



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, D Archer, G S Dowding, S Y Goss, A P Hadley, T Hall, B Heywood, I Jones, C Morgan, P H Murphy, J Parbrook, K H Turner, R Woods

Our Ref TB/TM

Your Ref

Contact Tracey Meadows t.meadows@tauntondeane.gov.uk

Extension 01823 356573

Date 16 September 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING  
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Dear Councillor

I hereby give you notice to attend the following meeting:

**PLANNING COMMITTEE**

**Date: Thursday 24 September 2015**

**Time: 4.30 pm**

**Venue: Council Chamber, Council Offices, Williton**

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Democratic Services on 01823 356573.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Bruce Lang".

**BRUCE LANG**  
Proper Officer

## PLANNING COMMITTEE

THURSDAY 24 SEPTEMBER 2015 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Draft Minutes of the Meeting of the 27 August 2015 - **ATTACHED**

3. Declarations of Interest or Lobbying

To receive and record any declarations of interest or lobbying in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

The Chairman/Administrator to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three minute time limit applies to each speaker and you will be asked to speak after the officer has presented the report but before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Where an application is involved it has been agreed that the applicant will be the last member of the public to be invited to speak. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Town and Country Planning Act 1990 and Other Matters (Enforcement)

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The West Somerset Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

**Report No: Fourteen**

**Date: 15 September 2015**

<u>Ref No.</u>	<u>Application/Report</u>
3/01/15/008	Proposal for six industrial units on the site of a car park which served the former meat processing business at Upcott Farm
3/01/15/009	Erection of dwelling house with double garage and formation of vehicular access from Chilcombe Lane
3/01/15/011	Erection of a detached three bedroom occupational dwelling

6. Exmoor National Park Matters - **Councillor to report**

7. Delegated Decision List - **Please see attached**

**8. Appeals Lodged**

Appeal against refusal of planning permission for the erection of dwelling in the garden of Pemswell Lodge, Minehead, Somerset, TA24 5RS – Appeal Ref APP/H3320/W/15/3031320

**9. Appeals Decided**

Retention of brick walling around vehicular entrance at Land at Kiln Cottage, Kilve, Bridgwater TA5 1DZ – Planning appeal dismissed and Enforcement Notice upheld.

**RISK SCORING MATRIX**

Report writers score risks in reports uses the scoring matrix below

<b>Likelihood (Probability)</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
<b>Impact (Consequences)</b>							

## PLANNING COMMITTEE

### Minutes of the Meeting held on 27 August 2015 at 4.30 pm

#### **Present:**

Councillor S J Pugsley .....Chairman  
Councillor B Maitland-Walker .....Vice Chairman

Councillor I Aldridge  
Councillor G S Dowding  
Councillor B Heywood  
Councillor J Parbrook  
Councillor R Woods

Councillor D Archer  
Councillor S Y Goss  
Councillor I Jones  
Councillor K H Turner

#### **Officers in Attendance:**

Area Planning Manager – Bryn Kitching  
Planning Officer – Russell Williams  
Democratic Services Officer – Tracey Meadows  
Legal Advisor Martin Evans - Mendip DC

#### **P29 Apologies for Absence**

There were apologies for absence from Councillors Hall, Morgan and Murphy

#### **P30 Minutes**

**RESOLVED** that the Minutes of the Planning Committee Meeting held on 25 June and 30 July 2015 circulated at the meeting be confirmed as a correct record. Proposed by Councillor K Turner and seconded by Councillor D Archer.

#### **P31 Declarations of Lobbying**

Councillor Turner declared a personal interest to application No. 3/02/15/002. He declared that this application was in his ward and also that he was chairman of Brompton Ralph Parish Council. He declared that he was not present when the item was discussed at the Parish Council meeting. He also declared that he had also been lobbied. Councillor Woods declared that she had been lobbied for application No. 3/37/15/006.

#### **P32 Public Participation**

<b>Min No.</b>	<b>Reference No.</b>	<b>Application</b>	<b>Name</b>	<b>Position</b>	<b>Stance</b>
P33	3/02/15/002	Construction of timber loading bay, new forestry tracks and the upgrading of exiting forestry tracks at land a Cording's Cleeve, Brompton Ralph	Mr Peter Morgan	Local Resident	Objector
			Mr Peter Goodwin	Mr Peter Goodwin, Vice Chairman, Clatworthy Parish Council	Objector
P33	3/37/15/006	Refurbishment of Watchet's Boat Museum, demolition of current wooden	Naomi Griffiths	Onion Collective	In favour

		'portacabin' cab office and a propose extension creating a Visitors Centre and offices for Watchet Town Council, a new cab office and location of rope-making machine at Watchet Boat Museum, Harbour Roar, Watchet			
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**P33 Town and Country Planning Act 1990 and Other Matters**

Report Thirteen of the Planning Team dated 18 August 2015 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

**RESOLVED** That the Recommendations contained in Section 1 of the Report be Approved (in so far as they relate to the above), including, where appropriate, the conditions imposed and the reasons for refusal, subject to any amendments detailed below:

**Reference      Location, Proposal, Debate and Decision**

**3/02/15/002      Construction of timer loading bay, new forestry tracks and the upgrading of existing forestry tracks at Land at Cording's Cleeve, Brompton Ralph**

**Comments raised by the speakers included:**

- Damage to the road by the large vehicles turning around.
- The road at Fortures Cross has been repaired three times.
- Culvert Bridge at the bottom of Culverts Farm will not take the added weight.
- There is lack of a traffic management and construction management plan on the lane.
- Impact on traffic and local services.
- Condition on the upgrade of the surface at Fortures Cross turning into the loading bay.
- Clatworthy Parish Council voted 5-1 against this application. We are not against this application for logging, something needs to be done about the amount of traffic on the road.
- Occupants of farms along the lane are concerned by the lack of passing places.
- Lane is already sign posted as unsuitable for heavy goods vehicles.
- A Condition is needed for passing passes along the approach road.

**The Members debate centred on the following issues:**

- Road is unsuitable for HGV's with lack of passing places in Battens lane. The lane will also be cut off for a number of months per year.
- Lack of turning space on site for HGV's
- Disappointed that road trips to and from the site have not been conditioned.
- Lack of a Travel, Management and Construction Plan. Would like to see the Ward member involved with this.
- Residents of Brompton Ralph object to this and we need to listen to listen to their concerns.
- Impact on the road is the relevant concern with this application and Improvements need to be made to the application before this is granted approval.
- We need to welcome this application, but it does need conditions in the form of a Travel and Traffic Management Plan so that this site can be managed. Dates and times of loading need to be agreed with the residents.
- Inconsistencies with the application.

Councillor K Turner proposed and Councillor S Goss seconded a motion that planning permission be **DEFERRED** to prepare conditions for a traffic management plan and construction and operational management plan. If necessary seek road improvement via a S106 if the above issues cannot be addressed by either of the above plans.

The motion was carried.

**Reference      Location, Proposal, Debate and Decision**

**3/37/15/006      Refurbishment of Watchet's Boat Museum, demolition of current wooden 'portacabin' cab office and a proposed extension creating a Visitor's Centre and offices for Watchet Town Council, a new cab office and location of rope-making machine at Watchet Boar Museum, Harbour Roar, Watchet**

**Comments raised by the speaker include:**

- Lots of discussions with highways which will continue to make sure that the public realm was going to work as we move forward with the application.
- Build begins in November hoping to open in spring 2016 for the new tourist season.
- Asset transfers are moving forward.
- This is a modest building but will make a significant difference to Watchet with the Enchantment of the economy for Watchet with the purpose built building which will also house the Town Council.

**The Members debate centred on the following issues:**

- Concerns with the pavement out the front of the building, stated that we needed bollards erected to protect the public.
- Area needs brightening up with flower pots
- This will tidy up the entrance to Watchet
- Concerned with the upkeep of the timber cladding

Councillor K Turner proposed and Councillor I Aldridge seconded a motion that planning permission be **GRANTED** in accordance with Officers recommendation.

The motion was carried

**P34 Exmoor National Park Matters**

Councillor S Pugsley and Councillor B Heywood reported that unless there were any overriding reason to the contrary they do not meet in August.

**P35 Delegated Decision List**

Councillor Woods declared that she had been lobbied over application No.3/26/15/011 which the applicant is going to appeal. Declared that she would speak to the Planning Officer to discuss.

Councillor B Maitland- Walker sought clarification from the Area Planning Manager on the definition of a split decision. The Area Planning Manager declared that some of the conditions were agreed but not all them could be agreed for application No. C/02/15/002

**P36 Appeals Lodged**

Appeal against Hedgerow Retention Notice for 125m of hedgerow on land at Perry Farm, East Quantockshead. The Chairman reported that there was nothing to say on this appeal at present but for members to note it.

**P37 Appeals Decided**

Proposed residential development of eight semi-detached dwellings (plots 23, 23A, 24, 24A, 25, 25A, 26, & 26A) in place of four approved detached dwellings and a block of nine flats rather than an approved block of eight flats (plots 5 to 12A) together with vehicular parking, access and associated infrastructure (amended scheme to planning permission 3/21/13/084) on land at Ellicombe Meadow, Minehead

Councillor Woods declared that she was confused with this appeal as this application came back to committee after it went to appeal. The Chairman stated that this was the appeal on the first application that the inspector upheld the refusal. The applicant in the meantime came back with a new application which was approved. The new application was lower and quite different to the original application.

The meeting closed at 6.08pm

<b>Application No:</b>	<a href="#">3/01/15/008</a>
<b>Parish</b>	Bicknoller
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 311286    Northing: 138426
<b>Applicant</b>	Mr Chris Warren
<b>Proposal</b>	Proposal for six industrial units on the site of a car park which served the former meat processing business at Upcott Farm
<b>Location</b>	Upcott Farm, Upcott Lane, Bicknoller, TA4 4EY
<b>Reason for referral to Committee</b>	Called in by the Chairmain of the Planning Committee

### **Risk Assessment**

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measurers have been actioned and after they have.

### **Site Location:**

Upcott Farm, Upcott Lane, Bicknoller, TA4 4EY

### **Description of development:**

Proposal for six industrial units on the site of a car park which served the former meat processing business at Upcott Farm

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Bicknoller Parish Council***

The Parish Council are in support of the above application.

#### ***Highways Development Control***

I refer to the above mentioned planning application received 7th July 2015 and have the following observations on the highway and transportation aspects of this proposal;

The application states that the proposal will not have a greater impact than that seen with the former meat processing business at the site but this has not been in use for some years. While the impact will be low, it would increase compared to what is currently there and there are concerns regarding visibility and accidents, as discussed below.

