Agreement prepared on behalf of the appellant and a copy will be provided once comments are received from SWT on its contents.

### 4.2 Reason for Refusal 1: Sustainability

- 4.2.1 Reason for refusal 1 as cited within the Decision Notice attached at **Appendix A** as follows:

*"The proposal would result in the provision of 12 dwellings, in open countryside beyond the settlement boundary of Hatch Beauchamp. Hatch Beauchamp is classified as a village within the adopted Taunton Deane Core Strategy development hierarchy. This designation reflects the limited range of services available within the village, its poor public transport connectivity, the inevitable reliance upon the private motor vehicle that would result and its general unsustainability as a location for significant new residential development. As a result, the proposal is contrary to policies SP1 (Sustainable Development Locations) and CP6 (Transport Accessibility) of the adopted Taunton Deane, 2011 – 2028. It is also contrary to the provisions of section 5 ('Delivering a sufficient supply of homes'), particularly the section on 'rural housing' and paragraph 78, of the National Planning Policy Framework, as revised in February 2019."*

#### **Core Strategy Policy SP1**

- 4.2.2 Core Strategy Policy SP1 establishes the overall spatial strategy and settlement hierarchy for the former administrative area of Taunton Deane (now part of SWT). Policy SP1 is relevant to the appeal proposals in so far as it confirms the settlement tier within which the village of Hatch Beauchamp is designated and the scale and location of development that may be acceptable within the settlement. Within this settlement hierarchy, Hatch Beauchamp is a designated "village" where small-scale proposals within the defined settlement boundary will be acceptable.
- 4.2.3 Policy SP1 also states that: "*outside of the settlements identified ... proposals will be treated as being within Open Countryside*". This is important because it confirms that proposals outside of the defined

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settlement boundaries will be assessed against other policies in the Core Strategy that seek to control development in the Open Countryside.

4.2.4 The appeal site is not located within the defined settlement boundary and as such is within the Open Countryside. As a result, the type and nature of development that may be acceptable at the appeal site should not be considered under Policy SP1, but rather against the other Core Strategy policies that control development in Open Countryside, namely Policies CP1, CP8 and DM2 which are discussed in more detail below. This approach accords with the provisions of SADMP Policy SB1 which states:

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

4.2.5 It is also supported by the assessment made by officers within the "determining issues and considerations" contained within the SWT Committee Report where no issues with the principle of development, settlement hierarchy or Policy SP1 were identified.

4.2.6 Given that proposals within Open Countryside are specifically dealt with under other Core Strategy policies, there can be no conflict with Policy SP1 solely on the grounds that development is located outside of the defined settlement boundary. A conflict with Policy SP1 could only potentially exist where proposals would have an unacceptable impact on the settlement hierarchy itself by adversely impacting on the role and function of Hatch Beauchamp as a designated village.

4.2.7 The appeal proposals consist of 12 proposed dwellings overall and are informed by the evidence demonstrated in the HNS and viability assessment in respect of the locally identified affordable housing need and the minimum level of open market cross-subsidy required for delivery.

4.2.8 The proposed 12 dwellings would represent an increase of approximately 4.5% on the existing housing stock at Hatch Beauchamp and it is considered that such a quantum would not have an adverse impact on the role and function of Hatch Beauchamp as a village as set out within Policy SP1.

4.2.9 Indeed, in the context of the limited growth that Hatch Beauchamp has accommodated in recent decades (see Section 2.0) and having regard to the support provided through Core Strategy Policy DM2 rural exception sites, we contend that such a scale of growth as is proposed would have a beneficial effect to sustain the rural community by supporting local services, bridge the evidenced affordability gap, promote rural vitality and boost the supply of both affordable and open market housing at an appropriate level.

4.2.10 To summarise, we consider that there is no identified conflict with the provisions of Policy SP1 and that the delivery of the identified local affordable housing need and minimum open market element will have the overall result of enhancing the existing role and function of Hatch Beauchamp as a rural village in accordance with the aims of NPPF paragraph 78.

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4.2.11 Being located in Open Countryside, the appeal proposals fall to be determined under Core Strategy Policies DM2, CP1 and CP8 which are addressed in turn below.

### **Core Strategy Policy DM2 and Affordable Housing SPD**

4.2.12 Policy DM2 lists a number of uses within the Open Countryside for which support is provided and this includes affordable housing to deliver upon an identified local affordable housing need. The principle of such an approach is supported through NPPF paragraphs 77 and 78 and PPG paragraph 009 (Reference ID: 67-009-20190722) which requires local authorities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and, in doing so consider whether allowing some market housing on these sites would help to facilitate this.

4.2.13 In particular, Policy DM2 supports "*affordable housing in locations well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre*".

4.2.14 The proposed development has been fully developed to seek maximum delivery of the identified affordable housing need for Hatch Beauchamp as concluded by the recent HNS. A minimum level of open market units required to deliver the identified affordable need has been evidenced through a viability assessment submitted by the appellant and subsequently independently reviewed and agreed on behalf of SWT.

4.2.15 The appeal proposals will provide an opportunity for Hatch Beauchamp to grow and thrive by supporting use of local services and providing appropriate accommodation for those with a local connection through delivery of an identified local housing need where suitable accommodation demonstrably does not already exist.

4.2.16 It is considered that the appeal proposals are fully compliant with the provisions of Policy DM2 in this respect, meeting an evidenced identified need for Hatch Beauchamp and the criteria to be considered as a rural exception site. This case has been fully justified within the Affordable Housing Statement and HNS submitted with the application and appeal. As stated with the SWT Committee Report, officers are in agreement that the proposals represent a rural exception site for the purposes of Policy DM2 and the Affordable Housing SPD.

4.2.17 Even if the appeal proposals were not considered to meet the criteria set out within Policy DM2, uses that are not listed within this policy are not, as a result, prohibited in the Open Countryside by the Core Strategy framework. This principle has been established through appeal decision APP/D3315/W/17/3179264 Land West of Bagley Road, Wellington (paragraphs 15-17) a copy of which is contained at **Appendix C** where the Inspector concluded that Policy DM2:

*"does not state that other types of development will be refused. As agreed by the Council the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict. Other uses should be determined against Policy CP8, which deals with all development"*.

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### **Core Strategy Policy CP1**

4.2.18 Policy CP1 requires all development proposals to result in a sustainable environment by demonstrating that climate change has been addressed. Within the SWT Committee Report, Policy CP1 is identified as a policy for consideration in terms of assessing the sustainability and principle of development. SWT officers conclude that the development meets the definition of a rural exception site and that the principle is accepted in line with all relevant policies including Policy CP1.

4.2.19 No conflict with Policy CP1 has been identified within the Decision Notice or included within discussions and motions occurring at the SWT Committee meeting when the application was considered and resolved by Members (a recording of this meeting has been submitted with this appeal).

### **Core Strategy Policy CP8**

4.2.20 Policy CP8 requires that the following criteria are met:

- be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites); and
- be appropriate in terms of scale, siting and design; and
- protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and
- protect, conserve or enhance the interests of natural and historic assets; and
- not exacerbate, and where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water); and
- protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area; and
- provide for any necessary mitigation measures.

4.2.21 The appeal proposals comply fully within the criteria set out within Policy CP8. There are no international biodiversity designations or historic assets affecting the site. Biodiversity and flood risk have been fully assessed and mitigated within the Ecological Appraisal and Flood Risk Assessment and Drainage Strategy submitted with the application. The appeal proposals are appropriate to the surrounding settlement in terms of scale, siting and design and these aspects are discussed in further detail under refusal reason 2. The appeal site is not designated as a green wedge and the proposals would have the effect of rounding off the settlement, being surrounded by existing residential development on two sides. There are no issues with coalescence of settlements.

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4.2.22 There are no statutory consultee consultation objections or reasons for refusal that indicate a conflict with Policy CP8, which is in turn considered within the Committee Report and no issues raised. Mitigation measures in respect of drainage, landscaping, transport and access, public open space, odour and all other material considerations can be secured via planning obligation or planning condition as agreed by officers within the Committee Report.

### **NPPF**

4.2.23 Reason for refusal 1 also cites conflict with Section 5 of the NPPF and specifically the approach for rural housing contained within paragraphs 77 and 78. We contend that it is the appeal proposals' primary intention is to respond to a local affordable housing need through the promotion of a rural exception site. Under the provisions of NPPF paragraph 77, this approach should be supported (our emphasis).

4.2.24 Taking the above into account, it must therefore be concluded that to refuse planning permission would actually be contrary to the NPPF paragraphs 77 and 78. There is also a case to demonstrate that the application has been determined contrary to NPPF paragraph 11 because the appeal proposals are fully in compliance with the adopted Development Plan as discussed above.

### **Summary**

4.2.25 In summary, we consider that there has been a fundamental misinterpretation of the provisions of the adopted Development Plan and the NPPF by SWT in refusing planning permission. The application of Policies SP1 and CP6 by SWT to determine the sustainability and suitability of the principle of development is incorrect and has led to a conclusion that runs contrary to the Core Strategy when read as a whole. The Core Strategy offers specific support for rural exception sites where the criteria of Policy DM2 and the SPD are met. Reason for refusal 1 goes against these key sustainability principles that are already adopted through the plan making process.

4.2.26 Alongside the adopted Development Plan, the NPPF supports the provision for the delivery of rural exception sites outside of the defined settlement boundaries where an identified affordable need exists. Indeed, in doing so it is clear that such sites form an intrinsic part of the appropriate delivery of the housing strategy for rural areas and bridging the affordability gap across the country.

4.2.27 The principle of a rural exception site that is adjacent and well related to the settlement boundary for Hatch Beauchamp, a location where a local affordable housing need has been robustly evidenced, should therefore be supported in accordance with NPPF paragraphs 77 and 78, Core Strategy Policy DM2 and the Affordable Housing SPD. There are no conflicts with other policies relevant to establishing the principle of development as set out above, and on this basis the appeal proposals are made entirely in accordance with the Development Plan and should be granted without delay.

4.2.28 The provision of an additional 12 dwellings in this location is not anticipated to give rise to significant levels of pollution or congestion through the use of private vehicles. This conclusion is ratified by the site-

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specific Access Note submitted with the application, the statutory consultation response received by Somerset County Council as Highway Authority and the recommendations put forward by SWT officers in the Committee Report. The appeal proposals are therefore considered to be in full accordance with the provisions of Policy CP6.

- 4.2.29 With the above principle of development accepted, it is clear that the location of the appeal proposals adjacent to defined settlement boundary of Hatch Beauchamp, within waking distance of local facilities, is fundamentally sustainable. Alternative options locating the proposed development within a settlement higher up the settlement hierarchy would not be appropriate. To do so would not achieve the intrinsic objective to provide affordable homes for those with a local connection to the village, including employment and dependents, and bridge the rural affordability gap recognised by national and local planning policy.

### **4.3 Reason for Refusal 2: Open Market Housing Provision and Scale of Proposed Development**

#### **Background**

- 4.3.1 Reason for refusal 2 claims that the level of proposed open market dwellings required to cross subsidise the delivery of affordable units is excessive and contrary to the provisions of Core Strategy Policy DM2, the Affordable Housing SPD and NPPF paragraph 77.
- 4.3.2 This reason for refusal was not, at any point, specifically discussed by SWT Members during the Committee meeting where the application was resolved for refusal (a recording has been submitted with this appeal). The matter was first raised within the motion put forward by the Chair and as a result, no opportunity was given (or indeed taken) by SWT officers to address this ground for refusal in light of relevant planning policies or evidence submitted with the application.
- 4.3.3 We consider that this reason for refusal is not in any way evidence based, whereas the case put forward by the appellant and the recommendation concluded by officers has followed the approach set out within the Affordable Housing SPD for rural exception sites. Viability evidence had been submitted by the appellant and subsequently independently reviewed and verified within the Viability Assessment Report for SWT which concludes on page 10 that: "*proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need*".

#### **Policy Requirements**

- 4.3.4 Policy DM2 does not contain a requirement for the open market element to be "small-scale" and indeed does not specify a percentage or scale for cross subsidy.
- 4.3.5 Policy DM2 paragraph 6.15 does include the following supporting text in respect of rural exception sites:

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*"The principle of rural 'exceptions' for new build small affordable housing only proposals outside of identified settlement limits for identified local need remains, although development is likely to be very limited as proposals will remain targeted to locations within rural centres."*

- 4.3.6 The Affordable Housing SPD states at page 6 that rural exception sites should be "small-scale" and that "a small proportion of open market cross subsidy housing" may be required to facilitate affordable housing delivery to be demonstrated through viability information contained in a detailed statement.
- 4.3.7 Neither "small-scale" nor "small proportion" is further defined by the SPD. Such requirements do not appear in Policy DM2 itself and seek to extend the provisions of this policy rather than provide additional explanation and application which is the intended role of an SPD. There is no requirement within NPPF paragraphs 77 and 78 for rural exception sites to be small-scale or for the open market element to be limited, except to that required to deliver upon the identified affordable need.
- 4.3.8 Regard must be had to the significant lapse in time between the adoption of the Core Strategy in 2012 and the tests contained in the NPPF paragraph 213 in respect of the weighting to be applied to its policy approach for rural exception sites under Policy DM2. We consider that the references to "small-scale" and "limited" are inconsistent with the NPPF approach to rural sustainability and that limited weight should therefore be applied to these specific aspects of Policy DM2 and the SPD.

#### **Compliance with Policy Requirements**

- 4.3.9 Even where full weight is applied to Policy DM2 and the Affordable Housing SPD, the minimum open market element required to be able to deliver upon the identified affordable housing need is 6no. units. This is evidenced through site-specific viability assessment which has in turn been independently assessed by a suitably qualified expert. It is upon this objective and robust basis that SWT officers agree within the Committee Report that the provisions of Policy DM2 and the Affordable Housing SPD have been met in full by the appeal proposals.
- 4.3.10 We contend that 6no. open market dwellings is a small proportion in terms of the overall number of houses proposed. It is worthwhile noting that 6 units is well below the recognised threshold of 10 or more dwellings for "major" development and represents an increase in the current housing stock for Hatch Beauchamp of 2.25% based on Census 2011 data.
- 4.3.11 A similar evidence-based approach to that carried out for the application was taken during the determination of another rural exception site also within the jurisdiction of SWT under application 36/18/0048. This application sought full planning permission for 34 dwellings (14 affordable, 20 open market) at Willey Road, Stoke St Gregory which is likewise designated as a village within Core Strategy Policy SP1 and has a similar level of services to Hatch Beauchamp. In this case, site specific viability assessment was submitted and independently reviewed, and the higher level of open market accepted. Officer's recommendation for approval of this level of open market provision in compliance with Core

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Strategy Policy DM2 and the Affordable Housing SPD was unanimously carried through SWT Planning Committee in April 2019 with planning permission granted in October 2019. The affordable units are currently under construction by the appellant and a copy of the SWT Committee Report and Decision Notice is contained at **Appendix D**.

- 4.3.12 Taking the above into account, the decision to refuse this application on the grounds that the open market provision is excessive is wholly contrary to the objective evidence submitted with the application and assessed by SWT officers and experts. It is also in contrast to previous decisions taken by SWT in respect of rural exception site outside of the defined settlement boundaries of a village where an identified affordable housing need has been demonstrated. This significant inconsistency suggests a lack of correct policy interpretation in this specific circumstance where a decision of refusal has been concluded against the robust and objective evidence submitted and the fact that the appeal proposals are fully in compliance with the adopted Development Plan.

### **Overall Scale of Development**

- 4.3.13 Turning to the scale of the proposed development as a whole, according to Census 2011 data, there is a usual resident population in Hatch Beauchamp parish of 620 people within an overall 265 dwellings. An increase of 12no. dwellings of approximately 4.5% above existing levels. In terms of the overall planned housing growth for Taunton Deane at least 17,000 dwellings over the plan period for the Core Strategy up to 2028, this represents 0.07%.
- 4.3.14 On perhaps a more pragmatic level, 12no. additional dwellings should be considered as an appropriate scale of development to complement the role and function of Hatch Beauchamp as a rural village with good transport access and range of facilities (as described at Section 2.0). Such a scale would ensure that positive benefits are maximised in terms of supporting local services, populations and rural vitality alongside the delivery of an identified affordable housing need. It would not be of a scale that would prejudice the existing role and function of the settlement of Hatch Beauchamp.