Visibility splays have not been submitted with the application. Visibility is of particular concern at the junction of Upcott Lane and the A358 due to the topography of the road, as



discussed in the pre-application advice (Ref: PRE/01/14/002).

Visibility to the right from the junction is restricted, as is the forward visibility of those on the A358 wishing to turn right into Upcott Lane. The topography of the road means that traffic approaching from the south east is hidden until quite close to the junction when it appears suddenly quite close to the driver waiting to turn right. This problem is equally poor for emerging vehicles since the same traffic is invisible to emerging drivers until a few yards away. Emerging and right turning traffic is therefore at risk to fast moving traffic. This junction is also the site of 5 accidents in the last 5 years, although details of the accidents are not known.

The application proposes a total of 11 parking spaces - 8 for cars and 3 for LGVs. This is contrary to the SCC Parking Strategy guidance for B1(c) land use which suggests a light industrial development of 410sqm should have 14 car parking spaces. There is also no provision for disabled, motorcycle or cycle parking on site. With the potential for 16 employees, and any visitors the site could generate, this could lead to restricting the turning within the site or parking on the highway, both of which could lead to safety concerns. The proposed width and surfacing of the access appear to be appropriate for the site.

I have to maintain that without improvements to the safety of the junction of Upcott Lane and the A358 as well as improvements to parking both vehicle and cycle, the Highway Authority will have to uphold its advice to refuse this or any application that will increase the use of that junction.

Further comments rec. on 27/08/15 -

The application has been through extensive correspondence with the developer, the Local Planning Authority, and local residents due to the inherent issues with the site access proposals of the site.

The application has now made clear proposals to improve the site access with Upcott Lane and more importantly the improvement proposals for the junction of Upcott Lane with Halsway Hill. There will be a negligible impact in traffic. The application is broadly in line with policy Visibility splays have not been submitted with the application. But the applicant has now made proposals to cut back and improve junction visibility at both the site access onto Upcott Hill as well as the junction of Upcott Hill and Halsway Hill. It is stated that this is in order to achieve the required visibility splays, but as mentioned earlier no actual visibility splay information has been provided within the new and revised application plans.

The application has now addressed the issues raised with parking provisions for the application. Originally the application proposed 11 parking spaces - 8 for cars and 3 for LGVs. It was highlighted that this was contrary to SCC Parking Strategy and should provide 14 car parking spaces. The applicant is now proposing to provide the full 14 parking spaces, although there is no mention of disabled, motorcycle or cycle parking on site.

I have no other objections to the proposed works which would not be considered to pose any highway safety concerns as either overly distracting or obstructive to pedestrian or vehicle movements.

#### Conditions and Advice

Due to the nature of the works undertaken on site the following conditions would apply;

Secure completion of the footpaths and access prior to first occupation.

The access arrangements must be completed in accordance with SCC policy and

maintained.

Visibility must be demonstrated, illustrated, and maintained for both the site access and the proposed junction improvements onto Halsway Hill.

Parking and turning/service areas should be provided in accordance to the number, size and design in the SCC Parking Strategy.

Appropriate surface water drainage must be provided.

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.

### ***Economic Regeneration and Tourism***

My comment in respect of the above application would be as follows:-

Given the high proportion of self-employment in the District indications are that there would be a demand for modern small business units of this type and so from an economic development perspective we are broadly supportive of this type of development. ONS stats Aug 2014 publication contain data by local authority area (from 2011) and ranks West Somerset as the third highest rate of Self Employment in the UK at 27.8% (behind Isles of Scilly and Orkney Islands). The latest UK figures available for April to June 2014 put the UK average at 15%.

### ***Public Consultation***

The Local Planning Authority has received 3 letters of objection/support making the following comments (summarised):

- This is a very worthwhile project as it will give the area a facility not so far available.
- It will be ideal for workshops of a spiritual nature and for nutritional and wellness programmes.
- The location is pleasant, rural and ideal for this sort of thing.
- This project would be a unique asset to the district.
- I have been running my business for 2 years and already rent a unit at Upcott Farm and am interested in renting a new one with easier access.
- An advantage for me is that it is just down the road from my home and will be an ideal size unit for a growing business which is 650ft<sup>2</sup>.
- I support the plans to put forward a catering unit with all utilities provided.
- There is nothing else available to rent in West Somerset for a small business with catering units to this high standard.

### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan has been submitted for examination and therefore the policies should be given weight as a material consideration.

The following Policies are considered relevant to this application:

SP/5	Development Outside Defined Settlements
BD/1	Local Distinctiveness
BD/2	Design of New Development
BD/5	New Industrial and Commercial Buildings
LC/3	Landscape Character
T/3	Transport Requirements of New Development
T/7	Non-Residential Development Car Parking
SD1	Presumption in favour of sustainable development
SV1	Development at primary and secondary villages
SC1	Hierarchy of settlements
EC5	Safeguarding existing employment uses
NH2	Landscape Character Protection
NH10	Securing high standards of design
TR2	Reducing reliance on the private car
E/5	New Business Developments Outside Settlements
E/6	Expansion of Existing Business

### National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.

National Planning Policy Framework (the NPPF)

Technical Guidance to the National Planning Policy Framework (the NPPG)

### Local Policy

West Somerset Local Plan (2006)

West Somerset Local Plan to 2032 Published Draft Preferred Strategy (June 2015)

Somerset County Council Parking Strategy (2013)

Somerset County Council Highways Development Control Standing Advice (2013)

### Planning History

The following planning history is relevant to this application:

Case Ref	Proposal	Decision	Decision Date
3/01/97/001	Amendment To Existing Planning Perm. Include 2 Further Light Industrial (B1 Type) Units At 1st Floor Remove Con 02	Grant	13/02/97
3/01/99/006	Change Of Use From Agricultural/storage To Integral Part Of Existing Business	Grant	24/06/99
3/01/91/006	To Use Building D In Connection With Agricultural Merchants Within Class B8	Refuse	30/05/91
3/01/91/004	Buildings A, B And C To Be Used For Business Purposes Within Class B1	Refuse	30/05/91
3/01/91/005	Buildings A, B And C To Be Used For Purposes In Connection With Equestrian Use	Refuse	30/05/91
3/01/91/007	Demolition Of Buildings And Silo And Erection Of Four Detached Houses	Refuse	30/05/91
3/01/99/016	Enclosing And Weather-Proofing Part Of Yard Along With Internal Reorganisation	Grant	22/11/99
3/01/86/020	Proposed use of agricultural barn for meat-cutting & packing & the formation of new car parking area.	Withdrawn by	25 /04/90

		Applicant	
3/01/05/002	Realignment of approx. 300m of Upcott Lane, Provisions of additional parking & manoeuvring. Extension to existing building - As amended by plans rec. on 20/6/05.	Grant	20/07/05
3/01/11/004	Proposed installation of 212sqm photovoltaic panels on south aspect roof of industrial building.	Grant	16/06/11
3/01/13/006	To provide self storage facilities via 28 lockable containers on an unused former overflow car park plus car parking facilities for container users.	Refuse	11/04/14

### Proposal

The application seeks planning permission for the erection of six new industrial units on the site of a car park which served the former meat processing business at Upcott Farm. The proposed units would have the appearance of a modest agricultural barn in a 'U' shaped arrangement thereby creating a courtyard with the units facing forward.

### Site Description

The site known as Upcott Farm comprises of the former farmhouse and several farm buildings which have operated as commercial/light industrial use since the mid 1970's. This site is situated in a secluded valley which is not near any other domestic development. The proposed siting of the containers is on an area currently used for parking. The whole of the site is screened from the south by a dense area of tree cover on the adjoining land. A single track road (known as Upcott Lane) runs north/south on the western side of the complex of buildings and provides access to the A358. The parking area is located on the opposite side of the road surrounded by fields.

Upcott Farm lies in a west facing valley. It is located 250 metres south west of the A358, Taunton to Minehead road at the foot of the Quantock Hills. The village of Bicknoller is situated north of the A358, approximately 1 kilometre from the site. The A358 represents the boundary between The Quantock Hills Area of Outstanding Natural Beauty and the West Somerset District Council Special Landscape Area. The ridge of the Quantock contrasts with the undulating landscape below with its mix of fields, hedgerows and small woodlands. A public footpath crosses the site in an east-west direction. Access to the site is via a single track with associated passing places that is adjacent to the existing commercial units and the proposal site, with the parking area (proposal site) on the west. The existing access is typical of the narrow agricultural lanes in the area which is bounded by tall native hedging.

### Planning Analysis

#### 1. Principle of Development

This site is located outside of any development limits. It is understood that the current lawful use of the site is for light industrial purposes. The proposal is to add an additional use of B8 storage with the addition of 6 new industrial units to be located on an existing under used overflow car parking area opposite the existing series of existing commercial units. Development in this location would need to meet the requirements of policies SP/5 of West Somerset District Local Plan (2006) and paragraph 28 of the NPPF which supports the growth of business and diversification of agricultural and other land-based rural businesses.

Policy SP/5 only permits development which provides an economic benefit without leading to a significant increase in car travel. Information provided by the applicant with regards to the expected transport movements, confirm that current vehicle movements from the existing units are up to 20 daily movements by cars or vans up to transit size, 3 lorries per week and on average 1 articulated lorry per month. The additional six units are likely to

generate a further increase of 10 additional cars and vans daily and 1-2 lorries per week. Comments from County Highways are discussed later in this report. The proposal is clearly in line with paragraph 28 of the NPPF, although this consideration is not over-riding and the other material considerations will also need to be met.

The applicant makes the case that the new industrial units are to be located on an existing overflow car park in response to demand to expand existing activities and the growth of existing business at the site. The varying size of the units are to reflect the incubator nature of the units available at Upcott Farm, and the requirements of prospective occupiers of the units has informed the operational requirements and size of the proposed units. The planning history on the site shows that there have been light industrial units and a meat packing business on the existing site. Currently, the site employs 19-20 people in 11 different businesses. It is therefore considered in light of the above that the proposal although outside current development limits the use of the site is well established with existing incubator units and this accords with planning policy SP/5 which provides an economic benefit without significant increase in car travel.

Policy E/5 - "Business development outside settlements" is not applicable in this instance because it relates to sites that are outside but adjacent to the development limits of a village. The site is located outside the development limits of Bicknoller by approximately 705m (to the south east) and some 3.7 miles/6km from Roughmoor Industrial Estate in the nearest rural centre of Williton.

Policy E/6 provides for some limitations to be exercised in appropriate circumstances where, for example, a site adjoins a residential area or other sensitive land use, or there is a proposal for a process or product which would give rise to other concerns.

POLICY E/6 (Expansion of existing businesses) guides that;

The Local Planning Authority will permit established businesses to expand on existing or adjacent sites within development limits where the scale of development is compatible with the role and size of the settlement, subject to:

- (i) The expansion not adversely affecting the amenities of nearby properties;
- (ii) The ability of access roads to accommodate any increase of traffic generated by the expansion;
- (iii) The provision of adequate parking and servicing arrangements on the site;
- (iv) Satisfactory design and sufficient provision of landscaping to minimise the visual impact of the buildings and associated uses on the surrounding area;
- (v) Development not resulting in the loss of land allocated or protected for other uses in the Plan;
- (vi) The development proposal not having an adverse effect on landscape, wildlife or nature conservation interests.

Bicknoller village is approximately 1km away from the site and the site itself is away from other residential properties. Therefore, (i) above does not apply. ii, iii, iv and vi are discussed below, and it will be noted that the proposal is now considered to conform with these criteria. The development will not result in the loss of allocated or protected land and so (v) above is met.

Although this proposal would benefit economic activity by providing additional start-up business units, this has to be weighed up against the sustainability of the proposed development, together with the existing access to the site, impacts on the character and appearance of the area and the need for these additional units outside of existing rural centres in the area. When considered against these criteria, the benefits of this proposal are marginal and might be considered not to be in accordance with policy SP/5 of the

Adopted Local Plan (Development outside defined settlements), which states that in the countryside areas outside of settlement development limits, development will only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel and maintains or enhances environmental quality. There could also be considered to be a discrepancy with policy LC/3 (Landscape character) which states that development, which does not respect the character of the local landscape will not be permitted. These themes are generally carried through in the Publication Draft of the West Somerset Local Plan to 2032, where the proposal could clearly be taken as not meeting the requirements of policies SD1 (Presumption in favour of sustainable development), SC1 (Hierarchy of settlements) and TR2 (Reduce the reliance on the private car). However, policy EC1 (Widening and strengthening the local economy) does support the proposal.

There is therefore a delicate balance of policy considerations, in which the sustainability, environmental and transport policies need to be weighed against the need to provide employment opportunities. On balance, given that the site has already been in use for employment purposes for some time, given that the Highway Authority are not now objecting (see below) and the site is visually well designed, it is felt that there should not be an over-riding objection to the principle of the proposal.

## *2. Character and Appearance of the Area*

Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. This is a largely subjective judgement, but given that the existing uses have been in existence for some time without obvious detriment to the visual amenities of the area, and the new proposal is sensitively designed, it is not felt that these policies are breached.

Policy LC/3 (Landscape Character) guides that where development is permitted outside development limits, particular attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development, which does not respect the character of the local landscape will not be permitted. Officers consider that as the proposed development is to be located adjacent to the existing units in the base of the valley, and would not be visible from the A358, it would have minimal impact on the character of the area.

The proposed new commercial units will be of a steel frame construction with the external walls being painted rendered blockwork up to 1500mm, with the upper walls being clad in natural larch in a grey colour. The proposed design is intended to reflect a design of a modest agricultural barn, in a 'U' shaped footprint. Construction materials will be profiled steel roofing in a merlin grey colour with opaque rooflight panels installed on roofslopes facing the courtyard and aluminium rainwater goods will be used. Larch vertical timber clad walls above rendered blockwork from the base of the building to replicate a traditional agricultural building. Access to each unit would be via roller shutter doors for vehicles and a single pedestrian door. This is all considered to be appropriate.

Public footpath WL1/18 and WL/19 has been diverted to the west of both the proposal site and the existing industrial units and crosses Upcott Lane towards Culverhayes from Halsway. A new mixed species hedge is to be planted to screen on the east, south and west of the development from the nearby footpath located to the west of both the proposed industrial and the existing industrial units and crosses Upcott Lane.

As part of the proposal for the realignment of Upcott Lane and extension of facilities at Upcott Farm, (ref. 3/01/05/002) a landscape and Visual Assessment was undertaken with the appropriate views into the existing site this has been revisited to ascertain any visual

impacts and submitted by the applicant to support this proposal.

Lighting at the site will include PIR external lighting facing inwards and towards the car park and used during business hours when required. PV panels are proposed to be installed on the southern roof slope of the new building, and by clustering the activities and the use of existing infrastructure and services this is considered under the terms of sustainable development.

It is considered that the proposal is acceptable in terms of its impact upon the character and appearance of the area and therefore it accords with local planning policies E/5, A/1, BD/1, BD/2, BD/5, and LC/3 of the West Somerset District Local Plan and policies NH2, NH10 and EC5 of the Publication Draft of the West Somerset Plan to 2032.

### *3. Residential Amenity*

Policy BD/2 of the Local Plan requires that the siting of new buildings has regard to the relationship with adjoining buildings and open spaces. One of the core principles of the NPPF is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings” (paragraph 17).

In terms of noise consideration, the proposed new businesses could be diverse, but the applicant confirms that the noise levels will be similar to those generated across the existing site at present.

Several letters of support have been received from members of the community.

The site is in an isolated location, the nearest dwelling is Cusdon's Cottage which is approximately 130 metres from the site in an easterly direction. It is therefore considered that the proposed development would not have any adverse impacts on residential amenity. The proposal therefore accords with planning policies BD/1, BD/2 and BD/5 of the West Somerset Local Plan and policy NH10 of the Publication Draft.

### *4. Highway Safety*

Paragraph 32 of the NPPF makes it clear that decisions should take into account whether the opportunities for sustainable transport modes have been taken up. The Framework requires that, where practical, development should be located and designed to consider the needs of people with disabilities by all modes of transport. Paragraph 32 of the NPPF also makes clear that decisions should take into account whether a safe and suitable access to the site can be achieved. One of the core principles for the planning system in paragraph 17 of the NPPF is to focus significant development in locations which are or can be made sustainable. Planning policies should also aim for a balance of land uses so that people can be encouraged to minimise journey lengths (paragraph 37). It is unclear that the proposal meets any of these requirements. Access to the site is via a single track with associated passing places that is adjacent to the existing commercial units and the proposal site, with the parking area (proposal site) on the west. The existing access is typical of the narrow agricultural lanes in the area which is bounded by tall native hedging.

The applicant has confirmed the number of vehicle movements from existing units comprise up to 20 movements per day using cars or vans up to transit size. These will include 3 lorries a week and on average one articulated lorry per month. The 6 new units are anticipated to generate a maximum of a further 10 cars or van per day with 1-2 lorries per week. The applicant responds to the highway comments by stating that the proposed vehicle movements would continue to be less than the movements of the former meat processing factory.

One of the main considerations of this proposal is the existing junction between Upcott Lane and the A358. In a previous pre-application enquiry (PRE/01/14/002, dated 02/10/14) and previous historic consultations, the Highway Authority had commented that “the existing visibility is poor when entering and emerging from Upcott Lane and any further increase in the use of this junction would be resisted”. Six additional incubator units are proposed and the applicants indication of the suggested numbers of vehicle movements confirms the amount of increased use of the junction of the approach lane with the adjoining A358. The applicants own submission recognises that Somerset County Council would likely recommend refusal to the scheme on highway safety grounds and increased use of a sub-standard junction.

However, further details have been provided which show that it could be possible to make further improvements to visibility at that junction which could overcome the highway objection. these details include the repositioning of the exiting post and wire boundary fencing at a distance of 0.5m back from the adjoining highway along the south side of the junction. No plans have been submitted which show the actual visibility splays to be provided, however these could be secured through a grampian style condition.

Highways also commented on the original application proposing 11 new parking spaces (8 for cars and 3 for LGVs) as being contrary to the SCC Parking Strategy guidance for B1 (c), which suggests that industrial development of 410sqm should have 14 car parking spaces provided. There was also no provision made for disabled, motorcycle or cycle parking on the site for a potential 16 employees. In response to these comments, amended details have been submitted (dwg. no. 274.5/301B - proposed site plan) showing the 14 car parking spaces, an area designated for motorcycle and bicycle parking the turning area and the tarmac surface with a 300mm gravel drain. Further amended plans (dwg. no.274.5/302B Proposed Ground floor and roof plans) has also been submitted in support of the proposal.

A further letter of response received from County Highways on 27/8/15 confirm that there will be negligible impact in traffic and the application is broadly in line with policy in terms of the improvements to the site access with Upcott Lane. It also states that the parking issues have been addressed and they have no other objections to the proposed works that would be considered to pose highway safety concerns to pedestrian or vehicle movements. The Highway Authority are therefore not now objecting, and the proposal can be said to be in accordance with policies T/3 and T/7 of the West Somerset District Local Plan and policy TR2 of the Publication Draft of the West Somerset Plan to 2032.

#### *5. Economic Development*

Economic Development have commented that they are broadly supportive of the proposal as the ONS statistics of Aug 2014 ranks West Somerset as the third highest rate of self employment in the UK at 27%. The economic benefits of providing small units that would appear to small scale and start up businesses needs to be weighed against the location of the development, away from existing settlements and where new employment would normally be preferred.

#### **Conclusions.**

The proposal as originally submitted was clearly not one which Officers could support. This was in line with views strongly expressed with the pre-application enquiry. However, negotiations since have resulted in changes which alter this situation in favour of an approval. It is still the case that the proposal could be seen as not meeting the requirements of the sustainability and environmental considerations, particularly as given in the NPPF. The transport credentials are also marginal, given that the proposal will lead to an increase in private car and commercial vehicle activity in a rural location. However, there



is a delicate balance of policy considerations, in which these drawbacks need to be weighed against the need to provide employment opportunities. On balance, given that the site has already been in use for employment purposes for some time, given that the Highway Authority are not now objecting and given that the site is visually well designed, it is felt that the need to provide employment opportunities is important enough to justify a recommendation of approval, but subject to conditions as given.

### **Conclusion and Recommendation**

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

### **Planning Permission is subject to the following conditions:**

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Landscape Visual Appraisal, Proposed Elevations and Sections, dwg. no. 274.5/310A, Location Plan, dwg. no. 274.5/300A, Proposed junction alterations, dwg. no. 274.5/303, Proposed site plan, dwg. no. 274.5/301B and Proposed Ground Floor and Roof Plans, dwg. no. 274.5/302B submitted on 01/15/08 and 19/08/15.

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

- 3 No works shall be undertaken on site unless a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; and a programme of implementation.

Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006) and publication draft policy NH2.

- 4 No works shall be undertaken on site unless details of the visibility splays at the site entrance onto Upcott Lane have been first submitted to and approved in writing by the local planning authority. The visibility splays shall be provided in accordance with the approved details, prior to the occupation of the buildings hereby approved. The visibility shall thereafter be retained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 5 No works shall be undertaken on site unless details of the visibility splays at the

junction of Upcott Lane and the A358 have been first submitted to and approved in writing by the local planning authority. The visibility splays shall be provided in accordance with the approved details, prior to the occupation of the buildings hereby approved. The visibility shall thereafter be retained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 6 All external walling and roofing materials to be used shall be carried out in accordance with the hereby approved plans received on 19/08/15.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2 and BD5 of the West Somerset District Local Plan (2006) and publication draft NH10.