## **4.4 Reason for Refusal 3: Design**

- 4.4.1 Refusal reason 3 states as follows:

*"The design and layout of the proposed development is considered to be poor and does not relate well to the existing settlement pattern. It would not produce development of the highest standard and as such would be contrary to Policy DM4 (Design) of the adopted Core Strategy, Policy D7 (Design Quality) of the Site Allocations and Development Management Plan adopted in December 2016 and Paragraphs 124 - 131 of the National Planning Policy Framework."*

- 4.4.2 Core Strategy Policy DM4 supports the use of design codes, masterplans and SPDs and contains general criteria to promote inclusive design within its supporting text. The principle adopted design policy is

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contained within the SADMP at Policy D7 which requires new housing to create a high standard of design quality and sense of place by:

- Creating places with locally inspired or otherwise distinctive characteristics and materials;
- Reflecting the site and its context, including existing topography, landscape features and the historic environment;
- Integrating into their surroundings through the reinforcement of existing connections and the creation of new ones, and creating legible, connected street networks; and
- Ensuring that buildings define and enhance the streets and spaces, and that buildings turn street corners well.

4.4.3 Similar principles are also enshrined within the Building for Life 12 (BfL12) assessment process and recently published National Design Guide.

4.4.4 Throughout the determination of the application, discussions took place between the appellant and SWT officers to improve the design and local distinctiveness of the proposals. This process is documented within the Committee Report and a BfL12 assessment contained at **Appendix E**.

4.4.5 Within the BfL12 assessment, all aspects are scored green with the exception of public transport (criteria 3) which is coded red. This is because there is currently no bus service running for Hatch Beauchamp, the existing service was recently ceased. The appeal proposals represent a rural exception site which seeks to deliver upon an identified affordable housing need for those with a specific local connection to Hatch Beauchamp. Taking this into account, it would not be possible, and indeed potentially unsustainable, to locate occupiers away from the area where their local connection prevails, particularly where this connection is related to employment or dependent care arrangements.

4.4.6 Given the scale of the proposals and that some identified in affordable housing need already live in the village, increased unsustainable travel patterns would not be significant in the context of the existing settlement and wider rural area.

4.4.7 In addition, the appeal proposals are not of a scale that could viably deliver settlement wide sustainable transport improvements. Site wide sustainable transport measures such as electric charging points and/or a travel plan (to potentially include funding for a car-share scheme) could be secured via planning condition and/or obligation.

4.4.8 In terms of providing a locally distinctive scheme, the focus has been on maintaining the green boundaries of the site and its approach along Station Road and providing attractive homes that will complement the existing wide variety of building forms and types within this part of Hatch Beauchamp. The housing mix has been developed through the conclusions of the HNS which identifies the affordable

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housing need and includes a high proportion of bungalows (8no. in total) and a range of 1-3 bed properties to cater for a variety of occupants including those who may have low levels of mobility.

- 4.4.9 Energy efficiency measures including permeable paving, air source heat pumps, photovoltaics and cycle storage, as set out within the Carbon Reduction Statement contained in the Design and Access Statement submitted with the application are anticipated to be secured through a suitably worded planning condition.
- 4.4.10 Overall, it is considered that the appeal proposals comply with the requirements of Core Strategy Policy DM4 and SADMP Policy D7 and this is demonstrated through the Design and Access Statement, BFL12 assessment and conclusions of the Committee Report.

## 4.5 Planning Balance

- 4.5.1 It is considered that the appeal proposals accord in full with the adopted Development Plan and all material planning considerations for the reasons contained above. This conclusion is agreed by SWT officers and was reported as such within the Committee Report contained at **Appendix B**. On this basis it is considered that planning permission should be granted without delay as required within NPPF paragraph 11.
- 4.5.2 However, even if it is found that there is conflict with relevant policies or considerations, NPPF paragraph 12 makes provision for local authorities to approve applications which depart from the adopted Development Plan policies, where material considerations in a particular case indicate that the plan should not be followed.
- 4.5.3 Where such a conflict arises, the degree of harm must be balanced against the benefits of the proposals and their compliance with the Development Plan as a whole. Where unacceptable harm is identified, the planning balance must be applied to ascertain if there are any material considerations or factors which may outweigh or override such adverse impacts. As the officer recommendation was overturned by the Planning Committee, it is not clear how the adverse impacts have been quantified, or the planning balance applied.
- 4.5.4 As a rural exception site, the principal planning benefits of the appeal proposals lie in the delivery of almost all of the identified local affordable housing need for Hatch Beauchamp. Such a need is unlikely to be able to be realised through smaller sites which fall under the threshold to require an affordable element. In addition, given the conclusions of the site-specific viability assessment submitted with the application, sites with 100% or greater than 50% affordable housing delivery are unlikely to be financially viable. The delivery of 6no. affordable housing units reflecting the recommended tenure and mix of the HNS should therefore be afforded significant positive weight in the overall planning balance.
- 4.5.5 The following additional planning benefits will also be achieved through the grant of planning permission:

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- Short term economic benefits from construction activity.
  - 12no. affordable and open market homes would support local services and facilities and contribute to the overall vitality and long-term sustainability of the village.
  - Approximately £217,750 in Community Infrastructure Levy receipts of which approximately £32,500 would be directly passed to Hatch Beauchamp Parish Council to fund local infrastructure.
  - Off-site financial contributions towards open space and play improvements of approximately £33,000.
  - Ecological and drainage benefits through the provision of an attenuation pond, increased planting and measures set out within the Ecological Appraisal.

4.5.6 The reasons for refusal primarily relate to the potential adverse impact on the spatial strategy, settlement hierarchy and role and function of the village of Hatch Beauchamp.

4.5.7 We contend that the appeal proposals are supported through the Development Plan policies, with rural exception sites recognised as an intrinsic element of housing delivery needed within rural areas and that the scale of development is appropriate and fully evidenced. Any perceived harm as a result of the location and scale of the appeal proposals could only be concluded to be limited at a very conservative level. Such limited harm would be substantially outweighed by the significant benefits of the appeal proposals as listed above as to determine that, on balance planning permission should be granted.

4.5.8 Likewise, the design of the proposed development has been the subject of ongoing discussions and amendment with SWT officers such that compliance with all adopted policies and a positive recommendation in favour of the grant of planning permission has been accepted by SWT officers. This process, and the appeal proposals compliance with policies and material considerations is justified and demonstrated within this appeal statement, the BfL12 assessment and the Design and Access Statement submitted with the application. Any limited harm due to perceived conflict with adopted planning policies or material considerations in respect of design would be substantially outweighed by the planning benefits of the appeal proposals.

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## 5.0 Summary and Conclusions

### 5.1 Summary

- 5.1.1 This appeal statement has been prepared by WYG on behalf of the appellant, West of England Developments Ltd. in connection with a planning appeal application against the decision of SWT to refuse full planning permission for the erection of 12no. dwellings with associated access, landscaping and drainage works.
- 5.1.2 The application was determined at SWT Planning Committee on 5th December 2019 contrary to SWT officer's recommendation for approval subject to completion of a Section 106 Agreement and planning conditions. Three refusal reasons are cited within the subsequent Decision Notice issued on 10th December 2019 and included at **Appendix A**.
- 5.1.3 The reasons for refusal relate to:
- Development in the countryside contrary to Core Strategy Policies SP1 and CP6 and the NPPF (paragraphs 77-78);
  - Excessive levels of open market dwellings contrary to Core Strategy Policy DM2, the Affordable Housing SPD and NPPF (paragraph 77); and
  - Poor quality design contrary to Core Strategy Policy DM4, SADMP Policy D7 and the NPPF (paragraphs 124-130).
- 5.1.4 The appellant contends that the appeal proposals are submitted in full compliance with the Development Plan and all relevant material considerations, that the refusal should be overturned and that this appeal be allowed.

### 5.2 Conclusions

- 5.2.1 The appeal proposals represent a rural exception site, the principle of which is fully supported by the NPPF (paragraphs 77 and 78) and the adopted Development Plan, specifically Core Strategy Policy DM2. The sustainability and suitability of locations where such rural exception sites may be appropriate is enshrined within the adopted Core Strategy (and specifically Policies CP1, CP8 and DM2 and the Affordable Housing SPD). The appeal proposals meet these adopted criteria and are accepted by SWT officers as a rural exception site.
- 5.2.2 The affordable housing offer reflects the findings of the HNS carried out by an experienced and registered housing provider in 2019. The overall approach to site selection and policy justification has been presented in the Affordable Housing Statement submitted with the application.

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- 5.2.3 The open market element has been fully justified and tested through viability assessment which has in turn been independently reviewed, verified and accepted by SWT officers.
- 5.2.4 The scale of the overall appeal proposals represents approximately 4.5% of the existing housing stock within Hatch Beauchamp and is of a level that would help to support the variety of local services already found within the village and enhance vitality as encouraged by NPPF paragraph 78 and Core Strategy Policy DM2.
- 5.2.5 This scale of development cannot be considered to be significant or to result in adverse impacts on the character, role or function of Hatch Beauchamp which is identified as a sustainable village under Core Strategy Policy SP1. The appeal site is well connected by foot to all local amenities offered within the local centre of Hatch Beauchamp village.
- 5.2.6 The overall design of the proposed development has been the subject of ongoing discussions and amendment with SWT officers such that compliance with all adopted policies and a positive recommendation in favour of the grant of planning permission has been accepted by SWT officers. This process, and the appeal proposals compliance with policies and material considerations is justified and demonstrated within this appeal statement, the BfL12 assessment and the Design and Access Statement submitted with the application.
- 5.2.7 There are no other relevant material planning considerations or outstanding consultee objections which would indicate harm in conflict with planning policies and considerations. On this basis, the appeal proposals comply in full with the adopted Development Plan and in accordance with NPPF paragraph 11 should be granted permission without delay.
- 5.2.8 Where any harm related to the reasons for refusal can be identified, this is substantially outweighed by the significant benefits of the appeal proposals which includes maximum delivery of an identified local affordable housing need, provision of open market housing, significant planning gain through CIL and off-site contributions and ecological and drainage opportunities.

### **5.3 Proposed S106 Obligations and Planning Conditions**

- 5.3.1 The Committee Report included at **Appendix B** contains planning conditions recommended by SWT officers and we are content that these be included within any planning permission granted.
- 5.3.2 A draft S106 Agreement in line with the heads of terms contained within the Committee Report has been drafted and submitted to SWT for comment. Once this has been agreed a copy will be submitted in connection with the appeal.

# Appendix A

Decision Notice for 19/19/0009

**Planning**

Somerset West and Taunton, PO Box 866, Taunton TA1 9GS

Web: [www.somersetwestandtaunton.gov.uk/planning](http://www.somersetwestandtaunton.gov.uk/planning)

Email: [planning@somersetwestandtaunton.gov.uk](mailto:planning@somersetwestandtaunton.gov.uk)

Tel: 0300 304 8000

Line opening hours 8:00 am to 6:00 pm Monday to Friday

Our Ref: **19/19/0009** *(please quote on all correspondence)*

10 December 2019

MR C WORDEN  
REED HOLLAND ASSOCIATES LTD  
SOMERSET HOUSE  
LOWER MIDDLE STREET  
TAUNTON  
SOMERSET  
TA1 1SF

Dear Mr Worden

**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)**

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

Application Type: Full Planning Permission

Grid Reference: 33050.120182

Please find enclosed the decision notice for your planning application **19/19/0009**.

It is very important that you carefully read the entire notice including the notes, and that you do not carry out any works relating to this application as you may render yourself liable to prosecution if you do.

**Site Notice**

The Local Planning Authority may have erected a Site Notice on or near the application site to advertise this development proposal. Could you please ensure that any remaining notice in respect of this decision is removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Yours sincerely

*Rebecca Miller*

Ms R Miller

Principal Planning Specialist

**Planning**

Somerset West and Taunton, PO Box 866, Taunton TA1 9GS

Web: [www.somersetwestandtaunton.gov.uk/planning](http://www.somersetwestandtaunton.gov.uk/planning)

Email: [planning@somersetwestandtaunton.gov.uk](mailto:planning@somersetwestandtaunton.gov.uk)

Tel: 0300 304 8000

Line opening hours 8:00 am to 6:00 pm Monday to Friday

MR C WORDEN  
REED HOLLAND ASSOCIATES LTD  
SOMERSET HOUSE  
LOWER MIDDLE STREET  
TAUNTON  
SOMERSET  
TA1 1SF

**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)**

**Application No: 19/19/0009**  
**Proposal: Erection of 12 No. dwellings with associated works at field located to the west of Station Road and south of Home Orchard, Hatch Beauchamp**

Application Type: Full Planning Permission  
Grid Reference: 33050.120182

Somerset West and Taunton under the above Act hereby REFUSE PERMISSION for the above development for the following reason(s):

1. The proposal would result in the provision of 12 dwellings, in open countryside beyond the settlement boundary of Hatch Beachamp. Hatch Beachamp is classified as a village within the adopted Taunton Deane Core Strategy development hierarchy. This designation reflects the limited range of services available within the village, its poor public transport connectivity, the inevitable reliance upon the private motor vehicle that would result and its general unsustainability as a location for significant new residential development. As a result, the proposal is contrary to policies SP1 (Sustainable Development Locations) and CP6 (Transport Accessibility) of the adopted Taunton Deane, 2011 – 2028. It is also contrary to the provisions of section 5 ('Delivering a sufficient supply of homes'), particularly the section on 'rural housing' and paragraph 78, of the National Planning Policy Framework, as revised in February 2019.
2. The level of open market housing required to cross subsidise the delivery of the 6 affordable dwellings on this rural exception site is considered to be excessive and contrary to Core Strategy Policy DM2; the provisions of the Affordable Housing Supplementary Planning Document (Section 1.10 Exception sites) and para. 77 of the National Planning Policy Framework. It would result in the provision of 6 open market dwellings, in addition to the 6 affordable dwellings, in open countryside beyond the settlement boundary of Hatch Beachamp. Hatch Beachamp is classified as a village within the adopted Taunton Deane Core Strategy development hierarchy. This designation reflects the limited range of services available within the village, its poor public transport connectivity and

general unsustainability as a location for significant new residential development.

3. The design and layout of the proposed development is considered to be poor, and does not relate well to the existing settlement pattern. It would not produce development of the highest standard and as such would be contrary to Policy DM4 (Design) of the adopted Core Strategy, Policy D7 (Design Quality) of the Site Allocations and Development Management Plan adopted in December 2016 and Paragraphs 124 - 131 of the National Planning Policy Framework.

## **NOTES TO APPLICANT**

1. This decision is based upon the following plans:- 17.98.01; 17.98.02; 17.98.03B; 17.98.04A; 17.98.05A; 17.98.06A; 17.98.07; 17.98.08; 17.98.09A; 17.98.10A; 17.98.11A; 17.98.12A; 17.98.13A; 17.98.14A; 17.98.15A; 17.98.16.A 17.98.17A; 17.98.18 17.98.19; 17.98.20; 17.98.21; 19059-SPA02; 19059-SPA03; 3105.001.1A; 3105.001.2A; 3105.03B & 2354-500-D.



**REBECCA MILLER, PRINCIPAL PLANNING SPECIALIST**

Date: 10 December 2019

N.B. Notes of the applicant's rights are overleaf.

# TOWN AND COUNTRY PLANNING ACT 1990

## **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.\*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.\*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

\* delete where inappropriate

# Appendix B

SWT Committee Report for 19/19/0009

19/19/0009

WEST OF ENGLAND DEVELOPMENTS (S (TAUNTON) No2 Ltd

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

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

Grid Reference: 33050.120182

Full Planning Permission

**Recommendation****Recommended decision: Conditional Approval**

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

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

**Recommended Conditions (if applicable)**

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

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

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

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

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

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

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

These details shall include: -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The construction management plan shall include

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. The Developer will be held responsible for any damage caused to public highways by construction traffic proceeding to or from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs will be taken by the Developer representative in the presence of the SCC representative showing the condition of the existing public highway adjacent to the site, and a schedule of defects agreed prior to works commencing on site.

#### Notes to Applicant

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

## Proposal

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

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

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

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

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

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

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

## **Site Description**

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

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

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

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

## **Relevant Planning History**

The site has no relevant history

## **Consultation Responses**

*HATCH BEAUCHAMP PARISH COUNCIL -*

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

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

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

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

#### *HOUSING ENABLING -*

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

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

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

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

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

*BIODIVERSITY ADVICE -* No comments received

#### *DRAINAGE ENGINEER -*

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

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

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

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

**SCC - RIGHTS OF WAY -**

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

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

Background

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

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

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

Parking & Vehicle Movements

Parking

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

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

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

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

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

### Vehicle Movements

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

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

### Estate Roads

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

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

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

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

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

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

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

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

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

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

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

If there are areas which the Developer would like to put forward for adoption this will need to be discussed at the technical detail stage and no presumption should be made that all areas would be adopted. If the Local Planning Authority should grant approval, the estate layout is not quite suitable for adoption in its current form. If there are areas that are to remain private we would require details of future maintenance arrangements.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).