- 7 The development hereby approved shall not be occupied until provision has been made within the site in accordance with the approved plan(s) 274.5/301B for the parking, turning, loading and unloading of vehicles, and such area(s) shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development.

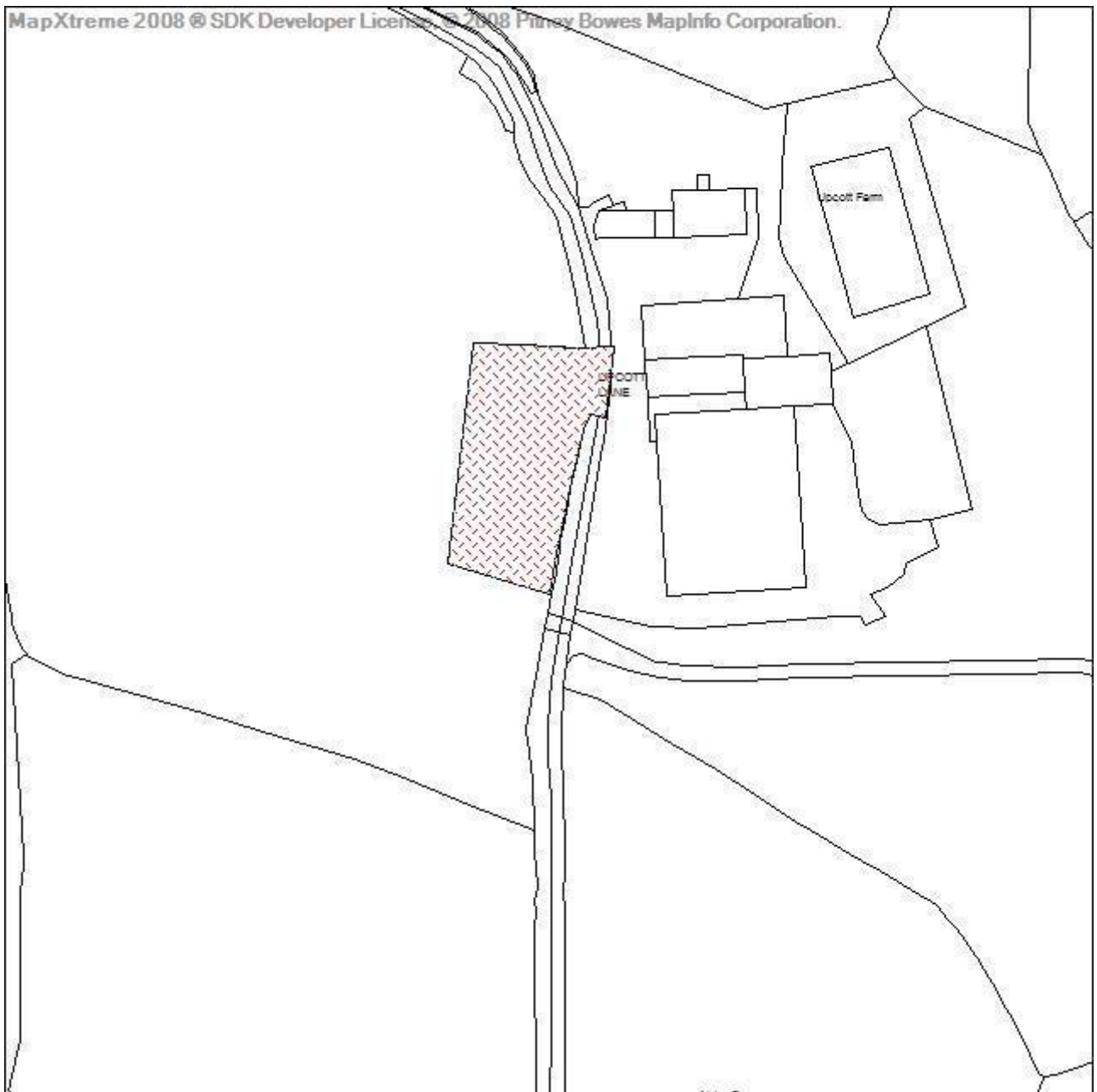
Reason: To ensure that sufficient provision is made for off-street parking, turning, loading and unloading of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/7 of the West Somerset District Local Plan (2006).

## Notes

- 1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.
- 2 **STATEMENT OF POSITIVE WORKING**  
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application [issues/concerns were raised by a statutory consultee in respect of visibility at entrance of the site and highway safety issues. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.
- 3 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.



Application No 3/01/15/008  
Proposal for six industrial units  
on the site of a car park which  
served the former meat  
processing business at Upcott  
Farm  
Upcott Farm, Upcott Lane,  
Bicknoller, TA4 4EY  
1 July 2015  
Planning Manager  
West Somerset Council,  
West Somerset House  
Killick Way  
Williton TA4 4QA  
West Somerset Council



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<b>Application No:</b>	<a href="#">3/01/15/009</a>
<b>Parish</b>	Bicknoller
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 311517    Northing: 139007
<b>Applicant</b>	Mr & Mrs J Bridgland
<b>Proposal</b>	Erection of dwelling house with double garage and formation of vehicular access from Chilcombe Lane.
<b>Location</b>	Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton, TA4 4EG
<b>Reason for referral to Committee</b>	The application has been called in by a Councillor.

### **Risk Assessment**

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

### **Site Location:**

Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton, TA4 4EG

### **Description of development:**

Erection of dwelling house with double garage and formation of vehicular access from Chilcombe Lane.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Bicknoller Parish Council***

Bicknoller Parish Council is objecting to the application because of the access and appearance of the development in its current form not against proposals to build within the village development area.

The Parish Council is deeply concerned over the proposed access opening into Chilcombe Lane, when the requirements of the Highways Dept. are taken into account the hedge removal in Chilcombe lane becomes 95 meters and will therefore significantly change the profile of that part of the village. The Parish Council suggests that the entrance to Chilcombe House be shared with the proposed development, there is more than enough width from Trendle Lane to the proposed developments building line for this to be implemented without any disruption.

The Parish Council does not believe the orientation of the house appears to be in the best

interests of the site as a whole, it would be much better to build it at a 90° angle orientation to make best use of the site.

Furthermore the Parish Council Considers it necessary to divert the running stream in the garden into the dry water course also in the garden, but with care not to disrupt or increase the existing water flow and by doing so increase or create any flood risk in Trendle Lane or further downstream in the heart of the Village.

Bicknoller Parish Council have no further comments to make on the revised plans. Our comments remain as on the original application.

### ***Highways Development Control***

I refer to the above mentioned application received on 4th August 2015 and have the following observations on the highway and transportation aspects of this proposal:-

The application proposes to build a new four bed two storey dwelling to the east of Chilcombe House, the application also proposes a new access off of Chilcombe Lane. Chilcombe Lane is a un-classified de-restricted road to the south of Bicknoller. Due to the narrow and restricted nature of the road, combined with the heavily vegetated verges and abundant trees, the road speeds are normally much lower than the 60mph limit.

The proposed access appears to be of the appropriate size and standard. The application allows for on-site turning so that vehicles can enter and leave the site in forward gear. The turning area should be kept clear for the turning of vehicles with no parking vehicles restricting this movement.

The parking required for the site depends on the size of the proposed dwelling. The optimum level of parking is indicated in the County Parking Strategy. This application provides for the required 4 spaces.

There are no detailed specifics for proposed access and driveway. The area of driveway close to the highway should be consolidated and not loose stone or gravel so that there is no possibility of loose material migrating to the highway. There are no details to say whether the proposed access is going to gated.

The main safety issue is the ability to achieve the necessary visibility for emerging vehicles without the use of third party land. The proposed site will required to demonstrate a 43m visibility splay in both directions from the site access. There is potential that the dense vegetation and trees on the site boundary in this location could heavily restrict achievement of these visibility splays, however the proposed block plan for the site does show realignment of the vegetation and removal of some trees. Whilst this means that visibility may not be that restricted on site, the hedges and trees will need to be managed to ensure visibility is maintained.

Therefore the application will need to provide information for;

- The makeup and details of the site access.
- Access visibility
- Access Drainage
- Cycle storage facilities

I have no other objections to the proposed works which would not be considered to pose any highway safety concerns as either overly distracting or obstructive to pedestrian or vehicle movements.

### Conditions and Advice

Due to the nature of the works undertaken on site the following conditions would apply;

CA1. Approval of details - Approval of the details of the means of access to the site shall be obtained in writing from the Local Planning Authority.

CA9. Recessed Access - A recessed entrance 3 metres wide shall be constructed 5 metres back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

CA14. Gates - Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

CA15. Access Gradient - The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

CA22. Surface water - Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before (trigger point) and thereafter maintained at all times.

CV3. Visibility to 43m point - There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points to the edge of carriageway 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

### Further consideration on amended plans.

The revised plans address and clarify the earlier queries raised. The application can now be recommended for approval subject to conditions as suggested.

### ***Biodiversity and Landscaping Officer***

The proposal is the erection of a dwelling house with double garage and formation of vehicular access at Chilcombe House, 30 Trendle Lane, Bicknoller.

Country Contracts carried out a Protected Species Survey of the site in May 2015.

Findings were as follows

### Bats

The desk study found records of eight species of bat within 10 km of the site. Bats are active in the area and could be expected to commute and forage over the site.

There are no structures on site that could support roosting bats. None of the trees impacted upon by the development were found to have potential for bat roosts.

I support the recommendations made by the surveyor with regards to bats.

### Birds

Vegetation on site offers suitable habitat for nesting birds. Vegetation clearance should take place outside of the bird nesting season. I support the proposal to erect bird boxes within the new development.



### Reptiles

The small stream that divides the site offers limited potential for reptiles and amphibians. Prior to re diverting of the stream and removal of grass cuttings, a destructive search of the area should be undertaken by an ecologist.

### Badger

A path through the southern boundary hedgerow was considered to have been formed by badgers. I support the recommendation made with regards to badgers

### Condition for protected species:

The applicant shall undertake all the recommendations made in Country Contracts Protected Species Survey dated May 2015, and provide photographic evidence of mitigation provided for bats, and nesting birds.

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. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife

### Informative Note

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
3. 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.

### ***Tree Officer***

With respect to existing trees, hedges and landscape impact, I do not object to this outline proposal to build a new house on this site, even though certain trees and some hedgerow will be lost. The site is generally well treed, and I believe that enough of the existing vegetation can be retained to ensure that the impact of the development is acceptable.