#### Safety and technical audits

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

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

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

#### Drainage audit.

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

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

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

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

### CONCLUSION

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

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

### WESSEX WATER - (Original comments)

#### Proximity Issues Hatch Beauchamp sewage treatment works

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

#### Foul Water

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

#### Surface Water

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

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

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

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

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

*TREE OFFICER -*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hence a revised layout and house types are requested.

#### Comments on amende plans dated 04/11/2019

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

#### *SOUTH WEST HERITAGE TRUST -*

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

## **Representations Received**

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

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

#### The reasons for support can be summarised as follows:-

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

- Supports considerate design

More affordable houses are required to keep the village alive

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

#### Comments on the application

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

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

#### The reasons for objection can be summarised as follows:-

- The site is outside the settlement boundary

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

settlement boundary which may well come up for development

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

### **Representations on amended plans**

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

The reasons for support can be summarised as follows:-

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

Comments on the application

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

The reasons for objection can be summarised as follows:-

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

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

### Core Strategy,

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

### Site Allocations & Development Management Plan (SADMP) -

- Policy A1 Parking Requirements (Appendix E)

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

Affordable Housing SPD (adopted 2014)

CP8 - Environment,

## Local finance considerations

### Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 1300sqm.

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

### New Homes Bonus

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

#### *1 Year Payment*

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

#### *6 Year Payment*

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

## Determining issues and considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Drainage and odour constraints

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

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

*'Adequate foul drainage /sewage treatment facilities and surface water disposal shall be provided for all new development. Separate systems of drainage with points of connection to the public sewer system or outfalls will be required. Surface water shall be disposed of by Sustainable Urban Drainage Systems (SUDS) unless it is demonstrated that it is not feasible.'*

The proposed development would link to the existing foul sewer system which Wessex Water have confirmed is available for connection. It is proposed to minimise surface water run off through the use of permeable surfaces and to deal with the remaining exceedence with an attenuation pond which will discharge into a ditch. The Drainage Engineer is satisfied that the arrangement would, subject to a condition, be able to cope with the surface water run off and not exacerbate existing flooding issues at the corner of Grey Lodge / Stewley Road.

The irregular shape of the site reflects the 'odour' contours delimiting the 'developable' part of the site, where odour levels are considered to be within acceptable tolerances. The applicants have submitted an odour constraints document with their application, which in its revised form, has satisfied Wessex Water. On this basis no objection to the proposal is made in relation to the proximity of the development to Wessex Water sewerage works.

#### The adequacy of the proposed living environment

The proposal would provide a mix of different house types, sizes and tenures, as required by Core Strategy Policy CP4, Housing, with the affordable housing element providing a mix of social rent and shared ownership. The larger detached bungalows (Plots 5 & 6 and 9-12) are the market housing, with the smaller semi detached bungalows and houses (Plots 1-4 and 7 & 8) the affordable housing. This reflects locally evidenced need.

Irrespective of tenure, all house types exceed the minimum internal floor space standards set out in SADMP Policy D10, Dwelling Sizes, and can be considered, in their amended form, to satisfy the requirements of SADMP Policy D12, Amenity Space. Plans show that they would provide private gardens of adequate size and proportions. The proposal would provide a good residential environment for future residents.

#### The design and appearance of the proposed development

Core Strategy Policy DM4, Design and SADMP Policy D7, Design Quality both require new development to provide a high standards of design. NPPF Section 12,

Achieving Well Designed Places, seeks (para. 127) development that is:-  
*'sympathetic to local character and history, including surrounding built environment and landscape setting'*, and (Para. 130) *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.'*

The changes made during the course of consideration of the application have improved the overall design and appearance of the proposal to a point where, on balance, it can be considered to be satisfactory and recommended for approval. The reorientation of plots 6, 7 and 8 means that the proposed development better relates to the existing village, particularly Neroche View on the opposite side of Station Road. The shared surface is more appropriate for a rural village location than the heavily engineered road and pavement arrangement originally proposed and the reduction in the overall number of car parking spaces means that the development will not be dominated by car parking. It is still considered to be a somewhat dull suburban format where opportunities to follow traditional edge of village development patterns - perhaps by reducing the overall number of dwellings, or even reinterpreting the post war pattern of Neroche View, houses arranged around a communal green space with small retirement bungalows, - has not been taken.

#### Impact on the highway network and adequacy of parking provision and connectivity

Core Strategy Policy DM1, general requirements, specifies criteria that new development proposals must satisfy. Point (g) relates to the impact of the development upon the highway network. It states:-

*'b. Additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental segregation by fumes, noise, vibrations or visual impact.'*

Pursuant to satisfying this requirement, the applicants have submitted an Access Technical Note that demonstrates that the local highway network, primarily Station Road, is capable of safely accommodating the likely additional traffic movements associated with the development. SCC Highways, the highways authority, are satisfied that the local road network is capable of accommodating the additional likely traffic movements and have not raised objection to the proposal.

Since submission the total number of parking spaces proposed, including garage spaces, has been reduced, at the request of the Local Planning Authority, from the 44 originally proposed to 33 parking spaces (23 surface spaces and 10 in garages). This complies with the maximum level of provision as allowed under Council policy.

Policy A1, Parking Standards, of the Site Allocations Development Management Plan (SADMP) covers the ex Taunton Deane part of the SWT area. It requires that:-  
*'New development will normally be required to make provision for car parking in accordance with the standards in Appendix E.'*

Appendix E set out maximum standards for residential parking in Table 2. It differentiates between urban and rural areas, setting out three locational categories, with the highest provision allowed in the rural areas. Hatch Beauchamp is located in a rural area. In this area Table 2 specifies:-

- 1 bedroom dwelling 1 space*
- 2 bedroom dwelling 2 spaces*
- 3 bedroom dwelling 3 spaces*

The proposal is  
5x2 bed dwellings = 10 spaces  
6x3 bed dwellings = 21 spaces  
+ 0.2 spaces per dwelling for visitors 2.4spaces

Thus the maximum parking that should be provided is 33 spaces, including the provision for people with disabilities. For development of 24 dwellings or fewer, a minimum of 2 parking spaces should be suitable for people with disabilities.

The reduction in the number of car parking spaces, in the amended plan so that it is compliant with policy, is considered to have improved the overall design and appearance of the proposed development. The provision of fewer car spaces will mean that they are less dominant within the streetscene. Whilst the loss of the innermost space in a tandem or tripple arrangement is probably the space most likely to be used for vehicle storage, rather than regular use. Furthermore, excessive parking provision undermines the Council objectives of tackling climate change by promoting a modal shift from private car use to more sustainable forms of transport. As supporting paragraph 1.5.2 of Policy A1 makes clear it is not possible to meet open ended demand for additional parking.

Cycle and motorcycle parking is expressed as a minimum and can be secured by condition.

Core Strategy Policy DM1, general requirements, specifies, point g. that:-  
*'The site will be served by utility services necessary for the development proposed, including high speed broadband connectivity.'*

It is therefore proposed that a condition be appended to any approval requiring this provision to be in place prior to the first occupation of any of the proposed dwellings.

#### Impact on landscape and habitats.

New residential development on a Greenfield sites invariably involves changes to the appearance and wildlife habitats. Core Strategy Policy C8, Environment, seeks the conservation and enhancement of natural and historic environments whilst policies Policy ENV1 Protection of trees, woodland, orchards and hedgerows and Policy ENV2 Tree Planting within new developments of the SADMP is supportive of retaining and adding to trees and hedgerows.

The impact of the proposed development upon the surrounding landscape is considered to be acceptable. On the northern and eastern boundaries the development would abut existing housing, which would also form a backdrop for more distant views of the site. The southern part of the site, which contains the proposed 2 storey houses would be substantially screened from view from the east and south by an established hedge that is to be retained. The site would be visible from the west, including from the public right of way (PROW), but impacts would be limited by the single storey height of the bungalows proposed for the western part of the site and the proposed new tree and hedge screen planting.

With the exception of the poor quality brambles adjacent to the north eastern section of Station Road, it is proposed to retain the existing trees and hedges and plant new ones along the western boundary. Conditions to protect the trees during the construction process and approve the specification of the new tree and hedge

planting are considered appropriate.

The impact on habitat is minimised by the retention of existing hedges and trees and the planting of additional trees and hedges, but it is not possible to change from a rural field / orchard to houses and domestic gardens without any impact on habitats. A balance needs to be struck between the need for new houses and maintenance of wildlife habitats .

#### Impact upon the amenities of neighbouring property

Existing properties that neighbour the site are located in Necroche View , on the opposite side of Station Road and in Home Orchard, again separated from the development by a road. Residents currently enjoy an open countryside aspect and informally use the Station Road verge adjacent to the site for overspill car parking. The proposal would interrupt views of the countryside from adjoining houses, and disrupt informal overspill parking, but neither of these impacts would justify withholding planning permission. It has been long established in planning law that an individual does not have a right to a view.

#### Miscellaneous

The public right of way is located outside the site, on the opposite side of the mature boundary hedge to the south. It runs from Grey Lodge westwards before turning northwards through the field located between the sewage works and the site. The proposed development is shown in the north east corner of the site adjacent to Station Road and Home Orchard. It is very unlikely that the development, or its construction would interfere with the footpath.

A condition restricting hours of work and management of the construction site is considered necessary to minimise the impact of the construction work upon the lives of local residents and is recommended.

In accordance with Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings. An off-site children's play contribution of £3,328.00 per each 2 bed+ dwelling should be made. The contribution to be index linked and spent on additional play equipment within the parish.

#### Conclusion

Hatch Beauchamp is a village with limited facilities and minimal public transport connections. It nevertheless has an evidenced need for additional affordable housing. This development proposal would satisfy that need. However, approval would also involve accepting the development as 'a rural exception site', located outside the village settlement boundary, and acceptance of six open market bungalows as the cross subsidy necessary to deliver the development.

Since submission amendments to improve the design have been negotiated. These include a reduction in the overall number of parking spaces proposed , so that vehicle parking doesn't dominate the appearance of the development and the proposal is SWT policy compliant. Officers would like to have seen a more comprehensive re-design, but accept that this is the limit to what can be achieved through negotiation and, on balance, consider the proposal, in its amended form, to be acceptable subject to a Section 106 legal agreement and conditions.

## Section 106

- Secure the provision of six (6) affordable dwellings comprising three (3) social rent dwellings and three (3) discounted market dwellings
- A phasing clause is necessary to ensure that the affordable dwellings are delivered ahead of open market dwellings
- An index linked contribution of £3,328.00 per each 2 bed+ dwelling and spent on additional play equipment within the parish.

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

**Contact Officer: Jeremy Guise**

# Appendix C

Appeal Decision for APP/D3315/W/17/3179264 Land West of Bagley Road, Wellington



## Appeal Decision

Inquiry held on 13 - 14 February, 24 April, 17 - 19 July 2018

Site visit made on 18 July 2018

**by Phillip J G Ware BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25<sup>th</sup> September 2018**

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**Appeal Ref: APP/D3315/W/17/3179264**

**Land west of Bagley Road, Rockwell Green, Wellington**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Taunton Deane Borough Council.
  - The application Ref 43/17/0002, dated 23 December 2016, was refused by notice dated 6 April 2017.
  - The development proposed is the erection of up to 205 dwellings and up to 60 bed apartments with care (C2), with public open space, landscaping, a sustainable drainage system and vehicular access points from Exeter Road.
- 

### Procedural matters

1. The application was in outline with all matters reserved aside from the principle of the development and the access. I have dealt with the appeal accordingly.
2. The Inquiry was adjourned on two occasions, both times after hearing a limited amount of evidence. On the first occasion this was due to the introduction of a substantial new argument at the beginning of the Inquiry, which necessitated the production of new evidence. On the second occasion it was due to the illness of a witness and the impossibility of finding a replacement at short notice.
3. The application was refused by the Council for four reasons. Before the Inquiry three of these reasons were addressed to the Council's satisfaction either by additional evidence or by the production of a Planning Obligation, and the Council withdrew these reasons for refusal. These related to highways matters, protected species, and the provision of affordable housing (along with play facilities and a Travel Plan).
4. With that background, only one reason for refusal remained at the start of the Inquiry – related to the location of the site outside the defined settlement limits of Wellington and Rockwell Green and the resultant consequences for sustainability and accessibility, including the access to primary education. As the Inquiry progressed witnesses for both main parties were changed for various perfectly proper reasons, and the Council's planning witness who appeared at the inquiry accepted that the Council's position on policy conflict could not be sustained.

5. The Council's position, after the evidence and examination of its witnesses, was set out in the Closing Submissions<sup>1</sup>. This was that the appeal scheme did not conflict with the development plan, specifically policies CP8 and DM2 of the Core Strategy 2011-2028 (2012) (CS) and policy A5 of the Sites Allocation and Development Management Plan (2016)(SADMP).
6. Having reached that view the Council stated that there was no conflict with the policies of the development plan and withdrew its objection on all remaining matters. There being no remaining reasons to refuse planning permission, the Council recommended that the appeal be allowed.
7. Shortly after the close of the Inquiry the appellant submitted a Unilateral Planning Obligation<sup>2</sup>. This had been discussed in full draft at the Inquiry. This material consideration is considered below.
8. At the time of the Inquiry it was anticipated that the revised National Planning Policy Framework (the Framework) would be published shortly after the Inquiry closed. In view of the position which the parties had reached it was agreed that this should form the basis of a Supplementary Statement of Common Ground<sup>3</sup>, which has been taken into account in this decision.

### **Decision**

9. The appeal is allowed and planning permission is granted for the erection of up to 205 dwellings and up to 60 bed apartments with care (C2), with public open space, landscaping, a sustainable drainage system and vehicular access points from Exeter Road on land west of Bagley Road, Rockwell Green, Wellington in accordance with the terms of the application, Ref 43/17/0002, dated 23 December 2016, subject to the conditions set out at the end of this decision.

### **Main issue**

10. Given the position reached by the main parties on the appeal there is one main issue in this case.
11. That is whether the proposal accords with an up-to-date development plan in relation to settlement boundary policy and accessibility, and whether there are any material considerations which indicate a decision otherwise than in accordance with the development plan.

### **Reasons**

#### *The site and the proposal*

12. The appeal site is located to the west of Bagley Road beyond the southwest edge of the settlement boundary of Rockwell Green, around 2km from the centre of Wellington. It comprises around 10.5 hectares of agricultural land, bounded on three sides by the existing road network, and wrapping around seven dwellings.
13. The proposal is as described in the bullet points above. The scheme includes a Framework Plan showing a road layout for the site and how the development

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<sup>1</sup> Document 15

<sup>2</sup> Document 2

<sup>3</sup> Document 17

could be accommodated – in particular it illustrates a developable area of around 6.3 hectares at a range of densities.

*Consideration against the development plan*

14. The development plan includes the CS and the SADMP, and no suggestion was made by any party that the development plan is not up to date. The three policies cited in the last remaining reason for refusal at the start of the Inquiry related to settlement boundaries and accessibility will be considered below, as these remain matters raised by residents and they represent the most directly relevant policies in this appeal.
15. In terms of the settlement boundary, CS policy DM2 provides that, outside defined settlement limits, certain uses will be supported (not including housing development). However, it does not state that other types of development will be refused. As agreed by the Council the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict. Other uses should be determined against Policy CP8, which deals with all development.
16. CS policy CP8 applies to all development outside the settlement boundary and is therefore relevant to the appeal proposal. It provides that development outside settlement boundaries will be permitted where a number of criteria are met. It was accepted by the Council at the Inquiry that all the criteria, none of which deal with matters in dispute, are met. There is no need to rehearse the detail here. As the authority accepts, the proposal complies with this policy and with the Framework paragraph 170 which provides that the intrinsic character and beauty of the countryside should be recognised.
17. Overall, there is clearly no conflict with the development plan in terms of settlement boundaries.
18. The remaining original policy objection raised by the Council related to SADMP policy A5, dealing with accessibility. The background to this is that Wellington (including Rockwell Green) is the sixth largest settlement in Somerset - CS policy SP1 identifies defines Wellington (specifically including Rockwell Green) as a secondary focus for growth, seeking to develop its role as a market town serving a wide rural hinterland. Rockwell Green is therefore accepted as a sustainable location in principle.
19. Policy A5 states that residential development is acceptable where it is within walking distance of, or has access by public transport to, employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities. The definition of public transport accessibility is dealt with in Table 1 of the policy, which provides that the maximum acceptable travel times for public transport, including waiting time and walking times at each end of the journey, is 25 minutes. The Council agreed with the appellant's Transport Assessment<sup>4</sup> to the effect that there is a range of services and facilities within the 25 minute public transport time, and that the services are regular. In particular, all relevant primary schools would be accessible by bus in under 25 minutes. This level of accessibility would be improved by the proposed new bus stops to serve the proposal.

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<sup>4</sup> CD 1.07

20. Access to the facilities in Rockwell Green/Wellington would also be accessible on foot, with even the centre of Wellington around 2km from the appeal site. Rockwell Green and Wellington are both well within the 5km cycle distance. These matters were accepted by the Council at the Inquiry, and it was further agreed that there are no highway safety or other matters that would make the routes unattractive.
21. Overall the proposed development is in an accessible location related to a wide range of services and facilities and, as the Council accepts, the proposal complies with SADMP policy A5.
22. For the above reasons, the proposal accords with all the policies originally cited by the Council in its reasons for refusal. As the authority now accepts, the appeal scheme accords with an up-to-date development plan and, in line with the Framework, planning permission should be granted without delay.
23. I will now turn to the other matters raised by the proposal, in order to consider if, individually or jointly, they amount to a reason for a decision otherwise than in accordance with the development plan.

*Other considerations - education*

24. Accessibility of the site to primary schools was a matter raised in a reason for refusal and was the subject of evidence at the Inquiry. As summarised above, and as accepted by the Council at the Inquiry, this matter is no longer in dispute.
25. It was also accepted by the Council that primary school capacity was not part of the reason for refusal, although some of the evidence given by the Council did address that matter. In any event, as the Council has adopted a CIL charging schedule that includes primary education on the Reg. 123 List, the Levy is expected to cover that issue. There would otherwise be a danger of duplicating payments, which would be unreasonable and is advised against by CS policy CP7. Should the authority be concerned that the CIL payments would be inadequate, the solution would be to review the charging schedule, not resist otherwise acceptable development. In a similar vein, the complaint by the education authority that it has yet to receive CIL payments from the Council is a matter to be resolved between the authorities and cannot be a sound reason for resisting development in the meanwhile.
26. More specifically, the Council's Infrastructure Delivery Plan<sup>5</sup>, envisages that a new school is to be provided to meet housing growth at Longforth. From the evidence it is clear that this proposal has outline planning permission, has secured grant funding, does not raise concerns in respect of viability, and has reached the trigger point whereby it is to be transferred to the Education Authority. The Council state that the school will be built by 2020/21. This would add to the capacity in the area and would serve the proposed development.

*Other considerations – housing land supply*

27. There is an unresolved dispute between the main parties as to whether the Council has a 5 year supply of deliverable housing sites in line with the Framework. The areas of dispute relate to whether there has been persistent

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<sup>5</sup> CD 6.11

under delivery and whether a 5% or 20% buffer should be used; whether the agreed shortfall should be dealt with by the 'Sedgefield' or 'Liverpool' method; and the extent of the supply. Depending on the approaches taken there are 8 outcomes<sup>6</sup>, showing figures ranging between 3.4 years to 5.67 years.

28. It would normally be necessary to attempt to resolve this matter and come to a conclusion as to whether a five year supply exists. However, given the acceptance by the parties that the proposal does not conflict with the development plan and that there is a need for market and affordable housing, the resolution of the housing land supply position is superfluous. Were it to be concluded that there is not a five year supply, the consequence would be that Framework paragraph 11d) presumption in favour of sustainable development would apply. But this already applies due to the lack of conflict under paragraph 11c).

*Other considerations – policy related to apartments with care*

29. Part of the proposal is for apartments with care (Class C2). The appellant argued that the development plan is silent on this element, although this was not accepted by the Council. Both parties submitted evidence on this issue.
30. There was no reason for refusal on this basis and there is an agreed position between the main parties that the appeal proposal does not conflict with the development plan. Therefore, the only relevance of the matter could relate to Framework paragraph 11 and the alleged absence of development plan policy in this respect. However, as with housing land supply, this is not a matter which is of consequence to this decision as the presumption in favour of sustainable development applies in any event.

*Other considerations raised by residents*

31. Residents raised concerns regarding highway safety and the capacity of the surrounding road network. This was one of the Council's original reasons for refusal which was subsequently withdrawn. While I can understand the concern of residents at the introduction of additional traffic onto the roads in the area, I do not have any detailed evidence to set against the appellant's Transport Assessment<sup>7</sup>. This concludes that the proposed layout would provide a safe and acceptable access to the site. Whilst accepting that, despite the sustainability of the site, the proposed development would generate additional traffic onto the network, key junctions on the network have been identified and it was concluded that the impact on the local road network cannot be classed as material or severe and that there are no issues with traffic impact. The main parties agree that, subject to the provision of highway improvements, the proposal is acceptable in highways terms. The proposal would not have an unacceptable impact on highway safety and this matter does not weigh against the appeal.
32. Some residents raised concerns regarding the ecological impact of the proposal, and this was another initial reason for refusal which was subsequently not pursued by the Council<sup>8</sup>. There is no evidence to set against the appellant's Ecological Appraisal<sup>9</sup> which undertook a thorough assessment

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<sup>6</sup> Document 14 Paragraph 9

<sup>7</sup> CD 1.07

<sup>8</sup> Document 13 Paragraph 4.14.

<sup>9</sup> CD 1.09

and concluded that there were no ecological matters which would constrain development.

33. The consequence for educational provision has already been addressed. In addition some residents expressed concern regarding stress on medical facilities. However the Council did not raise objection on the basis of the impact on healthcare and has confirmed that there no objection from the NHS Clinical Commissioning Group<sup>10</sup>. There is therefore no sound reason for opposing the development on this basis.
34. The Council has stated that the area of the site to be developed, as shown on the Framework Plan, is located within Flood Zone 1. This is the area at the least risk from flooding, where the principle of residential development is acceptable. The parties agree that the proposal would not lead to flood risk elsewhere<sup>11</sup> and concerns over flooding cannot be substantiated.
35. The proposal would obviously result in the loss of agricultural land, which the Council has confirmed is Grade 2 and Subgrade 3a<sup>12</sup>. However there is no objection from the Council on this basis, and any objection to the loss of this land falls far short of a reason for dismissing the appeal.
36. None of the other matters raised by residents, separately or in combination, comprise a reason leading to a decision otherwise that in accordance with the development plan.

#### *Conditions and Planning Obligation*

37. A set of conditions was agreed at the Inquiry, which I have slightly amended, and which is appended to this decision.
38. In the interests of precision the approved plans are set out and a further condition limiting the scale of development is necessary (Conditions 1 and 2). Reserved matters are set out along with the timescale for their submission (3 and 4), along with conditions relating to landscaping works (13, 14, 15).
39. In the interests of ensuring a safe development, details of surface water and foul drainage are necessary (5 and 6). A wildlife strategy needs to be submitted and implemented in the interests of the ecology of the site (7). For heritage reasons, a scheme of archaeological investigation should be submitted and implemented (8). Public open space to serve the development and the wider area is necessary in the interests of the amenity of existing and future residents (9). In the interests of highway safety, works need to be undertaken on and off the site (10, 11, 12).
40. The proposal is accompanied by a Unilateral Planning Obligation<sup>13</sup>, which is discussed in the CIL Compliance Statement. In particular the Obligation provides for the laying out and management of open space on the site, in accordance with SADMP policy C2 and Appendix D. The provision of 25% affordable housing and its tenure split would be in line with CS policy CP4 and the Affordable Housing SPD (2014). The Obligation provides for a number of transport matters, including a contribution towards bus stops and the production and implementation of a Travel Plan. These matters are in

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<sup>10</sup> Document 13 Paragraph 4.17

<sup>11</sup> Document 17 Paragraph 2.2.13

<sup>12</sup> Document 13 Paragraph 4.9

<sup>13</sup> Document 2

accordance with CP policy CP6 and SADMP policy A2, and the Council's Travel Plans SPD.

41. The CIL Compliance Statement and other evidence demonstrate that the provisions are directly related to the proposed development and are necessary to make the scheme acceptable in planning terms. Therefore the Obligation meets the policy in paragraph 56 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. Some of the provisions are designed to mitigate the impact of the proposal and these elements therefore do not provide benefits in favour of the appeal. However other matters, most notably the provision of affordable housing, weigh in favour of the appeal.

*Planning balance and conclusion*

42. The main parties agree that there would be net economic, social and environmental gains in line with the Framework. There would be a short/medium term increase in construction and related employment, and an increased spends for local businesses and services arising from the population increase. Irrespective of whether the Council can demonstrate a five year housing land supply, there would be a significant social gain arising from the provision of general needs housing, extra care accommodation and affordable housing in an accessible location.
43. Overall, the proposal is clearly sustainable development with significant economic and social benefits which weigh heavily in the planning balance. The appeal scheme is for a sustainable development which complies with an up to date development plan. There are no material considerations which come close to indicating that the decision should be otherwise than in accordance with the development plan and both main parties agree that planning permission should be granted.
44. For the reasons given above I conclude that the appeal should be allowed.

*P. J. G. Ware*

Inspector

## Conditions

### Plans

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site access drawing 4969/00/04; Development Framework 7411-L-03 rev J; Location plan 7411-L-01.

### Quantum of Development

- 2) The development hereby approved shall not exceed 205 dwellings and 60 apartments with care (Use Class C2).

### Reserved matters and time limits

- 3) Approval of the details of the (a) layout (b) scale (c) appearance (d) internal access roads and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out in accordance with the approved details.
- 4) Application for approval of all of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

### Surface water drainage and flood risk

- 5) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details. These details shall include: -
  - Information of maintenance of drainage systems during construction of this and any other subsequent phases.
  - Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters
  - Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include

refurbishment of existing culverts and headwalls or removal of unused culverts).

- Flood water exceedance routes both on and off site. No part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

#### Foul Drainage

- 6) Prior to construction of any buildings, full details of the means of foul water disposal shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall be implemented such that each dwelling is served by the approved system prior to occupation of that dwelling and shall thereafter be maintained as such.

#### Wildlife and biodiversity

- 7) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development.
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.
  - Measures for the retention and replacement and enhancement of places of rest for the species.
  - Lighting detail.
  - A LEMP.

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

### Archaeology

- 8) No development hereby approved shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved programme of archaeological work.

### Public open space

- 9) Prior to the occupation of 75% of the dwellings hereby permitted public open space including children's play facilities shall be laid out on the site and be made available for use by the public. Details of the public open space shall be submitted as part of any reserved matters application and shall include provision of a Local Equipped Area for Play and a Neighbourhood Equipped Area for Play. Once provided the public open space and children's play equipment shall be thereafter maintained as such.

### Highways

- 10) Prior to the commencement of the development hereby permitted detailed plans and specifications for the Exeter Road/A38 roundabout junction generally in accordance with drawing number 4969/00/05 submitted with Stirling Maynard's "Technical Note 2" shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until alterations have been made to the Exeter Road/A38 roundabout junction in accordance with the approved details.
- 11) Prior to the commencement of the development hereby permitted full details of the access arrangements and frontage works to Exeter Road shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.
- 12) Prior to development commencing, details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/ bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture and a timetable for their implementation shall be submitted to and approved by the Local Planning Authority. For this purpose details should include, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction as appropriate.

### Landscaping

- 13) No development shall take place until a full landscape planting scheme has been submitted to and approved, in writing, by the local planning authority. This should include the retention of boundary habitats including hedgerows, tree lines, scrub, grassland and individual trees where possible, with buffers and open space to provide continuous green corridors.

- 14) All works comprised in the approved details of landscaping should be carried out in accordance with an implementation scheme which shall first be submitted to and approved in writing by the Local Planning Authority.
- 15) Trees, hedges and plants shown in the landscaping scheme to be retained or planted, which during the development works or during a period of five years following implementation of the landscaping scheme, are removed or die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the local planning authority.

**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY:	
Miss N Sharif of Counsel <sup>14</sup> Mr S Stemp of Counsel <sup>15</sup>	Instructed by the Head of Legal Services
They called	
Ms H Waring	Somerset County Council (Education)
Mrs J Moore BSc BTP MRTPI	Project Team Leader, Planning
Mr J Gardener BSc MSc	Justin Gardner Consulting
Mr M Evans <sup>16</sup>	Solicitor to the Council

FOR THE APPELLANT:	
Miss S Reid of Counsel	Instructed by Gladman Developments Limited
She called	
Miss A Gilham BA MSc	Director, Turley
Mr D Dunlop BA(Hons) MRTPI	Managing Director, D2 Planning
Mr N Weeks BSc F.Con.E	Technical Director, Stirling Maynard Transportation
Mr R Lomas BSc PGDipTP MRTPI	Planning Manager, Gladman Developments Limited

INTERESTED PERSONS:	
Councillor R Bowrah	Wellington and Taunton Dene Councillor
Councillor J Lloyd	Wellington Town Council
Councillor J Thorne	Wellington Town Council

**INQUIRY DOCUMENTS**

1	List of persons present at the Inquiry
2	S106 obligation dated (20 July 2018)
3	Google shot of Rockwell Green school
4	Extract from schools guide
5	Emails from Mr and Mrs White, Ms Anton
6	Appellant's note on the 'silence' of the development plan regarding C3 extra care
7	Councillor Thorne statement
8	Clarification by the Council on elements of the Statement of Common Ground
9	Somerset School Population Forecast 2017
10	Appeal decision (22 May 2018) APP/T2350/W/17/3186969
11	Extract from Planning Practice Guidance – local plans
12	CIL compliance statement
13	Planning Statement of Common Ground (February 2018)
14	Housing Statement of Common Ground (April 2018)

<sup>14</sup> February and April sessions<sup>15</sup> July sessions<sup>16</sup> Conditions and s106 discussion only

15	Council's closing submissions
16	Appellant's closing submissions
17	Supplementary Statement of Common Ground (August 2018) on the revised National Planning Policy Framework

## CORE DOCUMENTS

ORIGINAL PLANNING APPLICATION DOCUMENTS	
1.01	Application Letter, Form and Certificates
1.02	Location Plan (7411-L-01) (December 2016)
1.03	Development Framework Plan (7411-L-03 Rev J) (December 16)
1.04	Design and Access Statement (Rev C) (December 16)
1.05	Landscape and Visual Impact Assessment (Rev A) (December 16)
1.06	Layout of Proposed Access Junctions (Access Drawing) (4969/00/04) (December 16)
1.07	Transport Assessment (Rev A) (December 16)
1.08	Framework Travel Plan (Rev A) (December 16)
1.09	Ecological Appraisal (Rev B) (December 16)
1.10	Arboricultural Assessment (Rev A) (December 16)
1.11	Phase I Geoenvironmental Assessment (6105/R1) (December 16)
1.12	Flood Risk Assessment (6105/R2) (December 16)
1.13	Foul Drainage Analysis (December 16)
1.14	Air Quality Assessment (LE13696-003) (December 16)
1.15	Noise Assessment (LE13696-001) (December 16)
1.16	Archaeological Desk Based Assessment (HS/22737 v1) (November 16)
1.17	Utilities Appraisal (December 16)
1.18	Statement of Community Involvement
1.19	Socio Economic Sustainability Statement
1.20	Planning Statement
1.21	Affordable Housing Statement
1.18	Statement of Community Involvement (December 16)
1.19	Socio-Economic Sustainability Statement (December 16)
1.20	Planning Statement (December 16)
1.21	Affordable Housing Statement (December 16)
CORRESPONDENCE WITH LOCAL PLANNING AUTHORITY	
09.01.17	– Letter from Taunton Deane BC – Written Pre-Application Advice 1-2
12.01.17	– Letter from Taunton Deane BC – Application Valid 3-4
09.01.17	– EIA Screening Opinion 5-6
14.03.17 to 16.03.17	– Correspondence between Gladman and Taunton Deane BC 7-9
RELEVANT CONSULTATION RESPONSES	
13.01.17	– Somerset Ecology Services 1
16.01.17	– Community Leisure 3-4
17.01.17	– Notice from Somerset County Council (Highways Authority) 5
20.01.17	– Biodiversity 7-10
20.01.17	– Somerset County Council (Lead Local Flood Authority) 11-12
24.01.17	– Wessex Water 13
25.01.17	– Crime Prevention Design 15-17
01.02.17	– Somerset County Council Estates and Planning 19-20
08.02.17	– Landscape 21-23
10.03.17	– Somerset County Council (Highways Authority) 24-27
COMMITTEE REPORT AND DECISION NOTICE	