The proposal to remove trees T14, T15, T18, T19, G20 and T22 is acceptable. None of these trees have been classed as Category A in the tree survey, and all are relatively young specimens. All, apart from T22 and the adjacent hazel, are within the site and not highly visible.

The concerns that I had about the initial plans have been largely addressed in the revised scheme. My main concern had been the proposed removal of hedgerow in order to achieve the highway visibility splay. The hedgerow is visually important but is not protected by the Hedgerow Regulations as it borders domestic curtilage. The removal of this hedge should be kept to a minimum, and certainly outside the Root Protection Area (RPA) of the large holly tree to the east of the proposed access (the revised drawing confirms this). The existing hedge bank is set well back from the road, so it may not be necessary to remove as much hedgerow to achieve the visibility splays as is indicated on the drawings, if the current hedge is cut back. This should be investigated further.

Where the existing hedge is to be set back, the existing stone should be used to face the bank, and similar species should be planted to blend in – predominantly holly (50%), with hazel (25%) and field maple (25%), planted so that it is 1-1.2 metres high when planted. A landscape scheme should include new tree planting in the hedgerow in front of the house, such as a field maple.

There are good trees to the west of the proposed access (T11, T16 and T17) that are to be retained. As it is proposed that the hedgerow in front of these trees is removed, a detailed method statement will be required to explain how the hedge is to be removed without causing significant damage to the tree roots. The retention of these trees will help to reduce the impact of the new house from the lane.

The revised drawings show that the distance between the house and the new hedge has been increased and is more acceptable. The garage has also been re-aligned so that it is less likely to have a detrimental effect on the roots of the trees along the northern boundary - it is now outside the RPA of these trees.

The proposals and recommendations detailed in the Landscape Statement should ensure that a new house can be accommodated successfully on this site.

### ***Quantock Hills AONB***

Observations awaited.

### ***Public Consultation***

The Local Planning Authority has received 8 letters of objection making the following comments (summarised):

Concerns raised include the following -

- Diversion of existing stream and possible flooding.
- Access arrangements to Chilcombe Lane unacceptable due to narrow lane.
- Construction plan and disruption of Chilcombe Lane.
- Application in contravention of Village Design Statement.
- Insufficient thought given due to proximity of Common and AONB.
- Water surface pipe to stable in Chilcombe Lane run across the proposed site and Wayleave has been granted by former owners of Trendle Lane.
- Distinctive character of Chilcombe Lane will be damaged.
- The suggested 43m visibility splay would encroach on common land.
- Another dwelling is creeping urbanisation.
- Principles contained in Village Design Statement has not been considered.
- Development will impact on landscape features.
- Local distinctiveness.
- Future maintenance of roadside hedges.

### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan has been submitted for examination and therefore the policies should be given weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/4 Development in Small Villages
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- NC/3 Sites of Local Nature Conservation and Geological Interest
- LC/3 Landscape Character
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- W/1 Waste Water, Sewage Management and, Infrastructure
- SC1 Hierarchy of settlements
- SV1 Development at primary and secondary villages
- NH2 Landscape Character Protection
- NH10 Securing high standards of design
- NH3 Nature conservation and the protection & enhancement of biodiversity
- TW/1 Trees and Woodland Protection
- TW/2 Hedgerows
- PO/1 Planning Obligations

### **National Policy**

The National Planning Policy Framework (March 2012) is a material planning consideration.

[National Planning Policy Framework \(the NPPF\)](#) \_  
[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

### **Local Policy**

[West Somerset Local Plan \(2006\)](#) \_  
[West Somerset Local Plan to 2032 Published Draft Preferred Strategy \(June 2015\)](#)  
[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)  
[Somerset County Council Parking Strategy \(2013\)](#)  
[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

### **Planning History**

The following planning history is relevant to this application:

3/01/06/017	Single storey side extension	Grant	17/10/06
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### **Proposal**

The application seeks Outline planning permission with all matter reserved for the erection of a single dwelling house with double garage together with formation of a new vehicular access from Chilcombe Lane.

### **Site Description**

The development site has an area of approximately 0.13 hectares and is currently part of a garden area to Chilcombe House, a large detached dwelling. The proposal plot is located in the eastern corner of the site and where the adjacent roadside boundaries are Trendle Lane and Chilcombe Lane. It is currently used as garden/amenity space and is well shielded with clusters of several established trees and hedgerows along all the boundaries. There is an existing water course/stream that runs through the northern boundary of the site which has previously been diverted into two courses as an ornamental feature of the garden. There is also a small area of land adjacent to the existing boundary of the site and on the corner of Trendle Lane and Chilcombe Lane which is common land.

Along the southern boundary of the site is an existing hedgerow and a stone faced bank that is set back behind the outer trimmed face of the mainly holly hedge and the proposal will involve the removal of approximately 14m of hedgerow to the east and 17m of hedgerow to

the west. The rest of the hedging along this boundary will be trimmed back in order to form the necessary splay.

## **Planning Analysis**

### *1. Principle of Development*

This site is located within the development limits of Bicknoller. The current lawful use of the site is residential (a dwelling house). The provision of a dwelling house within the residential curtilage of the site is acceptable in principle and would accord with the provisions of Policy SP/4 of the West Somerset District Local Plan and emerging policy SC1 and SV1.

The site is within the current settlement limit – although this is likely to change in the emerging plan. Nevertheless, this is considered to be a sustainable location and the proposal seeks one more unit at the end of the existing built area.

It is considered that the proposal is acceptable in principle. There is no conflict with general development policy.

### *2. Character and Appearance of the Area*

The existing site is not located within a designated Conservation Area but the site is located within an Area of Outstanding Natural Beauty. The formal comments of the Quantock Hills AONB service are still awaited and therefore the recommendation to Members is made subject to their views.

In design terms, policies BD/1 and BD/2 of the Local Plan require that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. The indicative layout plan (2188-PL-02B rec. on 04/09/15) shows the new two storey 4 bedroom house being set back from the re-aligned hedge and hedgebank with the garage orientated north to south to face the house. The garage and house is proposed to be set back from the northern boundary trees to avoid damaging existing tree roots and are well outside of the Root Protection Areas. Several trees will require felling to provide space for the garage and car parking areas. It is considered that the loss of these trees will not have wider impacts on the character and appearance of the area. A section of hedgerow will be lost to provide the new access, but this will be replaced with a low stone wall 600mm (part of which already exists within the overgrown hedge) and it will be topped by a 300mm bank planted with native hedgerow plants in a double staggered row. Behind this new hedge it is proposed to erect a 1.5m high hazel hurdle fence for privacy and screening. This is considered more than adequate to preserve the rural feel of the location.

The applicants have submitted a Landscape Statement prepared by Landscape Design and dated September 2015, which concludes that the proposed development would respect the natural beauty and character of the Quantock Hills Area of Outstanding Natural Beauty. Important trees will be retained and allowance has been made for the retention and protection of existing hedgerows and trees at the site. The development will also maintain, respect and re-enforce local distinctiveness as required by the Bicknoller Village Design Statement which has been produced by the Parish Council, but this is not a document that has been through the formal procedures for parish Plans and so has limited weight.

Comments received from the Councils Tree Officer confirms that the proposals and recommendations within the Landscape Statement should ensure the new house and garage can be accommodated successfully on this site. A Tree survey and Tree Constraints report has been submitted by Hellis Tree Consultants dated June 2015, assessing the existing trees on the site and this identifies two areas of root protection

towards the northern boundary. The tree officer has assessed the report and does not object to the siting of a house and garage on this site even though some of the existing hedgerow will be lost. He considers that the removal of trees T14, T15, T18 T 19, G20 and T22 is acceptable as none of these trees are classed in category A - trees of high quality and are young specimens. Also, all but T22 and the adjacent hazel are within the site and are not highly visible. There are several good trees to the west of the proposed access which are to be retained. The existing hedgerow is not protected by Hedgerow Regulations and none of the trees on the site are protected by a Tree Preservation Order.

Given the above commentary it is considered that the proposed development will not have significant impacts on the character and appearance of the area and that it accords with adopted local plan policies BD/1, BD/2, LC/2, LC/3, TW/1 and TW/2 and policies NH2, NH3 and NH10 of the publication draft of the West Somerset Local Plan.

### *3. Residential Amenity*

Policy BD/2 of the Local Plan requires that the siting of new buildings has regard to the relationship with adjoining buildings and open spaces. One of the core principles of the NPPF is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings” (paragraph 17).

The proposed indicative siting for the dwelling is not considered to have any adverse impact on residential amenity in the area as the site is well screened from any adjoining neighbours. It is proposed to provide a new single access from Chilcombe Lane and not from Trendle Lane. Comments have been received from neighbours regarding the access from Chilcombe Lane together with the width of the lane and the location of the access, but this will be discussed in the Highways section.

There are no detailed plans to be considered as this is an outline application with all matters reserved and where only the principle of the development in this location is being considered.

Therefore it is considered that it is unlikely that there would be significant impacts on residential amenity in the area and the proposal accords with policies BD/1 and BD/2 of the West Somerset Local Plan and emerging policy NH10 of the publication draft.

### *4. Highway Safety*

Comments received from County Highway Authority [C.H.A.] in their advice note dated 05/08/15, states that the new dwelling with access from Chilcombe Lane (an unclassified derestricted road) are acceptable subject to the usual conditions. The narrow restricted nature of the lane, with heavily vegetated verges means that vehicle speeds are much lower than the 60mph limit. The appropriate visibility splay as required by the C.H.A. has now been indicated on the proposals plan (a 43m visibility splay in both directions when set back by 2.4m into the site). The proposed access is to the appropriate size and standard and allowance has been made for vehicles to turn within the site and leave it in a forward gear. The parking spaces required at the site will depend on the size of the dwelling and if (as suggested) it is a 4 bedroom dwelling then four parking and four cycle spaces would be required as per the C.H.A. adopted Parking Strategy (September 2013). It is also noted that this indicative layout does include four parking spaces.

Given the above and in particular the recommendation of conditional approval from the C.H.A., it is not considered that there are adverse or insurmountable highway safety concerns. It is therefore consider that the proposal is acceptable in this regard and accords with Local Planning policies T/3 and T/8 and policy TR2 of the Publication Draft of the West Somerset Local Plan.

### *5. Flood Risk*

The site is not identified by the Environment Agency as being at risk of flooding and therefore no Flood Risk Assessment is required in this case.

There is an existing bed of an old watercourse/stream and at some point this has been blocked and an additional water course/diversion was made. It is proposed to block of the watercourse spur and reinstate the original watercourse from the existing attenuation pond. At this stage no construction plan details have been submitted.