4.01 05.04.17 – Committee Report
4.02 06.04.17 – Decision Notice
OTHER RELEVANT DOCUMENTS
5.01 Taunton Deane Core Strategy
5.02 Taunton Deane Site Allocations DPD
5.03 Inspector’s Report on Taunton Dean Core Strategy
5.04 Inspector’s Report on Site Allocations DPD
5.05 Council’s 5 Year Housing Land Supply – March 2017
5.06 Hourigan Connolly Report
5.07 Savills Report
5.08 Appeal Decision – Congleton Road, Sandbach
5.09 Appeal Decision – Iron Acton Way, Engine Common
5.10 Appeal Decision – Butts Road, Higher Rideway, Ottery St Mary
5.11 Appeal Decision – Mount Hindrance, Chard
5.12 Appeal Decision – Sandford, North Somerset
5.13 Appeal Decision – Hill Lane Blackrod Bolton
5.14 Appeal Decision – Land at Fairfield Road Framlingham
5.15 Appeal Decision – Land South of Tilden Gill Road Tenterden
5.16 Appeal Decision – 35 Frensham Vale Lower Bourne Farnham
5.17 Appeal Decision - Land North of Haygate Road Wellington
5.18 Appeal Decision - Uffculme Road Uffculme
5.19 Appeal Decision – Land East of Wolvey Road Three Pots Burbage
5.20 Appeal Decision – Land adjacent Sports Ground Saxmundham
5.21 Appeal Decision – Land East of Daux Avenue Billingham
5.22 Appeal Decision – Land East of Tudor Park Taunton
5.23 Appeal Decision – Land West of Shottery Stratford Upon Avon
5.24 Appeal Decision -Land opposite The Garage Welshampton Ellesmere
5.25 Cotswold High Court Judgement
5.26 Local Plans Expert Group
5.27 Fixing Our Broken Housing Market
5.28 Colman Judgement
5.29 Annual Monitoring Report 2016 – 17
5.30 Locally Based Housing Projections 2008 – 26
5.31 SHMA 2016
5.32 SHLAA 2017
5.33 Suffolk Coastal Supreme Court Judgement
5.34 SHMA 2008
5.35 SHMA 2008 Executive Summary
DOCUMENTS / CORRESPONDENCE POST SUBMISSION
6.01 Technical Highway Note
6.02 Ecology Objection Removal and correspondence
6.03 Reason for Refusal 2 Removal correspondence
6.04 Ecology Response RE Highways Proposals
6.05 Manual For Streets Walking Extract
6.06 Correspondence RE play space
6.07 Correspondence to Council 25.01.18
6.08 Email correspondence from Council 29.01.18
6.09 CIL 123 List
6.10 Infrastructure Delivery Plan 2011
6.11 Infrastructure Delivery Plan 2014
6.12 Committee Report Appn 43/13/0008

6.13 Committee Report Appn 48/16/0025
6.14 Committee Report Appn 38/16/035
6.15 Appeal Decision - North Curry
6.16 Appeal Decision - Clitheroe
6.17 Appeal Decision - Alderholt
6.18 Appeal Decision - Semington
6.19 School Capacity (SCAP) Survey - Guide for local authorities June 2016
6.20 School Capacity (SCAP) Survey - Guide for local authorities July 2017
6.21 Appeal Decision - Higher Road, Longridge

# Appendix D

SWT Planning Committee Report and Decision Notice for application  
36/18/0048 Willey Road, Stoke St Gregory

36/18/0048

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) NO 2 LTD

**Erection of 34 No. dwellings, (7 No. bungalows and 27 No. houses) with associated works including drainage, landscaping and highways works on land adjacent to Willey Road, Stoke St Gregory**

Location: LAND ADJACENT TO WILLEY ROAD, STOKE ST GREGORY,  
TAUNTON

Grid Reference: 334690.127403

Full Planning Permission

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## Recommendation

**Recommended decision: Conditional Approval**

### Recommended Conditions (if applicable)

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

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

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

- (A3) DrNo 18.29.01 Site Location Plan
- (A1) DrNo 18.29.02A Site Layout House Types
- (A1) DrNo 18.29.03A Site Layout Block Plan
- (A2) DrNo 18.29.04 Floor Plan House Type A
- (A2) DrNo 18.29.05 Floor Plan House Type B
- (A2) DrNo 18.29.06 Floor Plan House Type C
- (A2) DrNo 18.29.07 Floor Plan House Type D
- (A2) DrNo 18.29.08 Floor Plan House Type E
- (A2) DrNo 18.29.09 Floor Plan House Type F
- (A2) DrNo 18.29.10 Floor Plan House Type F
- (A2) DrNo 18.29.11 Floor Plan House Type G
- (A2) DrNo 18.29.12 Floor Plan House Type H
- (A2) DrNo 18.29.13A Floor Plan House Type J
- (A2) DrNo 18.29.14 Plots 1 & 2 Type F Elevations
- (A2) DrNo 18.29.15 Plots 3 & 4 Type F Elevations
- (A2) DrNo 18.29.16 Plot 5 Type H Elevations
- (A2) DrNo 18.29.17 Plot 6 Type H Elevations
- (A2) DrNo 18.29.18 Plots 7 & 8 Type F Elevations

(A2) DrNo 18.29.19 Plots 9 &10 Type F Elevations  
 (A2) DrNo 18.29.20 Plots 11 & 12 Type G Elevations  
 (A2) DrNo 18.29.21 Plots 13-15 Type G Elevations  
 (A2) DrNo 18.29.22 Plots 16-19 Type J Elevations  
 (A2) DrNo 18.29.23 Plot 20 Type B Elevations  
 (A2) DrNo 18.29.24 Plot 21 Type A Elevations  
 (A2) DrNo 18.29.25 Plot 22 Type D Elevations  
 (A2) DrNo 18.29.26 Plot 23 Type D Elevations  
 (A2) DrNo 18.29.27 Plot 24 Type B Elevations  
 (A2) DrNo 18.29.28 Plot 25 Type C Elevations  
 (A2) DrNo 18.29.29 Plot 26 Type A Elevations  
 (A2) DrNo 18.29.30 Plot 27 Type E Elevations  
 (A2) DrNo 18.29.31 Plot 28 Type E Elevations  
 (A2) DrNo 18.29.32 Plot 29 Type E Elevations  
 (A2) DrNo 18.29.33 Plot 30 Type E Elevations  
 (A2) DrNo 18.29.34 Plot 31 Type E Elevations  
 (A2) DrNo 18.29.35 Plot 32 Type C Elevations  
 (A2) DrNo 18.29.36 Plot 33 Type B Elevations  
 (A2) DrNo 18.29.37 Plot 34 Type A Elevations  
 (A2) DrNo 18.29.38 Garages - Sheet 2 of 2 Floor Plans & Elevations  
 (A2) DrNo 18.29.39 Garages - Sheet 2 of 2 Floor Plans & Elevations  
 (A1) DrNo 18.29.40A Site Elevations  
 (A2) DrNo 18.29.41 Access Elevations  
 (A1) DrNo 2321/500 Drainage Strategy Plan  
 (A1) DrNo SPP.3065.001 Rev C Soft Landscaping Plan  
 (A1) DNo 2321/500 Rev A Drainage Strategy Plan  
 (A2) DrNo 18.29.42A Footpath Link

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

3.

The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental submitted report, dated September 2018 and a Dormice survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting.

Once approved the works shall be implemented in accordance with the

approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

4. No part of the development hereby permitted shall be first occupied until the access works have been carried out generally in accordance with a design and specification that will be submitted to and approved in writing in conjunction with the Highway and Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To ensure that the highway works are carried out satisfactorily.

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

Reason: In the interests of pedestrian and highway safety.

7. 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.

8. There shall be an area of hard standing at least 6m in length (as measured

from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: To ensure that adequate on-site parking is provided.

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

Reason: In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: To ensure that adequate off-street parking is provided.

11. There shall be no obstruction to visibility greater than 300 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. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

12. The development hereby permitted shall not be first occupied until an agreed number of vehicle parking spaces and layout for the development have been provided and approved in conjunction with the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: To ensure that adequate off-street parking is provided.

13. Prior to first occupation of the development hereby permitted, access to covered cycle and motor cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To encourage and support the use of electric cars.

15. 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, if required.

Reason: In the interests of highway safety.

Reason for Pre-commencement: To ensure that adequate measures are in place to avoid traffic congestion prior to construction starting on site.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

18. No development shall be commenced until details of the surface water drainage scheme in accordance with the FRA (Rev C) and Drainage Strategy Plan (Spring Design 2321/500 Rev A dated 01/04/2019) together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

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

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

to the National Planning Policy Framework.

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

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

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

Reason: To prevent over development in the an area.

21. Prior to the occupation of the approved dwellings, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and/or the monitoring of travel habits. The development shall not be occupied until the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To encourage sustainable travel patterns.

22. Prior to the construction of the buildings, 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.

## Notes to Applicant

### 1. **Ecology Informative Note**

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

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

### 2. **Highways Advice Note**

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

### 3. **Public Right of Way Advice Note**

We recommend that a connecting link to the footpath T 25/28 is provided as part of a S38 agreement.

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.

- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided.

## Proposal

Full planning permission is sought to erect 34 no. dwellings with associated new access onto Willey Road, car parking, garages and landscaping. The application is supported by a Design and Access Statement; a Transport Statement; a Housing Needs Assessment; a Viability Assessment; a Flood Risk Assessment and Drainage Strategy and a Preliminary Ecological Report.

The proposed housing mix is as follows:

- 3 no. 2 bedroom discounted open market dwellings;
- 1 no. 2 bedroom discounted open market bungalow;
- 1 no. 3 bedroom discounted open market dwelling;
- 2 no. 2 bedroom social rent dwellings;
- 4 no. 1 bedroom social rent dwellings;
- 1 no. 2 bedroom social rent bungalow;
- 2 no. 3 bedroom social rent dwellings;
- 10. no 3 bedroom open market dwellings;
- 8 no. 4 bedroom open market dwellings;
- 2 no. 5 bedroom open market dwellings.

A new access road will be created off Willey Road with the provision of a new footway along the road frontage down to the boundary with no. 8 Willey Road. This will require the partial removal of the roadside hedgerow to provide visibility splays. The new dwellings will be sited around a double ended cul-de-sac with 5 bungalows backing onto Willey Road. A 20 metre landscaped buffer zone will be laid out to the north of the Church Close boundary. A new pedestrian footpath link will connect with Church Close to the south. A new attenuation pond will be provided to the north east of the site.

## Site Description

The site comprises an open field sited to the north of Church Close, Stoke St Gregory. It is bounded by hedgerows on to the west and south. The eastern boundary opens out onto the village allotments. The north boundary is open to the remainder of the field, which is outside the application site but within the same ownership. On the opposite side of Willey Road to the west are four pairs of semi-detached dwellings (no's 9 - 16) which are outside the settlement boundary. These dwellings lie to the north of the village playing fields. The dwellings in Church Close to the south lie within the settlement boundary. The site itself is situated outside the settlement boundary in open countryside

## Relevant Planning History

36/18/0047 - An application for the erection of replacement pavilion, equipment store, multi-use games area and provision of car park on land on the opposite side of Willey Road is currently under consideration.

## Consultation Responses

*STOKE ST GREGORY PARISH COUNCIL* - We support this application because it is agreed Parish Council policy that the housing stock in Stoke St Gregory has become increasingly skewed in the direction of larger and more expensive properties. We have been made aware of a strong demand locally for smaller and more affordable houses, both as starter homes and for downsizing.

We are also conscious of the need to support services in the village, particularly the school, the shop and the pubs, and we feel that a moderate increase in population is necessary to make the community more viable.

*STOKE ST GREGORY PARISH COUNCIL (Further Comments)* -

This planning application is the result of four years of sustained activity on the part of the Parish Council; an activity which was instigated from the community. The first engagement with TDBC Housing Department four years ago (in which I participated) was extremely constructive as they themselves had perceived a similar need. A housing needs survey was commissioned from which, surprisingly to all involved, little need emerged. There are several reasons why this could be the case. Firstly, most of the respondents were occupants of large detached dwellings, secondly no account was taken of the many young people who had been forced to move outside the Parish but who wished to move back and thirdly the survey only dealt with Social Housing when there is a clearly expressed need for small open market housing for people who wish to remain in the village to downsize or to start on the housing ladder within their own community.

It is widely held in the village that there is a need, and consultations in the village that have occurred over the several months, prior to and during this application have confirmed that this development would be welcomed by an overwhelming majority in the village. This is also endorsed by Southwestern housing in a communication to your department, which has not yet displayed on your web site. In short, the housing survey is a single data point which occurs as an outlier to a population of data which

suggests the contrary.

The Parish Council was sufficiently convinced of this need that they publicly requested proposals for land which could be used for housing. This was publicised throughout the Taunton Deane area where it could be seen by both landowners and potential developers. While there were several preliminary offers, the only one that could be taken to this next stage is the one that is before you. So far from being a speculative planning application by an opportunistic developer, it is the culmination of several years of consistent effort led by the Parish Council and supported by the village. The site proposed was in the most sustainable possible location in the village, being next to existing housing and within easy walking distance of the village shop, the village hall, the pub, the parish Churches and the playing field.

Moving to Planning Policy; when the policy was published some nine years ago its position on rural settlements was driven by a need to protect rural life and particularly the heritage of its many villages. Sustainability of development sites was a key issue but how this is defined is very much open to interpretation. There are many in the Parish who would define sustainability in terms of whether proposed development will help to sustain the local community, particularly key facilities like the school, the village shop the pubs etc. That, we believe, should be one of the key measures of sustainability. Rigorous implementation of the policy as it was defined has led to collateral impacts which could have not been anticipated at the time. The issue is not with the implementation of the policy but the long-term corollary damage that this policy, as originally envisaged is causing. While this was recognised in Point 4.50 of the Core Strategy, no mitigating actions were put in place. During the period of this policy, not one new house has been constructed in Stoke St Gregory. There have been many house extensions and a few barn conversions. The consequence of this is that Stoke St Gregory, almost certainly not uniquely, has an ageing population living in increasingly large houses while younger people, and older people wishing to downsize are forced to move from the village as there is no suitable housing stock. In several cases this has happened to families who have lived in Stoke St Gregory for several generations and reinforces the issue of missing data in the housing survey. So, far from protecting rural life, the current policy is causing its demise. This is further evidenced by the fact that all of the community services are vulnerable and under threat. Already one of our two pubs has been granted consent to be turned into a residential property. The village shop has been for sale for a considerable time and will close at the end of this year unless the community takes it over and the second pub is also threatened with closure.

Failure to refresh the demography of the village will result in its terminal decline which is accelerating as each year goes by. This planning application seeks to address this impact. The concept of rural centres is flawed by the assumption that it is fine to increase capacity nearby (North Curry), allowing smaller neighbouring villages (Stoke St Gregory) to wither.

I hope that by sharing this view with you and putting some perspective into the reasons behind this application a dialogue can ensue. You may well ask why a Neighbourhood Plan was not prepared to highlight these concerns. Stoke St Gregory is a small parish, managed with a fiscally prudent budget. It was felt that to place on the community the burden of time and cost associated with following the complex neighbourhood plan process, and reaching a conclusion which in all likelihood would be close to what has been presented, did not represent the best

use of either financial or human resources. While, in retrospect, that can be questioned, we now have an opportunity to take a major step towards fulfilling the most obvious and likely result of a such a plan. We ask that you view this application in this light. If you fail to do so the very existence of our village as a viable community is seriously threatened.

#### SCC TRANSPORT DEVELOPMENT GROUP (Original Comments) -

For clarity the Highways Authority do not object to the principal of the proposed development.

#### **Transport Statement**

The applicant has submitted a Transport Statement (TS) in support of the application which has since been assessed.

The forecasted residential trip rates in the AM/PM peak within the submitted TS are considered lower for such an application, however anticipated AM/PM peak movements for a development of this nature are unlikely to have a significant impact on the surrounding highway network that isn't, with reference to the NPPF considered as severe. As such, the Highway Authority do not object to the development proposed on traffic impact grounds.

#### **Access**

The proposal site lies off the unclassified Willey Road in Stoke St Gregory where traffic is subject to a 30mph speed limit.

With reference to the submitted plan (Drg No: 18077-001) the 2.4m x 43m dimensions proposed from the access point onto Willey Road is considered as acceptable in this instance and in line with Manual for Streets for a 30mph speed limit. The applicant must ensure there is no obstruction to the visibility proposed visibility greater than 300 millimeters above adjoining road level.

The swept path analysis shows that a refuse vehicle is accommodated by the proposed layout, but a slightly larger than normal radii has been used to accommodate the refuse vehicle. Ideally the corner radii should be 6m in this instance to help reduce turning vehicle speeds. Other means could be sought to accommodate the refuse vehicle, such as local widening on Willey Road (this can be appropriately secured under a suitable legal agreement).

The applicant must ensure that all associated vehicles to the development proposed have the capacity to safely manoeuvre within the internal layout and enter the public highway in a forward gear. The applicant should also note that a detailed technical swept path analysis will be carried out if offered for adoption (and subject to consent) which will have to clearly demonstrate this.

Collision data has been taken from SCC's Collision Database and covers the 5-year period between 01/09/2013 and 31/08/2018. There have been no recorded collisions along Willey Road, Stoke St Gregory during this period.

Longitudinal or contour drawings haven't been submitted. Contouring at 25mm intervals should be provided for consideration with the detailed design submission so

that the drainage and drivability aspects can be fully determined. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely. Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.

Highway Improvement Schemes should be subject to a Stage 3 Road Safety Audit within 1 month of opening. It is recommended that a Stage 3 Road Safety Audit is undertaken within 1 month of coming into operation, subject to planning consent.

Whilst it is not within the site boundary limits, it would be advantageous (and in line with the Local Plan and NPPF) if the applicant provided a suitable pedestrian and cycle access to the local playing field across Willey Road from the proposed site. It is likely that the desire line would see pedestrians travelling down Willey Road to gain access to the existing playing field access. Suitable implementation of a pedestrian/cycle access nearer the proposal site would reduce the potential for pedestrian/vehicle conflict on Willey Road.

### **Internal Layout**

Turning to the internal layout the following comments are in relation to the details contained within submitted drawing number 18.29.03/A.

The applicant should be aware that it is likely that the internal layout will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code

Allowances shall be made to resurface the full width of Willey Road where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers.

The approach gradient for the access road to Willey Road should be a maximum 2% uphill gradient over 15m where it connects into the channel line of Willey Road. This will ensure that surface water drains back into the site and not out onto the highway. It will also provide a level section of carriageway for vehicles to pull out safely.

Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to SCC.

Surface water from any private areas, including drives and parking bays will not be permitted to discharge onto the prospective public highway boundary. Private interceptor drains will need to be provided to prevent this from happening.

It is noted from the drawings that a footway will be provided from the southern end of the site to link to Church Close. No dimensions have been shown but the minimum recommended footway width in the DfT's Inclusive Mobility is 2m throughout the site. However, if the intention for the proposed link at the southern end of the application site that will connect onto an existing residential development site is to be used by a combination of cyclists and pedestrians a mixed use is to use the link then it should

be constructed as a footpath/cyclepath and not purely as a footpath to provide a safe and inclusive environment for all.

Adoptable 17.0m forward visibility splays will be required across the inside of carriageway bends outside of plots P7 and P33. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above the adjoining carriageway level.

The applicant will need to confirm who will be responsible for the future maintenance of the proposed Attenuation basin at the northern end of the application site.

The private drives serving Plots P23, P24 and P32 should either be 6.0m or 10.5m in length as measured from the back edge of the prospective public highway boundary. Their current lengths may give rise to parked vehicles overhanging the footways.

Tandem parking bays should be designed to a length of 10.5m as measured from the back edge of the prospective public highway boundary. This will have to be checked by the designer to see that this has been adhered to within the site.

The parking bays to the west of Plot 11 and to the north of plots P11-P15 should be 5.5m in length as measured from the back edge of the prospective public highway boundary, so as to prevent any overhanging by parked vehicles of the footpath that runs behind the bays.

It is assumed that the parking court fronting Plots 11-P19 will be privately maintained. On this basis, in terms of addressing Advance Payments Code legislation, SCC may be prepared to adopt the footways that serve the afore-mentioned plots.

The applicant will need to confirm what the 4 no. bays behind the footway between plots P19 and P34 represent

Any gates shall be hung so that they open inwards and not out over the prospective public highway.

Any planting immediately adjacent to the prospective public highway will need to be supported by the submission to SCC of a comprehensive planting schedule for checking/approval purposes. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made-up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage services and 1.0m from the carriageway edge. Root barriers of a type to be approved by SCC will be required for any tree that is to be planted either within or adjacent to the prospective public highway in an effort to prevent structural damage to the highway. Any planting within the adopted highway will require the payment of a commuted sum by the developer.

No doors, gates or ,low-level windows, utility boxes, down pipes or porches are to obstruct footways. The Highway limits shall be limited to that area of the footway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps etc.

Any proposed adoptable retaining/sustaining features to be constructed as part of this development will require the submission of an Approval In Principle and the

payment of a commuted sum.

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

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

I refer to the additional information received by the Highway Authority on 12 March 2019 in relation to the above-mentioned planning application. The following observations are with regard to the highway and transportation aspects of this proposal.

### **Parking**

The proposed development is to be accommodated by the provision of 100 vehicle spaces for the 34 dwellings. Whilst this figure is considered in line the SPS (Somerset Parking Strategy), it is important to note, not all dwellings will individually meet the required parking provision. This is likely to lead to some resident parking outside their residential units on the proposed estate road for personal convenience instead of using the allocated parking spaces within the site.

No visitor parking has been provided by the applicant. The Highway Authority do not support any proposed-on street parking. Associated parking should be within the relevant curtilage of the dwellings or off the local highway to reduce any risk on vehicle conflict. It is recommended that a suitable number of visitor parking is provided in line with the SPS.

Cycle parking is to be provided at a rate of 1 space per bedroom. It is advised that garages are designed and built to accommodate both cycle and vehicle parking spaces should no separate suitable cycle storage parking be provided.

Access to 16-amp electric vehicle charging points is to be provided for all residential dwellings in accordance with the SPS.

### **Travel Plan**

A Travel Plan Statement (TPS) was submitted as part of the application. This has been reviewed and identified several issues, that will require addressing to achieve an acceptable TPS that will need to be secured via a S106.

The key points that require addressing are:

- A Travel Plan fee must be included in the TPS, in accordance with the adopted SCC Policy. This is required to be paid in full to SCC prior to commencement of the development. For a development of this size, the fee is £700 plus VAT;
- A tabular action plan needs to be provided showing the measure, responsible party

and timescale for implementation;

- Cycle parking is not shown on the plan in appendix A and details of provision need to be supplied. Details on cycle routes for longer distances should include gradients, speed limit on road and comfort of use;
- Bus Timetables and route map should be included as an appendix. Photos should be included to illustrate issues or locations. The reference to Moving Forward should be removed;
- The TPS must state the amount of time per week that the TPC will have to manage the TPS;
- Physical measures and features are not shown clearly in the figures provided in the Travel Plan. Clear figures showing the location of proposed measures/features (such as secure sheds for cycles) and demonstrate that they are being considered in the planning of the development;
- Cycle and motorcycle parking has been committed to in the TPS, however no details other than this have been provided in the TPS. Design parameters for cycle and motorcycle parking needs to be set in the TPS. These should be in line with SCC TPS and SCC Parking Strategy guidance. A plan should be included to show the parking for these modes, clearly showing the number of vehicles that can be stored and how users will gain entry etc.

It is therefore anticipated that an amended TPS will be provided to address these issues.

## **Drainage**

The following is with reference to the Flood Risk Assessment and Drainage Strategy Report, ref. 2321-FRA01 Rev A submitted in support of this application. Whilst it doesn't affect the outcome of the flood risk assessments, it should be noted that the site is incorrectly located on the maps shown against items 3.3, 3.5 and 3.6.

The designer will need to consider the construction detail at the interface between the proposed permeable paved areas and the access roads to ensure that the introduction of surface water at the interface doesn't compromise the structural integrity of the road or footway.

Item 5.17 confirms the intention that all sewers upstream of the detention basin will be adopted by Wessex Water, with the basin itself being maintained by a management company. The report should confirm the ownership of the flow control manhole and the outfall pipe downstream from the basin to the proposed outfall into the ditch. It should also be noted that as this outfall pipe will cross the existing public footpath T25/28, a licence to install the pipe will be required from the Highway Authority.

Access arrangements will need to be considered to accommodate the routine maintenance operations required to both the detention basin and the flow control manhole. Consideration should be given to providing a suitable access provision from the existing field gate access off Slough Lane at the north eastern corner of the development land.

Land drainage consent will be required to construct the proposed outfall headwall within the existing ditch/watercourse.

## **Conclusion**

With the above in mind, whilst the development proposed will generate an increase in vehicle movements onto the local highway network, it is not considered that the residual impact can be considered as severe in this instance.

If members are minded granting planning permission, please note that a suitable Travel Plan will need to be agreed and secured in writing via a S106. It is also recommended that a suitable pedestrian and cycle access is to be provided (and agreed in writing by the LPA) between the proposal site and local playing field that will be appropriately secured within the decision notice.

The Highway Authority would also recommend that the following conditions are imposed.

- No part of the development hereby permitted shall be first occupied until the access works have been carried out generally in accordance with a design and specification that will be submitted to and approved in writing in conjunction with the Highway and Local Planning Authority.
- The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, 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.
- 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.
- 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.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.
- 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 made before commencement and maintained thereafter at all times.
- Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

- There shall be no obstruction to visibility greater than 300 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. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.
- The development hereby permitted shall not be first occupied until an agreed number of vehicle parking spaces and layout for the development have been provided and approved in conjunction with the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
- Prior to first occupation of the development hereby permitted, access to covered cycle and motor cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- Prior to first occupation of the development hereby permitted, access to covered electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- 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, if required.

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the use of the site discontinues.
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

#### NOTE

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

(REVISED COMMENTS) - In our previous comments dated 6 February 2019, there was no objection to the principle of the proposal subject to highway conditions and a suitable Travel Plan secured under a S106. It was also recommended that a suitable pedestrian and cycle access be provided by the applicant (and agreed in writing by the LPA) between the proposal site and the local playing field (which is also subject to a live planning application – 36/18/0047) that will be appropriately secured within the decision notice.

The following comments are made alongside the additional submitted detail for the adjacent Recreational Site (36/18/0047) given both proposals are now interlinked in providing a pedestrian/cycle way between the two sites.

It is noted from the drawings that a footway will be provided from the southern end of the site to link to Church Close and a proposed footway is shown adjacent to Willey Road heading south to a crossing point to continue the footway to the recreational area. No dimensions have been shown but the minimum recommended footway width in the DfT's Inclusive Mobility is 2m. For clarity, the proposed footway will not result in any narrowing of the Willey Road.

No pedestrian crossing visibility splays have been shown on the submitted Footpath Link drawing 18.29.42. Visibility splays with an 'x' distance of 1.5m and a suitable 'y' distance, 43m or that required by the results of a speed survey, will be provided and shown on the drawings for assessment. The current location of the proposed uncontrolled pedestrian footway (on the eastern side) on drawing no 18.29.42 would not allow for suitable visibility splays, given that it would appear to encroach on third party land to the south. Whilst it is technically possible to provide a suitable uncontrolled footway to the recreational site, the applicant will need to revisit current design to address the above.

Carriageway cross section drawings for each chainage across the frontage of the

site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway.

Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely. Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.

*(FURTHER COMMENTS) -*

Please find the following that require amending within the TPS.

Point 3.15 states 1 space per garage rather than per bedroom. Point 3.16 states 1 space in a cycle store in rear of garden, rather than a minimum of one space per bedroom. Cycle parking needs to state within the document at a level of one cycle space per bedroom. Therefore this requires amending.

Under point 4.9 the site audit identifies that there are limited footways through the village, which are unlit. The applicant should detail within the TPS what facilities are available at the nearby bus stop. e.g. shelter, timetable information, flag, etc.

Regarding the Travel Plan Management Fund (to cover promotional events), the applicant will need to provide a budget to cover 3 events per year. Regarding Point 6.22, although current guidance states GTV reimbursement up to 50% of costs, it would be more effective to reimburse 100% i.e. instead of the resident having to spent £400 in order to receive £200, they

would spend £200 in order to receive £200, which would not impact on the developer and become more effective with changing the ways in which we travel by making this a more inclusive scheme.

Point 7.3 states produce welcome packs at completion of each residential and commercial unit – the applicant will need to clarify what part of the site, if any, is commercial.

Regarding Point 6.15, please note that Carshare Somerset no longer exists. Please refer to liftshare.com.

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (**public footpath T 25/28**). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (**public footpath T 25/28**). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

## **1. Specific Comments**

We recommend that a connecting link to the footpath T 25/28 is provided as part of a S38 agreement.

## **2. General Comments**

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided.

### *LANDSCAPE & BIODIVERSITY -*

#### **Landscape**

I consider that this scheme should have a more robust northern boundary. In addition the opportunity could be taken to extend the existing orchard further into the new development.

#### **Biodiversity**

The application is for the erection of 34 dwellings on land adjacent to Willey Road, Stoke St Gregory. The site comprises the southern extent of a single species poor semi improved field, bounded on three sides by hedgerows. New allotments, an orchard and a small area of unmanaged grass are also present within the site

adjacent to the eastern boundary.

A section of the western hedgerow will need to be removed to access the site.

Blackdown Environmental carried out a Preliminary ecological appraisal of the site, in September 2018.

The findings were as follows:

### **Badgers**

The surveyor found no evidence of badgers on site, but it is considered likely that badgers pass through the site.

### **Bats**

The eastern and western boundaries are the most likely to be regularly used by foraging and commuting bats. There are no trees or buildings on site that could support roosting bats. I support the installation of bat tubes within half of the new properties.

### **Dormice**

The eastern and western hedges are suitable for dormice. Part of the western hedgerow will require removal to access the site and so I agree that a dormice survey should be carried out. If dormice are identified an EPS licence will be required to access the site.

### **Great crested newts**

There are no ponds on site although there are four ponds within a 250m radius of the site. The hedgerows and areas of long grass and tall ruderal vegetation are suitable for Great crested newts. Reasonable precautions should be undertaken when clearing the hedgerow when an ecologist should undertake a hand search for GCN.

### **Reptiles**

The hedgerows and areas of long grass and tall ruderal vegetation are suitable for reptiles. I agree that the main area of grassland should be maintained by grazing or mowing to ensure that it does not establish into a habitat suitable for reptiles or great crested newts.

Reasonable precautions should be undertaken when clearing the hedgerow when

an ecologist should undertake a hand search for reptiles.

### **Birds**

Nesting birds are likely to use the hedgerows on site so clearance of vegetation should take place outside of the bird nesting season.

I support the installation of terrace nest boxes on the new properties.

### **Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental submitted report, dated September 2018 and **a Dormice survey** and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

### **Informative Note**

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

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

*HOUSING ENABLING* - This application has been submitted as a rural exception site, which should be affordable housing led. Currently the level of market housing is significantly greater than the affordable housing provision, therefore it is not an exception site in its true sense. As per the adopted Affordable Housing SPD (Section 1.10 – Exception Sites), where cross-subsidy is required to facilitate the provision of the affordable housing ‘a detailed statement, including viability information independently verified at the applicants cost by the Council’s preferred independent assessor should be submitted with the planning application’. To date, no information to demonstrate the level of open market housing required to bring forward the 14 affordable homes has been submitted.

A Housing Needs Survey was undertaken in 2016. At the time of the survey, it was not considered necessary to provide any additional affordable housing at that time. However, since that time the level of applicants on Homefinder Somerset expressing Stoke St Gregory as their Parish First Choice has increased from 4 to 10.

The affordable housing mix of 14 for this proposed site has been discussed with the Housing Enabling Lead and it is considered that the scheme would provide a broad mix of tenure and sized affordable properties, although these could go beyond meeting the increased local demand.

With reference to the Discounted Open Market properties, a discount of at least 30% would be required to provide an affordable housing option within the reach of the local incomes.

The developer should seek to provide affordable homes through a Registered Provider on Taunton Deane’s preferred affordable housing development partners list and the rented units should be allocated through the Choice Based Lettings system, Homefinder Somerset. All of the affordable homes should have a local connection requirement.

*HOUSING ENABLING COMMENTS – Updated 17 May 2019:*

Following detailed discussions with the applicant and representatives of the Parish Council further work has been undertaken to establish the housing need within the Parish. Housing Enabling are supportive of the findings identified within the updated Housing Need Assessment report received 9<sup>th</sup> May 2019.

An independent viability assessment was commissioned in line with the adopted Affordable Housing SPD (Section 1.10 – Rural Exception Sites) and concluded the proposed scheme is unable to provide more additional affordable housing to that proposed.

The affordable housing mix of 14 for this proposed scheme is considered to provide a broad mix of tenure and sized affordable properties to meet the local communities housing needs, With reference to the Discounted Open Market properties, a discount of at least 30% would be required to provide an affordable housing option within the reach of the local incomes.

The developer should seek to provide affordable homes through a Registered Provider on the Councils preferred affordable housing development partners list and the rented units should be allocated through the Choice Based Lettings system, Homefinder Somerset.

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

*HOUSING STANDARDS* - No comment.

*LEISURE DEVELOPMENT* - A LEAP and a children's play area should be provided. Alternatively, as the development is near to an existing playing field, an off-site contribution of £3,263 per each 2 bed + dwelling could be accepted. The contribution to be index linked and spent on additional children's play equipment in the playing field.