In terms of surface water this would be disposed of via an existing watercourse and as mentioned above the site is located within 20m of a watercourse/stream.

It is considered therefore that this proposal accords with planning policy W/1 of the West Somerset District Local Plan and policies CC2 and CC6 of the Publication Draft of the West Somerset Local Plan.

### *6. Unilateral Agreement*

A draft Unilateral Agreement has been submitted by the applicant regarding a contribution towards Community Infrastructure/Recreational Provision. This is required due to a recent decision by the High Court where it was concluded that contributions can be required on new housing sites of less than 10 dwellings and not as the Government legislation suggested confined to sites of 10 dwellings and over. This means that the Council can revert back to its original adopted SPD dated 2009 where contributions for new dwellings are set at £2,000 - £5,000 per dwelling. The Applicant is understood to be offering £5000 as the planning obligation in this instance.

### *7. Wildlife/Ecology*

The applicant has submitted a Protected Species Survey report prepared by Country Contracts, dated May 2015, in which appropriate mitigation for protected species at the site is discussed and addressed. The findings advise the following - :

**Bats** - None of the trees at the site have potential for bat roosts. However, it makes clear that bats are active in the vicinity and could be expected to commute and forage over the site. Recommendations are that the provision for bat roosts should be incorporated in the new house with at least one bat box or bat tube to be installed on a warm wall at least 4m from ground level. Planting schemes should be primarily local native species to provide food for bats and other wildlife. Any security/safety illumination proposed should be designed to minimise light spills and avoid illuminating trees and shrubs.

**Birds** - No pre-existing information on breeding birds within the survey area was known, although several common species were observed during the survey. The existing planting within the site could provide a suitable habitat for nesting sites. Any reduction/removal of vegetation could encounter nesting birds and such works should be undertaken outside of the bird nesting season and the provision of bird boxes could compensate for the loss of potential nest sites.

**Reptiles and Amphibians** - The small stream could provide limited potential for these species and re diversion of the stream needs to consider this. When re diverted, the bank side vegetation should be reduced in two cuts and grass piles reduced as destructive search monitored by a competent person.

**Badgers** - A badger sett and badger activity was noted within 1km of the site and a path through the southern boundary hedgerow is considered to have be formed and used by

badgers. However, a search of the site and the immediate area did not find a further indication of badger activity. Occupiers of the new residence should be advised that badgers are active in the area and could enter newly formed gardens.

### **Environmental Impact Assessment**

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2015 and so Environmental Impact Assessment is not required.

### **Conclusion and Recommendation**

It is considered that the proposal, is acceptable and it is recommended that Outline Planning Permission be granted, subject to:

1. The views of the AONB Service;
2. The submission of a Unilateral Undertaking which has been signed, sealed and delivered as agreed with the Council's legal team; and,
3. Conditions as suggested.

### **Planning Permission is subject to the following conditions:**

- 1 Approval of the details of the layout, scale, access, appearance, and landscaping of the site or any phase thereof (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted or any phase thereof, shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Area Plan, Location plan and block plan, dwg. no.2188-PL-01 and Area Plan, Location plan and block plan, dwg. no.2188-PL-01C and Illustration of access arrangement, dwg. no. 2188-PL-02B. submitted on 27/07/15 and 04/09/15

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

- 3 No works shall be undertaken on site unless a schedule of materials and finishes an to be used in the construction of the external surfaces, including roofs and all hard surfacing, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the AONB and the area in general, having regard to the provisions of policies BD/1, /BD/2, of the West Somerset District Local Plan (2006) and policies SV1 and NH10 of the Publication Draft of the West Somerset Local plan to 2032.

- 4 No works shall be undertaken on site (other than those required to fulfil this condition) unless details for the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to any other works being carried out on site. The works shall thereafter be retained in that form unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policies W/1 and W/3 of the West Somerset District Local Plan (2006) and policy CC2 of the Publication Draft of the West Somerset Local Plan to 2032.

- 5 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, positions, species and size of all new trees and the located of grassed areas and areas for shrub planting; details of the hard surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006) and policy NH2 of the Publication Draft of the West Somerset Local Plan to 2032.

- 6 The development hereby approved shall not be occupied or the use commenced until space has been laid out within the site in accordance with the approved plan(s) for the parking of bicycles, and that area shall not thereafter be used for any purpose other than the parking of bicycles associated with the development.

Reason: To ensure that sufficient provision of bicycle parking/storage is provided having regard to the provisions of Policy T/8 of the West Somerset District Local Plan (2006) and policy CF2 of the Publication Draft of the West Somerset Plan to 2032.

- 7 No works shall be undertaken on site unless details for the proposed boundary treatments on the application site have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006) and policy NH2 of the Publication Draft of the West Somerset Local plan to 2032.



- 8 The applicant shall undertake all the recommendations made in Country Contracts Protected Species Survey dated May 2015, and provide photographic evidence of mitigation provided for bats, and nesting birds. 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate wildlife having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy NH3 of the Publication Draft of the West Somerset Local Plan to 2032.

- 9 The gradient of the proposed access shall not be steeper than 1 in 10.

Reason: In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 10 Any gates erected at the access to the site shall be erected so that they only open into the site and shall be set back a minimum of 5 metres from the edge of the adjacent carriageway.

Reason: To ensure vehicles entering the site can fully clear the highway to ensure that the free flow of traffic is retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 11 There shall be no obstruction to visibility greater than 600 mm above the adjoining carriageway level across the entire site frontage. Such visibility shall be provided prior to any other works being carried out in relation to the development hereby approved. The visibility shall thereafter be retained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 12 The dwelling shall not be occupied or the use commenced unless the recessed access to the site has been provided in accordance with the approved plans (as per dwg. no.2188-PL-02A, rec. on 04/09/15). The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 13 No works shall be undertaken on site unless details for the consolidation of the first 5 metres of the access, as measured from the back edge of the adjoining carriageway, has been first submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to any other works being carried out in relation to the development hereby approved. The access shall thereafter be retained in the approved form.

Reason: To prevent loose material being carried on to the highway, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 14 No works shall be undertaken on site unless details for the provision of drainage at the access to the site has been first submitted to and approved in writing by the local planning authority. The drainage shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby approved. The drainage shall thereafter be retained in the approved form.

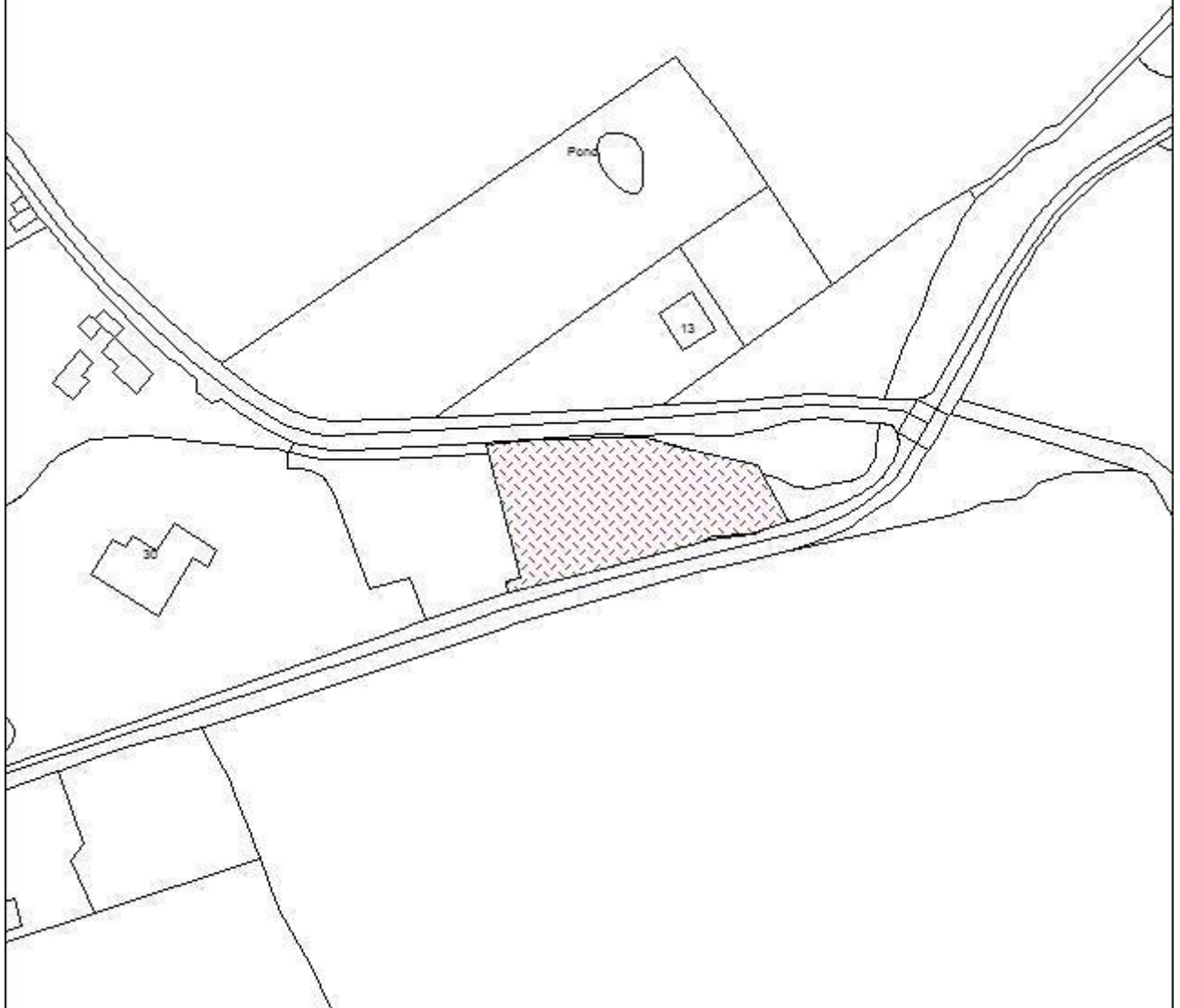
Reason: To ensure that water is not discharged onto the public highway, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

## Notes

### 1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design and nature of the submitted scheme. During the consideration of the application issues and concerns were raised by the County Highway Authority in respect of visibility splay of access. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern. Amended plans were subsequently submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). 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.
- 3 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.



Application No 3/01/15/009  
Outline permission for detached  
dwelling and garage  
30 Trendle Lane, Bicknoller  
4 September 2015



Planning Manager  
West Somerset Council  
West Somerset House  
Killick Way  
Williton TA4 4QA  
West Somerset Council  
Licence Number: 100023932

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<b>Application No:</b>	<a href="#">3/01/15/011</a>
<b>Parish</b>	Bicknoller
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 311803    Northing: 139027
<b>Applicant</b>	Mr & Mrs J Payton
<b>Proposal</b>	Application for the erection of a detached three bedroom dwelling.
<b>Location</b>	Quantock Moor Farm, Quantock Moor, Bicknoller, TA4 4ER
<b>Reason for referral to Committee</b>	Members requested to see the details of the scheme they granted outline consent for in March 2015. Although this proposal is not a Reserved matters application, nor does it seek to discharge conditions, under the circumstances, it was felt to be appropriate to report the matter back to Members.

### **Risk Assessment**

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

### **Site Location:**

Quantock Moor Farm, Quantock Moor, Bicknoller, TA4 4ER

### **Description of development:**

Application for the erection of a detached three bedroom dwelling.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Bicknoller Parish Council***

Bicknoller Parish Council is positive about the application but thought that the external materials should be specified for approval.

They note that one of the neighbours questioned the need for the size.

#### ***Highways Development Control***

I refer to the above mentioned planning application received on 11<sup>th</sup> August 2015 for which the Highway Authority have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of a detached dwelling.

The average dwelling can generate 6-8 vehicle movements per day a point which is alluded to in the design and access statement 'the applicants are making several journeys each day to and from Quantock Moor Farm'. It is apparent that the existing driveway is made up of loose gravel which can be dragged onto the adopted highway. The Highway Authority would require the applicant to properly consolidate and surface the first 3m back from the highway of their access. If any entrance gates are to be erected is to be erected they must be set 5m back from the carriage way edge.

In terms of visibility the proposal is in a location where a 60mph would apply as a consequence the Highway Authority would usually require splays of 2.4m x 215m in either direction, as per the design guidance set out in Design Manual for Roads and Bridges (DMRB). However it is apparent due to the approach roads vehicles speeds are going to be much as a consequence splays of 2.4m x 43m would be considered appropriate.

Turning to the internal layout the applicant has indicated in the Design and Access Statement that the provision of parking will conform to the requirements set out in Somerset County Council's Parking Strategy, which is acceptable. The Highway Authority is also satisfied that suitable turning can be provided within the site to allow vehicles to turn and leave the site in a forward gear. Please note that if the application includes a double garage this should provide minimum dimensions of 6m x 6m.

Taking into account the above information the Highway Authority raises no objection to this proposal and if planning permission were to be granted the following conditions would need to be attached.

1. Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
2. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5m from the carriage way edge and shall thereafter be maintained in that condition at all times.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the dwelling is occupied.
4. The area allocated for parking and turning on the submitted plan 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.

There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of line drawn 2.4m back from the carriage way edge on the centre line of the access and extending to points on the nearside carriage way edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times

#### **Quantock Hills AONB**

The AONB Service on behalf of its Joint Advisory Committee makes the following comments in respect of the above application:

We are pleased to see a single storey on the north east elevation (facing onto the public vantage point of the open hilltop) and agree that, at this height, the dwelling will more comfortably assimilate into the complex of buildings when viewed from the open hills. We note the change in pitch of the lobby/boot room and wonder if there is scope to retain the pitch as is to give more of a 'stable block' appearance to the property.

We note that the proposed height of the property is higher than the existing building and we request that consideration be given to this (in respect of the built development being more 'obvious' in the landscape from public vantage points).

We request that samples of 'local stone' be provided before approval is given.

We note the intention to use concrete roof tiles. We ask that due consideration be given to traditional roofing materials within the village – would reclaimed clay tiles be more appropriate to ensure better visual assimilation in the landscape from wider views? This comment is made in line with the current Quantock Hills AONB Management Plan Objective D14 "to support the protection of local distinctiveness in AONB settlements and Quantock lanes and roads".

There does not appear to be any information in the Design and Access Statement related to any external domestic space (garden) and we request that this be clarified so that the appropriate applications are made for change of land use from agricultural to domestic use should this be the intention.

We would ask that consideration be given to lighting at the site in the interest of Quantock dark skies.

Finally we ask that you liaise with your Biodiversity Officer to ensure adequate wildlife surveys have been undertaken.

### ***Wales & West Utilities***

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in the area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

### ***Public Consultation***

The Local Planning Authority has received 1 letters of objection making the following comments (summarised):

- Access - the applicant has no legal right over the common land.
- Width & splay of access have widened with use over years.

- Design does not make best use of site, appreciate effort to use local materials.
- The scheme says there will be no changes to access from the highway, however, County Highways have made strong requests for changes.

### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan has been submitted for examination and therefore the policies should be given weight as a material consideration.

The following Policies are considered relevant to this application:

SP/5	Development Outside Defined Settlements
LC/3	Landscape Character
H/2	Agricultural and Forestry Workers Accommodation
E/6	Expansion of Existing Business
NC/4	Species Protection
T/3	Transport Requirements of New Development
TW/1	Trees and Woodland Protection
W/2	Surface Water Protection
SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
OC1	Open Countryside development
EC11	Agriculture
TR1	Access to and from West Somerset
NH2	Landscape Character Protection
NH3	Nature conservation and the protection & enhancement of bii
NH10	Securing high standards of design
PO/1	Planning Obligations
BD/1	Local Distinctiveness
BD/2	Design of New Development
T/8	Residential Car Parking

### **National Policy**

The National Planning Policy Framework (March 2012) is a material planning consideration.

[National Planning Policy Framework \(the NPPF\)](#) \_

[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

### **Local Policy**

[West Somerset Local Plan \(2006\)](#) \_

[West Somerset Local Plan to 2032 Published Draft Preferred Strategy \(June 2015\)](#)

[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)

[Somerset County Council Parking Strategy \(2013\)](#)

[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

### **Planning History**



The following planning history is relevant to this application:

3/01/11/017	Proposed installation of 74sqm photovoltaic panels on south west aspect of barn roof	Grant	24/10/11
3/01/12/009	Change of Use of lean-to for new cattery plus temporary siting of mobile home for a 3 year period.	Withdrawn by applicant	23/07/12
3/01/13/004	Lawful Development Cert. for the existing use of existing buildings, manage & associated land & facilities for equestrian uses including stabling, livery, breeding & keeping horses, the use of the associated land for grazing & production of fodder etc. in addition to agricultural uses.	Refuse	07/10/13
3/01/14/011	Outline consent for the construction of an agricultural/equestrian dwelling.	Grant	05/05/15

### **Proposal**

Application for the Erection of a detached three bedroom dwelling. This application follows the granting of Outline Permission by Committee in May 2015. Ordinarily, an applicant would apply for a Reserved Matters application following the grant of Outline Consent, but in this instance the applicant has chosen to make a full application in its own right. This is an acceptable way of dealing with the matter even though it doesn't follow usual convention.

On this basis, the proposal seeks the demolition of the existing general purpose storage building and poultry building to the west of the site and erecting the proposed 3 bedroom occupational dwelling over this footprint with a total floor area of 140sqm.

### **Site Description**

The existing site is a farm unit of approximately 63 acres of land which is both owned and rented and where there are a mix of existing agricultural buildings on the site. The site has been in the applicant's control since 2007 with the aim of providing locally home reared produce which is predominantly sold through The Somerset Farm house retail shop in Williton. The current applicant lives 11km away in a semi-detached house at Aley, Over Stowey and travels daily to the Quantock Moor farm.

The existing access to the site is located approximately 800m from the south east of Bicknoller Church and approximately 120m from the eastern edge of the development boundary of the village of Bicknoller, with the nearest buildings being approximately 98m east of the development boundary.

Existing buildings on the site include a range of agricultural buildings clad with corrugated metal sheeting and timber boarding above concrete blocks and painted block workshop building and includes a generator room and general store building, workshop to include a game rearing arrangement, a large general purpose livestock building two blocks of stables and a general purpose building. The latter would be demolished and the new dwelling constructed over its footprint.

### **Planning Analysis**

#### *1. Principle of Development*

The proposal was considered by the Planning Committee in March of this year when Outline planning permission was granted for an occupational dwelling. In this regard, the principle of the proposal has already been established (by outline planning permission ref. 3/0114/011). Although this current application has been submitted as a fresh application seeking planning permission in its own right, given that consent has only recently been

given for the principle of the development and circumstances have not changed in the interim, it would be unreasonable for the Local Planning Authority to now refuse the proposal 'in principle'.

## *2. Character and Appearance of the Area*

The existing mixed farm complex of 63 acres and is located within an Area of Outstanding Natural Beauty and close to an area of Special Landscape Character and area of Special Site of Scientific Interest (SSSI).

Quantock Moor Farm is accessed via a track from Common land from Trendle Lane towards Long Combe. Also located higher up the track are the properties known as Quantock Moor Cottage and Quantock Moor Farmhouse. It is likely that Quantock Farmhouse further to the north-east was the original Farmhouse associated with the land.

Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. The proposed two storey dwelling is to be constructed over the split level site where the difference in ground level is 3m. This means that the entrance level will be at first floor level from the existing level of the farmyard, and the bedroom accommodation would be at the lower ground floor level. Therefore when viewed from the farm complex the dwelling will appear to be single storey. The first floor will have an internal floor area of 80sqm and the ground floor 60sqm. At first floor level, off the main entrance will be a boot room, and wc, leading to the kitchen living and dining room. to the rear (SW) elevation will be a glazed stairwell leading to the three bedrooms (one en-suite) and main bathroom. It is also proposed to insert an external patio door at ground floor level as access to the adjoining field. From the northern elevation and the main vantage point when viewed from the nearby Quantock Hills the new dwelling will appear to be single storey and from this and any other viewpoints the dwelling will be read as part of the existing clustered development. This is a positive.

Construction materials for the development include local stone facing and timber grey cladding under a dark grey interlocking tiled roof. The windows are to be oak effect upvc casements and cills and the rainwater goods, fascias and soffits also upvc. It is considered that the proposed materials are acceptable when considered along with the several existing building within the site which are a mix of timber clad, blockwork some rendered, steel framed and corrugated metal and concrete cladding. However, a condition requiring further details of the proposed construction materials is appended to this decision. Whilst the proposed dwelling will be slightly higher than the existing (approximately 900mm) general purpose/poultry building this is considered acceptable within the context of the site. .

Comments received from the Quantock Hills AONB service can be seen above and the comment regarding lighting has been noted. The only lighting proposed will be motion sensitive lighting above the front door of the dwelling to avoid excessive light pollution and impacts on the area.

The dwelling will be located within an existing previously developed and cultivated area of the overall site and existing boundary hedges and existing tree planting will remain. At the time of the site survey by the agent no protected species were present on the site. There is no domestic garden proposed apart from the small proposed veranda area at ground floor level as per dwg. no.1290/202.