*SCC - CHIEF EDUCATION OFFICER* - No comment.

*ENVIRONMENT AGENCY* - No comment.

*WESSEX WATER* - We have no objections in principle to this application, please review the additional information below which confirms an approach as the site progresses through planning.

### **Surface Water Strategy**

No comments as the applicant has indicated a connection to land drainage and in line with the SUDs hierarchy.

### **Foul drainage Strategy**

As indicated under section 6 – FOUL DRAINAGE of the attached drainage report. The Applicant has requested a point of connection to our 150 mm dia foul sewers in church road with a mixed scheme utilising both pumped and gravity sewers.

The 150 mm dia foul sewers at the point of connection has adequate capacity to accommodate the proposed flows.

The sewer line upstream from the point of connection is a 100 mm dia foul sewers. It has been clearly communicated to the developer that upsizing will be required if the point of connection is to be reviewed closer to the site and to this 100 mm dia.

The foul sewers after the point of connection gravitate southwards through back gardens; Upsizing this length of sewers will prove significantly difficult and as such

any changes to the proposal are to be communicated effectively to Wessex water. A revised drainage strategy may require a split connection to minimise the impact from any additional flows.

As the developer is proposing to pump a portion of said foul flows. WW will need to agree a flow rate which considers capacity as well as septicity as the site progresses.

Additional consideration should also be given to the easement around the pumping station; Design guidance published by WRc "Sewers for Adoption" provides for a minimum clearance of 15 metres from site boundary to habitable dwellings. This recognises the potential risk of nuisance from odour, noise and vibration. This measure is stated to overcome repeated complaints arising from operating conditions and maintenance activities. We will advise against habitable dwellings being constructed closer than 15 metres to pumping stations to avoid nuisance or complaint.

A separate system of draining the site is required to service the site and can be reviewed in detail at detailed design.

(a plan showing route and temporary storage areas, detailed calculations based on final layout as well as any maintenance and adoption proposals.)

Where the site's revised layout affects our 100 mm dia foul sewers and rising mains to the south of the site. Statutory easements will be required.

*DRAINAGE ENGINEER* - The drainage strategy is based on connecting the site drainage to a ditch to the north of the development. It is not clear how this ditch connects to the wider network. I have been in contact with the Somerset Drainage Boards Consortium, who share similar concerns.

The surface water flood maps for the area suggests a flow route along Slough Road and within the Granny Gothards ice cream site, which then heads towards the Drainage Boards district to the north east. The impact of the development on this area needs to be fully considered in the FRA and drainage strategy.

We are extremely disappointed to see a piped-to-pond network proposed at this development. There are many opportunities to deliver a high quality, multi benefit SUDS scheme as part of this development, given the space available and the rural location, and we urge this to be strongly encouraged through the planning process. The layout of the site should be designed so as to respect the existing drainage regime as much as possible.

The applicant is advised to contact us to discuss the SUDS proposals should the point of discharge be resolved.

*DRAINAGE BOARD* - The Board **objects** to the proposals for the following reasons:

The proposals are to discharge into a watercourse towards the north of the proposed development. This watercourse is not shown on ordnance survey plans and therefore it cannot be determined if this connects to the wider network of watercourses within the Board's District where watercourses are well managed. If it is not connected, the proposals could increase flood risk. Further information is

required.

*LOCAL LEAD FLOOD AUTHORITY* - I am happy with the proposals in terms of the on site drainage and SUDS provision. I assume that the Drainage Board are satisfied with the rates? I would want any condition to secure those SUDS features shown on the plans, as they offer a range of benefits. It is a shame that the main attenuation is not more integrated into the development site, so that it can become a landscape and amenity feature, but this isn't a point of objection.

Right of connection/ access to the receiving ditch going forward must be secured and Land Drainage Consent for the structures and any amendments to the ditch will need to be sought from ourselves.

Condition: No development shall be commenced until details of the surface water drainage scheme in accordance with the FRA (Rev C) and Drainage Strategy Plan (Spring Design 2321/500 Rev A dated 01/04/2019) together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

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

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

Planning Policy Framework.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - No comment.

*POLICE ARCHITECTURAL LIAISON OFFICER* -

**Layout of Roads & Footpaths** - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features i.e. surface changes by colour or texture, rumble strips and similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The single vehicular entrance/exit to the development has advantages from a crime prevention perspective over through roads in that this can help frustrate the search and escape patterns of the potential offender. I have some concerns regarding the proposed footpath link between Plots 12-13, which potentially increases these dwellings to the risk of burglary and ASB at the side via this footpath. There appears to be an alternative route close by via the gable end of Plot 11 and I recommend that the former footpath link be eliminated from the scheme.

**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.

**Communal Areas** – have the potential to generate crime, the fear of crime and ASB and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. The proposed communal area in this development comprises the landscaped buffer to the rear of Plots 1- 4, 11-15 and side of Plots 5 & 10, enabling surveillance from first floor bedrooms only. Some of these dwellings comprise bungalows, however, I recommend that a first floor window be incorporated into the gable end of Plot 5 which overlooks the landscaped buffer.

**Dwelling Boundaries** – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable. This is particularly relevant in respect of the dwellings backing onto the landscaped buffer. Judging from the Indicative Site Layout Plan, these recommendations have been incorporated into the scheme.

**Car Parking** – appears to be a mix of on-plot garages and parking spaces and a communal on-street parking court. On-plot parking is the recommended option but the communal parking court is small in nature, close to and well overlooked from homes they serve, which is also recommended in respect of this type of parking

arrangement.

**Landscaping/Planting** - should not impede opportunities for natural surveillance and must avoid creating potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly relevant in respect of the proposed landscaped buffer.

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

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

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

**SOMERSET CPRE** - **objects** to this planning application. There is no evidence of demand for housing in the area and this proposed development is not in accord with planning policy.

This is a speculative application for a significant housing development in open countryside outside the settlement boundary of Stoke St Gregory. The site was not identified for development at any stage in the TDBC consultations on planning policy and site allocations and settlement boundaries. In addition, the location is unsustainable because there is limited employment in the area and the occupants of the houses would be reliant upon the private car to access employment and services. The development would promote what the [Transport for New Homes](#) campaign identifies in their recent report as 'carbased living'.

In light of the above, the proposal is contrary to Policies CP1 (Climate Change), CP4 (Housing), CP8 (Environment), SP1 (Sustainable Development Locations) and SP4 (Realising the vision for the Rural Area) of the Taunton Deane Core Strategy. These policies clearly define the areas in which the development of new housing will be supported and aim to avoid dispersed patterns of development which increase the need to use the private car to access employment and services.

This development would be an unplanned and unwarranted incursion into open countryside and should be refused.

*SCC HISTORIC ENV SERVICE* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

## **Representations Received**

Eighteen letters of support have been received and are summarised below:

- Supports the principle but the design doesn't reflect local character;
- New housing will support the local shop, pub and school;
- It provides affordable housing;
- CIL funds should go to support the local school;
- It will improve the housing choice within the village.

Thirty letters of objection have been received in relation to the original plans. Five additional letters have been received in connection with the revised plans. The main issues raised include:

- The site is outside the settlement boundary and the development would be contrary to policy;
- No housing need has been identified and the Council's own survey carried out 2 years showed no demand;
- The Parish Council's survey is limited in scope and not independent. There is no information to show that any of the respondents are connected to the local area;
- The village school is already at capacity;
- The new access onto Willey Road is dangerous and close to a bend;
- Pedestrian access to the village is poor due to the lack of pavements;
- The pre-application consultation was poor;
- It will result in loss of light and overlooking of adjoining properties;
- Partial loss of ancient hedge;
- The local bus service terminates in April 2019 so the development will be car - reliant;
- Alternative sites are available in the village which are owned by a Housing Association and should be developed first;

- Alternative accesses are available from Church Close and Slough Lane

Letter of support from Coates English Willow, a local employer. The lack of available local housing in the village makes it difficult to recruit staff.

A petition of 14 signatures has been received, raising an objection to the loss of the hedgrows to enable the footpath to be provided.

**SOUTHWESTERN HOUSING SOCIETY** - There is a need for the properties earmarked at Stoke St Gregory. We feel that the mix and tenure of the properties lend themselves well to fulfilling a variety of needs, many of which may be latent within the settlement. We have other properties in the village that are always relet very quickly whenever vacancies arise. We discussed the mix with enabling colleagues at TDBC prior to the application being made.

**STOKE ST GREGORY PRIMARY SCHOOL** - The school is already full to capacity. Currently the school does not have enough space to accommodate extra pupils and will need to extend its buildings. The Governors seek assurances that the CIL funding arising from this development will go specifically to the local school.

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
CP4 - Housing,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
DM4 - Design,  
DM5 - Use of resources and sustainable design,  
SB1 - Settlement Boundaries,  
C2 - Provision of recreational open space,  
D7 - Design quality,  
D10 - Dwelling Sizes,  
D12 - Amenity space,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,

This takes into account the recent adoption of the SADMP.

## Local finance considerations

### Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 3650sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £456,250.00. With index linking this increases to approximately £607,000.00.

### New Homes Bonus

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

#### *1 Year Payment*

Taunton Deane Borough	£36,688
Somerset County Council	£9,172

#### *6 Year Payment*

Taunton Deane Borough	£220,130
Somerset County Council	£55,032

## Determining issues and considerations

### The Principle of Development

The Taunton Deane Core Strategy 2012 sets out the most accessible and sustainable locations for development within the Borough. Policy SP1 sets out a settlement hierarchy with the Taunton urban area being the main focus of growth. Within the rural areas, Stoke St Gregory is identified as a smaller village where settlement boundaries will be retained. Development outside of these boundaries will be assessed as being in open countryside under Policy DM2. Core Strategy Policy SP4 relating to the vision for rural areas seeks to encourage a "step change" in the provision of rural housing. Such sites are to be considered under Core Strategy Policy DM2. As the site lies outside the settlement boundary, the application must be assessed against Policy DM2. It states that affordable housing will be supported outside settlements if:

*a) adjoining settlement limits, provided no suitable site is available within the rural*

centre,

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

The proposed development cannot be considered to fall within the Rural Exception Sites criteria as it is not wholly affordable. However, the Council's Affordable Housing SPD adopted in May 2014 states that affordable housing within or adjacent to rural settlements can be acceptable as long as there is an identified housing need.

The SPD states that *"the Council will expect these developments to be small scale and should:*

*Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met. Local housing needs will need to be demonstrated via an up to date Parish survey. The cost of the survey is to be borne by the applicant.*

*Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.*

*Consider all available sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.*

*Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable housing through the use of appropriate safeguards, including planning conditions or Section 106 obligations.*

*In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with the planning officer and housing enabling lead prior to submitting a planning application. A detailed statement, including viability information independently verified at the applicants cost by the Council's preferred independent assessor should be submitted with the planning application."*

In this case, although the site is in open countryside it is located adjacent to the village settlement boundary, which lies to the south. The village has limited services including a primary school, a shop and a pub. It is no longer served by public transport with the bus service ceasing in April 2019. Pedestrian access to these existing local facilities is currently difficult due to a lack of a footpath along this section of Willey Road. The site does not perform well in terms of being a sustainable location due to the lack of public transport, meaning that the new occupiers will be dependent on the private car. However, the site is within walking distance of the local school, shop, pub and playing fields.

## **Identified Need for Housing**

A Housing Need Survey (HNS) was undertaken by Taunton Deane BC in 2016, on behalf of Stoke St Gregory Parish Council. It identified a need for up to 11 affordable houses within the parish. This survey has a lifespan of up to 5 years and remains a material consideration in the determination of this application. The Parish Council has recently carried out its own updated HNS based on a questionnaire publicised from the village shop. The Parish Council felt that the level of housing need is higher than that identified in 2016. This survey is not a full HNS but the methodology for the revisions has been carried out following advice from the Council's Housing Lead. The revised survey identifies that there is a need for 21 affordable units within the parish.

The application proposes 14 affordable units on site to meet the identified need, a provision of 41%. The Viability Assessment has been independently assessed and concludes that any increase in the number of affordable housing units would affect the viability of the scheme. In other words, any reduction in the number of open market dwellings will result in fewer affordable units being provided. The Council's Housing Lead is satisfied that the development would meet an identified need for affordable housing.

## **Design and Layout**

The character of Stoke St Gregory within the vicinity of the application site is defined by inter- and post-war two storey dwellings and bungalows. The relatively modern development in Church Close to the south is a mix of two storey dwellings and bungalows grouped around a series of cul-de-sacs. The predominant material is red brick with clay tiled roofs. Four pairs of semi-detached dwellings with rendered elevations are located opposite the site in Willey Road. The proposed layout shows a row of 5 bungalows which will back onto Willey Road. The rest of the layout comprises a mix of semi-detached, detached dwellings and two bungalows arranged around three cul-de-sacs. The proposed materials are a mix of red brick, render and reconstituted stone with slate or clay type roof tiles. The proposed materials will fit in with the overall character of the adjoining dwellings. The scale and extent of the development is considered to be rather large in relation to the size of the existing village. It constitutes a large proportion of new build within a small settlement, in a less than sustainable location. The design and layout is fairly standard and is rather suburban for a rural site such as this. However, the design reflects recent development at Overlands in North Curry which was initially allowed on appeal. Furthermore, there is an identified need for affordable housing within the village with its associated community benefits. It is not considered that a refusal on design grounds could be sustained on appeal.

## **Highways**

The plans have been revised to increase the level of car parking; to improve the visibility splays and to provide a new pavement on Willey Road. This pavement will, in future, link up with a new pavement on the opposite side of the road which is associated with the playing field improvements. These are proposed as part of a separate planning application which has yet to be determined. A new footpath link will be made to an existing PROW to the south of the site which will connect to

Church Close. The two new pavements will improve the permeability of the site, enabling two separate pedestrian routes into the village. The removal of the hedgerow to create a new vehicular access will improve the visibility. Somerset County Highways has raised no objection in principle subject to the imposition of a number of conditions. These will ensure that the highway works are carried out satisfactorily.

### **Ecology**

The proposal is supported by a Preliminary Ecological Survey which identified that the eastern and western hedges may be suitable for dormice. These hedgerows may also be used by foraging and commuting bats. It is recommended that a dormice survey is carried out and mitigation measures put in place to protect bats, birds and reptiles. This can be secured by condition.

### **Public Open Space**

Development on the site would generate a requirement for a financial contribution towards off-site play equipment. There is an existing playing field almost opposite the site in Willey Road. This is the subject of a separate planning application which is undetermined. A financial contribution for improvements to these playing fields can be secured via a Section 106 agreement.

### **Flood Risk and Drainage**

The site is located in a Flood Zone 1, an area of the lowest flood risk. The surface water will drain to a ditch in the north east boundary and also to a new attenuation pond. Foul water will either drain by gravity, or by a new pumping station. The principle of the proposed drainage system is considered acceptable subject to the submission of further information. This can be secured by planning condition and also by separate approvals from the drainage and highway authorities.

### **Conclusion**

The NPPF encourages a proactive approach to providing affordable housing in areas where there are identified needs and where open market housing is required to facilitate the development. The proposal accords with Policy DM2 as the site adjoins the settlement boundary and is within walking distance of the school, playing fields, pub and shop. It is recommended that planning permission is granted subject to a Section 106 agreement to secure the affordable housing and the financial contribution for off-site play provision.

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

**Contact Officer: Ms A Penn**

**Planning**

Somerset West and Taunton, PO Box 866, Taunton TA1 9GS

Web: [www.somersetwestandtaunton.gov.uk/planning](http://www.somersetwestandtaunton.gov.uk/planning)

Email: [planning@somersetwestandtaunton.gov.uk](mailto:planning@somersetwestandtaunton.gov.uk)

Tel: 0300 304 8000

Line opening hours 8:00 am to 6:00 pm Monday to Friday

Our Ref: **36/18/0048** *(please quote on all correspondence)*

31 October 2019

WHITE YOUNG GREEN PLANNING  
HAWKRIDGE HOUSE  
CHELSTON BUSINESS PARK  
WELLINGTON  
SOMERSET  
TA21 8YA

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)**

**Proposal: Erection of 34 No. dwellings, (7 No. bungalows and 27 No. houses) with associated works including drainage, landscaping and highways works on land adjacent to Willey Road, Stoke St Gregory**

Application Type: Full Planning Permission

Grid Reference: 334690.127403

Please find enclosed the decision notice for your planning application **36/18/0048**. It is very important that you carefully read the entire notice including the conditions. No further reminder letters will be sent.

**Planning Conditions**

Planning permission is conditional on the compliance with any attached conditions. Failure to adhere to the requirements of a condition can result in unauthorised development taking place and enforcement action being taken against you.

It is your responsibility to ensure that you have complied with all the requirements of all conditions.

**Approval of Details Reserved by Condition**

Some conditions can require the submission of information or further details prior to any works commencing. Failure to comply with the requirements of any such condition could result in the planning permission becoming null and void.

Should you be required to submit further information for approval by any condition

there is a charge £34 for householder applications and £116 for all others. The fee is payable for each request, which can include details of more than one condition. Please make a telephone payment by ringing 01823 219147 or cheques should be made payable to Somerset West and Taunton and must be submitted with the request to the Conditions Monitoring Officer. Application forms for the approval of details reserved by condition are available from the Planning Portal website.

There are no national requirements for applications for the approval of details reserved by condition except that they should be made in writing and that the authority should determine them within 12 weeks of the application being validated. It is therefore important that any request is made in a timely manner to avoid any delays in works commencing on site.

## **Building Regulations**

Building Regulation approval is a separate matter from obtaining planning permission for the work that you are intending to carry out. Most building work whether new, alterations, extensions or change of use requires Building Regulations approval. For more information about the Building Regulations, from what they are to what is covered by them, please contact the Somerset Building Control Partnership at [somersetBCP@sedgemoor.gov.uk](mailto:somersetBCP@sedgemoor.gov.uk) or telephone 0300 303 7790. Additional information can be obtained at - [www.sedgemoor.gov.uk/SomersetBCP](http://www.sedgemoor.gov.uk/SomersetBCP)

## **Site Notice**

The Local Planning Authority may have erected a Site Notice on or near the application site to advertise this development proposal. Could you please ensure that any remaining notice in respect of this decision is removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Please Note: TDBC implemented the Community Infrastructure Levy (CIL) on 1 April 2014. This is a tariff in the form of a standard charge on the creation of new dwellings (including holiday lets and student accommodation), household extensions of 100 square metres or more in size and retail development (use classes A1-A5). If this application falls into any of these categories please visit the Council website and search for 'CIL' to find out what to do next.

Yours faithfully



Ms R Miller

Principal Planning Specialist

**Planning**

Somerset West and Taunton, PO Box 866, Taunton TA1 9GS

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WHITE YOUNG GREEN PLANNING  
HAWKRIDGE HOUSE  
CHELSTON BUSINESS PARK  
WELLINGTON  
SOMERSET  
TA21 8YA

**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)**

**Application No: 36/18/0048**

**Proposal: Erection of 34 No. dwellings, (7 No. bungalows and 27 No. houses) with associated works including drainage, landscaping and highways works on land adjacent to Willey Road, Stoke St Gregory**

Application Type: Full Planning Permission

Grid Reference: 334690.127403

Somerset West and Taunton under the above Act hereby GRANT PERMISSION for the above development.

**The development must be carried out in accordance with the application and accompanying plan(s) submitted to the Council and is only valid subject to compliance with the following condition(s):**

- 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 18.29.01 Site Location Plan  
(A1) DrNo 18.29.02D Site Layout House Types  
(A1) DrNo 18.29.03D Site Layout Block Plan  
(A2) DrNo 18.29.04 Floor Plan House Type A  
(A2) DrNo 18.29.05 Floor Plan House Type B  
(A2) DrNo 18.29.06 Floor Plan House Type C  
(A2) DrNo 18.29.07A Floor Plan House Type D  
(A2) DrNo 18.29.08 Floor Plan House Type E  
(A2) DrNo 18.29.09 Floor Plan House Type F  
(A2) DrNo 18.29.10 Floor Plan House Type F

(A2) DrNo 18.29.11 Floor Plan House Type G  
(A2) DrNo 18.29.12 Floor Plan House Type H  
(A2) DrNo 18.29.13A Floor Plan House Type J  
(A2) DrNo 18.29.14 Plots 1 & 2 Type F Elevations  
(A2) DrNo 18.29.15 Plots 3 & 4 Type F Elevations  
(A2) DrNo 18.29.16 Plot 5 Type H Elevations  
(A2) DrNo 18.29.17 Plot 6 Type H Elevations  
(A2) DrNo 18.29.18 Plots 7 & 8 Type F Elevations  
(A2) DrNo 18.29.19 Plots 9 &10 Type F Elevations  
(A2) DrNo 18.29.20 Plots 11 & 12 Type G Elevations  
(A2) DrNo 18.29.21 Plots 13-15 Type G Elevations  
(A2) DrNo 18.29.22 Plots 16-19 Type J Elevations  
(A2) DrNo 18.29.23 Plot 20 Type B Elevations  
(A2) DrNo 18.29.24 Plot 21 Type A Elevations  
(A2) DrNo 18.29.25 Plot 22 Type D Elevations  
(A2) DrNo 18.29.26 Plot 23 Type D Elevations  
(A2) DrNo 18.29.27 Plot 24 Type B Elevations  
(A2) DrNo 18.29.28 Plot 25 Type C Elevations  
(A2) DrNo 18.29.29 Plot 26 Type A Elevations  
(A2) DrNo 18.29.30 Plot 27 Type E Elevations  
(A2) DrNo 18.29.31 Plot 28 Type E Elevations  
(A2) DrNo 18.29.32 Plot 29 Type E Elevations  
(A2) DrNo 18.29.33 Plot 30 Type E Elevations  
(A2) DrNo 18.29.34 Plot 31 Type E Elevations  
(A2) DrNo 18.29.35 Plot 32 Type C Elevations  
(A2) DrNo 18.29.36 Plot 33 Type B Elevations  
(A2) DrNo 18.29.37 Plot 34 Type A Elevations  
(A2) DrNo 18.29.38 Garages - Sheet 2 of 2 Floor Plans & Elevations  
(A2) DrNo 18.29.39 Garages - Sheet 2 of 2 Floor Plans & Elevations  
(A1) DrNo 18.29.40A Site Elevations  
(A2) DrNo 18.29.41 Access Elevations  
(A1) DrNo 2321/500 Drainage Strategy Plan  
(A1) DrNo SPP.3065.001 Rev C Soft Landscaping Plan  
(A1) DNo 2321/500 Rev A Drainage Strategy Plan  
(A2) DrNo 18.29.42A Footpath Link

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

3

The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental submitted report, dated September 2018 and a Dormice survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

- 4 No part of the development hereby permitted shall be first occupied until the access works have been carried out generally in accordance with a design and specification that will be submitted to and approved in writing in conjunction with the Highway and Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To ensure that the highway works are carried out satisfactorily.

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

Reason: In the interests of pedestrian and highway safety.

- 7 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

- 8 There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: To ensure that adequate on-site parking is provided.

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

submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.

Reason: In the interests of highway safety.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: To ensure that adequate off-street parking is provided.

- 11 There shall be no obstruction to visibility greater than 300 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. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 12 The development hereby permitted shall not be first occupied until an agreed number of vehicle parking spaces and layout for the development have been provided and approved in conjunction with the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: To ensure that adequate off-street parking is provided.

- 13 Prior to first occupation of the development hereby permitted, access to covered cycle and motor cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To encourage and support the use of electric cars.

- 15 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, if required.

Reason: In the interests of highway safety.

Reason for Pre-commencement: To ensure that adequate measures are in place to avoid traffic congestion prior to construction starting on site.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 18 No development shall be commenced until details of the surface water drainage scheme in accordance with the FRA (Rev C) and Drainage Strategy Plan (Spring Design 2321/500 Rev A dated 01/04/2019) together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site

must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

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

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

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

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

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

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

Reason: To prevent over development in the an area.

21 Prior to the occupation of the approved dwellings, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and/or the monitoring of travel habits. The development shall not be occupied until the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To encourage sustainable travel patterns.

- 22 Prior to the construction of the buildings, 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.

## **NOTES TO APPLICANT**

### **1. Ecology Informative Note**

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

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

### **2. Highways Advice Note**

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

### **3. Public Right of Way Advice Note**

We recommend that a connecting link to the footpath T 25/28 is provided as part of a S38 agreement.

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority

(private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided.

4. Your attention is drawn to the accompanying Section 106 requiring a contribution towards the public open space on the playing fields located opposite the site.

*Rebecca Miller*

**REBECCA MILLER, PRINCIPAL PLANNING SPECIALIST**

Date: 31 October 2019

N.B. Notes of the applicant's rights are overleaf.

## NOTES

(1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so **within 6 months of the date of this notice**. Appeals can be made online at <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000 The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within six months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

(2) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

(4) Having regard to the powers of the Highway Authority under the Highways Act, 1980, you should consult the Planning Liaison Officer, County Highways, Somerset County Council, County Hall, Taunton, TA1 4DY (Telephone: 0845 345 9155) in respect of a proposal within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc.).

(5) This permission does not authorize you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and, if required, further information can be obtained from the Diversion Order Office The Deane House, Belvedere Road, Taunton, TA1 1HE (Telephone 01823 356300).

(6) You are advised to investigate the possible existence of apparatus of Statutory Undertakers before commencing the development.

(7) In the case of development which will result in (1) buildings or premises to which the public are to be admitted whether on payment or otherwise, or (2) office premises, shop premises and railway premises to which the Office, Shops and Railway Premises Act, 1968, applies; premises which are deemed to be such premises for the purpose of that Act, or factories as defined by Section 175 of the Factories Act, 1961: being premises in which persons are employed to work, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act, 1970, in connection with (1) and to Sections 8 and 8A of that Act and the Code of Practice for Access for the Disabled to Building (i.e. British Standards Institution Code of Practice referred to as BS 5410:1971) in connection with (2).

(8) In the case of development which will result in the provision of a building intended for the purposes of (1) a university, university college or college or a school or of a school or hall of a university; or (2) a school within the meaning of the Education Act, 1944, a teacher training college maintained by a Local Education Authority in England or Wales or any other institution providing further education pursuant to a scheme under Section 42 of that Act, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act, 1970, and Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for the Environment.

(9) This decision notice Certificate does not purport to convey any approval or consent which may be required by any byelaw, order, regulation or any enactment other than the Town and Country Planning Act, 1990. In particular it may be necessary to submit an application for approval under the Building Regulations, advice on which may be obtained from the Somerset Building Control Partnership, Sedgemoor District Council, Bridgwater House, King Square, TA6 3AR. Tel: 0300 303 7790  
Email: [somersetBCP@sedgemoor.gov.uk](mailto:somersetBCP@sedgemoor.gov.uk)

# **Appendix E**

## Building for Life 12 Assessment

BfL Heading	BfL Criteria	Reviewer's Comments	Supporting Evidence	Evaluation Score Rating
<b>1) Connections</b>	Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones, while also respecting existing buildings and land uses around the development site?	The proposed site layout will create a well integrated development that responds to the existing built form. It will provide a pedestrian link from the main access point into the existing village via a new footpath along the western edge of Station Road.	Site Plan 17.98.02(rev)  Block Plan 17.98.03(rev)  Design & Access Statement - Section 4, page 9.	<b>Green</b>
<b>2) Facilities and services</b>	Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?	Hatch Beauchamp contains a Village Hall, a Primary School, a Free House and a Play Area. There is no convenience store within the village so travel to Taunton or other urban area would be required.  Taunton is approximately 5 miles north-west of the village.	Design & Access Statement - Section 2, page 3.	<b>Green</b>
<b>3) Public transport</b>	Does the scheme have good access to public transport to help reduce car dependency?	There is no bus service currently in the village. Cycle storage is provided for each dwelling within garages or cycle stores.	Design & Access Statement - Section 2, page 3.	<b>Red</b>
<b>4) Meeting local housing requirements</b>	Does the development have a mix of housing types and tenures that suit local requirements?	The proposed development provides 12 dwellings, 6 of which are allocated as affordable homes.  Extensive discussions have been had with the Local Housing Enabling Lead to establish the tenure and mix of the affordable homes, and they are provided in response to a recent local housing needs survey.  The open market homes to be provided are all bungalows, a shortage of which exists on the market, particularly in the rural South West where they are popular for those who are down-sizing or retiring.	Site Plan 17.98.02(rev)  Design & Access Statement - Section 3, page 5.	<b>Green</b>

BfL Heading	BfL Criteria	Reviewer's Comments	Supporting Evidence	Evaluation Score Rating
<b>5) Character</b>	Does the scheme create a place with a locally inspired or otherwise distinctive character?	<p>The proposed development responds to the local character both in terms of its layout and the form and design of the individual dwellings, whilst also giving a distinct sense of place.</p> <p>The new access point provides an attractive frontage onto Station Road with feature bungalows forming a gateway into the rest of the development. A cul-de-sac has been formed like those adjacent in "Home Orchard" and "Nightingale Acre", both in close vicinity to the site, but featuring an 'open end' which opens up into a paddock area with views across the countryside.</p> <p>The style and material treatment of the dwellings incorporates the local vernacular, using local materials and features found throughout rural Somerset villages.</p>	<p>Site Plan 17.98.02(rev)</p> <p>Individual elevation drawings nos: 17.98.09 through 17.98.17</p> <p>Design &amp; Access Statement - Section 2, page 4. Section 5, page 10.</p>	<b>Green</b>
<b>6) Working with the site and its context</b>	Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?	<p>Green frontages to each dwelling are proposed throughout the development. A large area of open field is to be retained as a paddock area with various tree planting to maintain the rural feel of the village.</p> <p>The hedgerow along Station Road is to be retained where it is most substantial, starting from the rear of plot 5 and to the south. All other hedgerow boundaries will be retained.</p> <p>The topography is gently sloping downwards towards the south, bungalows are positioned on the northern end of the site and the affordable 2 storey houses are on the southern end to reduce the overall impact of the development.</p> <p>North facing gardens are avoided, and many properties can benefit from passive solar gain.</p>	<p>Site Plan 17.98.02(rev)</p> <p>Design &amp; Access Statement - Section 5.</p>	<b>Green</b>

BfL Heading	BfL Criteria	Reviewer's Comments	Supporting Evidence	Evaluation Score Rating
<b>7) Creating well defined streets and spaces</b>	Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?	<p>Each dwelling has been carefully positioned to naturally turn the street corners and lead easily into the cul-de-sac. Plots 7&amp;8 and 6 create a characterful frontage, and upon entering the site plot 11 terminates the view and naturally leads into the rest of the site.</p> <p>An open cul-de-sac is proposed at the south of the site to better reflect the rural, not urban, nature of the village.</p> <p>All of the dwellings are proposed to have planting and landscaping to their frontage.</p>	<p>Site Plan 17.98.02(rev)</p> <p>Block Plan 17.98.03(rev)</p> <p>Landscaping drawings: 3105.001.1 &amp; 2</p>	<b>Green</b>
<b>8) Easy to find your way around</b>	Is the scheme designed to make it easy to find your way around?	<p>10 of the 12 dwellings are accessed from a singular vehicular access point and leads naturally into the development. The 2 other dwelling are accessed from a private drive.</p> <p>This is a small, rural development that is easy to navigate.</p>	Block Plan 17.98.03(rev)	<b>Green</b>
<b>9) Streets for all</b>	Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?	<p>The road serving the 10 dwellings is designed as a shared surface. The intention of a shared surface is for pedestrians and vehicles to share the same space, thereby encouraging low vehicle speeds and creating an environment where pedestrians are not intimidated by vehicles.</p> <p>The short stretch of shared surface would not encourage vehicles to travel at much more than walking pace.</p>	<p>Site Plan 17.98.02(rev)</p> <p>Transport Statement</p>	<b>Green</b>
<b>10) Car parking</b>	Is resident and visitor parking sufficient and well-integrated so that it does not dominate the street?	<p>Many of the dwellings are provided with garages to remove cars from view. Where open car parking spaces are provided, these are shielded where possible with planting and landscaping features to reduce their impact.</p>	<p>Site Plan 17.98.02(rev)</p> <p>Transport Statement</p>	<b>Green</b>

<b>BfL Heading</b>	<b>BfL Criteria</b>	<b>Reviewer's Comments</b>	<b>Supporting Evidence</b>	<b>Evaluation Score Rating</b>
<b>11) Public and private spaces</b>	Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?	In most instances carefully positioned planting is used to define front boundaries and access and to separate the private curtilage from public areas.  Rear gardens are screened by min 1.8m high brick walls where they are in public view and by close boarded fences in rear gardens.	Site Plan 17.98.02(rev)  Design & Access Statement - Section 5.	<b>Green</b>
<b>12) External storage and amenity space</b>	Is there adequate external storage space for bins and recycling as well as vehicles and cycles?	Cycle storage is provided on the basis of 1 space per bed space. This is either within the garages or will be provided via a dedicated shed/cycle store within the rear gardens of each dwelling.  Waste bins and recycling containers can be accommodated within the rear gardens of each dwelling on the hardstanding areas close to the separate rear access points for convenience.	Site Plan 17.98.02(rev)  Design & Access Statement - Section 5.	<b>Green</b>