It is considered in light of the above the proposal will not have significant impacts on the character and appearance of the area given the use of materials, the retention of the existing landscaping and the siting/location within the existing farm complex. The

development accords with planning policies BD/1, BD/2, LC/3, NC/1, NC/3 and NC/4 of the West Somerset District Local Plan and policies NH2, NH3 and NH10 of the Publication Draft of the West Somerset Local Plan to 2032.

### *3. Residential Amenity*

There would be an increase in vehicle movements using the site (typically 6 -8 movements for a single dwelling) as these would be added to associated farm vehicles to and from the site. This increase is not considered to be significant in terms of the residential amenity of nearby dwellings.

It is not considered that the proposal will have any significant impacts on residential amenity in terms of overlooking or overbearing impact and the development accords with planning policies BD/1 and BD/2 of the West Somerset Local Plan and policy NH10 of the Publication Draft of the West Somerset Local Plan to 2032. This is in line with the views of Members on the outline approval.

### *4. Highway Safety*

Paragraph 32 of the NPPF makes it clear that decisions should take into account whether a safe and suitable access to the site can be achieved. The County Highway Authority [C.H.A.] has provided comments of no objection subject to conditions. This is a material consideration. These comments are given above. However, it is noted that the existing access to the site is via an unclassified track which is Common Land and not in the applicant's ownership and therefore they can only control the visibility and splay at the entrance gateway to Quantock Moor Farm itself.

Ample turning is available within the current site and the required dimensions for the parking spaces can easily be provided.

Conditions regarding parking and highway safety are recommended and it is considered that the development will not have a significant impact on the existing highway network. The development complies with policies T/3 and T/8 of the adopted Local Plan and policy TR2 of the Publication Draft of the West Somerset Plan to 2032. Therefore there are no justifiable highway reasons for refusal. .

### *5. Flood Risk*

The site is located within Floodzone one, at low risk of flooding according to the Environment Agency's Flood Maps and therefore a Flood Risk Assessment is not required in this case.

Foul drainage will require a new connection to an existing septic tank located to the south of the site (as shown on dwg.no. 1290-201, dated 04/08/15) and surface water will be dispersed via existing soakaway arrangements.

Comments received from Wessex Water (dated 13/8/15) confirm that they have pipes crossing the area of land to the north outside of the proposal site and they emphasise the need not to build close to or over their apparatus. The requested advisory note is attached to this decision.

It is therefore considered that the proposal will not have significant impacts on general or surface water flooding and the use of existing drainage detail that the development accords with planning policies, W/1 and W/4 of the West Somerset District Local Plan and policy CC2 of the Publication Draft of the West Somerset Local Plan to 2032.

### *6. Unilateral Agreement*

A draft Unilateral Agreement is to be submitted to and agreed by the Local Planning Authority as a contribution towards Community Infrastructure/Recreational Provision. This is required due to a recent decision by the High Court where it was concluded that contributions can be required on new housing sites of less than 10 dwellings and not as the Government legislation suggested confined to sites of 10 dwellings and over. This means that the Council can revert back to the original adopted SPD dated 2009 and where contributions for new dwellings are set at £2,000-£5,000 per dwelling.

### **Environmental Impact Assessment**

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2015 and so Environmental Impact Assessment is not required.

### **Conclusion and Recommendation**

This application replicates the submission granted in outline in March of this year and is only considered acceptable with the same occupancy restriction that the previous permission contained.

It is recommended that planning permission be granted subject to:

1. The successful completion of a Unilateral Undertaking that has been signed, sealed and accepted by the Council's legal service; and
2. Conditions as suggested.

Members are asked to give officers delegated powers to oversee the production and agreement of the Unilateral Undertaking.

### **Planning Permission is subject to the following conditions:**

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Proposed site location plan, dwg. no. 1290/200, Proposed site block plan, dwg. no. 1290/201 and Proposed plans & elevations, dwg. no. 1290/202 submitted on 04/08/15.

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

- 3 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in the game bird rearing activities and associated activities carried out at Quantock Moor Farm or a widow or widower of such a person, and to any resident dependants.

Reason: To accord with the policies in the Development Plan and to ensure an adequate availability of dwellings to meet agricultural or forestry needs in the locality, having regard to Saved Policies SP/1 and H/2 of the West Somerset District Local Plan (2006).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house or domestication of the land other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and the character of the building and the surrounding area. For this reason the Local Planning Authority would wish to control any future development to comply with Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 5 No works shall be undertaken on site unless a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 6 No works shall be undertaken on site unless details for the provision of access to the site has been first submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling/commencement of the use hereby approved. The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 7 There shall be no obstruction to visibility greater than 900 mm above the adjoining carriageway level in advance of line drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access . Such visibility shall be fully provided prior to the hereby permitted dwelling being occupied.. The visibility shall thereafter be retained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 8 The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of the vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 9 No works shall be undertaken on site unless details for the consolidation of the first 5 metres of the access, as measured from the back edge of the adjoining carriageway, has been first submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved. The access shall thereafter be retained in the approved form.

Reason: To prevent loose material being carried on to the highway, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 10 Any gates erected at the access to the site shall be erected so that they only open into the site and shall be set back a minimum of 5 metres from the edge of the adjacent carriageway.

Reason: To ensure vehicles entering the site can fully clear the highway to ensure that the free flow of traffic is retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 11 No works shall be undertaken on site unless details for the provision of drainage at the access to the site has been first submitted to and approved in writing by the local planning authority. The drainage shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby approved. The drainage shall thereafter be retained in the approved form.

Reason: To ensure that water is not discharged onto the public highway, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 12 No works shall be undertaken on site unless a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 13 The existing trees and hedges shall be retained in accordance with the approved details. Any retained tree or hedge which within five years of the approved development being occupied or completed, whichever is the sooner, dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Local Planning Authority, during the next planting season or in accordance with a programme of replacement to be agreed in

writing with the Local Planning Authority.

Reason: To safeguard the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

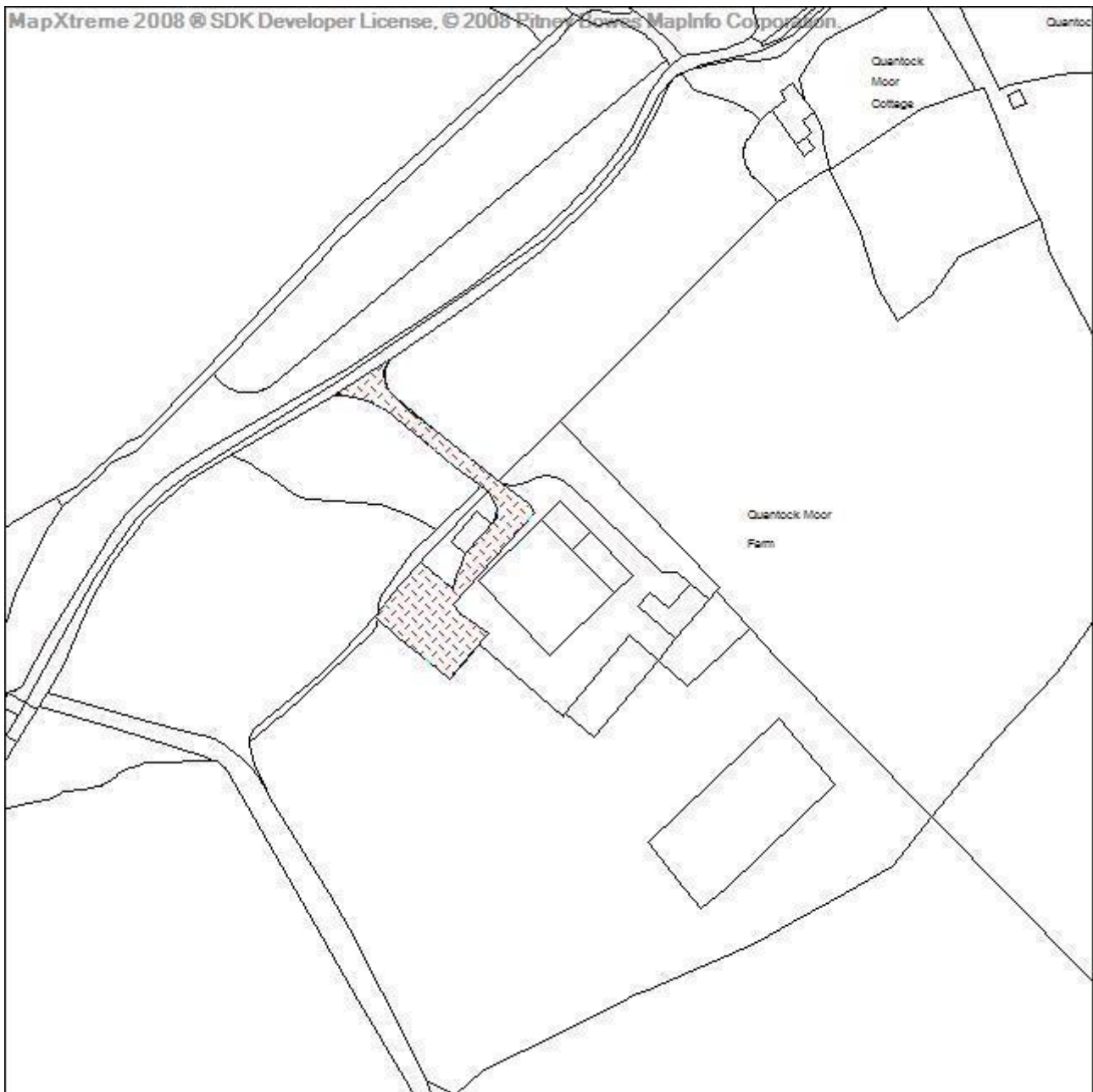
- 14 No works shall be undertaken on site (other than those required to fulfil this condition) unless details for the sewage disposal, surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to any other works being carried out on site. The works shall thereafter be retained in that form unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policies W/1 and W/3 of the West Somerset District Local Plan (2006).

#### Notes

- 1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.
- 2 STATEMENT OF POSITIVE WORKING  
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.
- 3 The applicants attention is drawn to the fact that Wales & West Utilities have pipes in the area and whose apparatus may be affected and at risk during construction works. The promoter of these works should contact them directly to discuss their requirements in detail before work commences on site. Should diversion works be required these will be fully chargeable.

Contact details are as follows; ref. no. 8150048089 contact Andrew Dickens on 02920 278912.



Application No 3/01/15/011  
Erection of a detached three  
bedroom occupational dwelling  
Quantock Moor Farm, Quantock  
Moor, Bicknoller, TA4 4ER  
4 August 2015

Planning Manager  
West Somerset Council  
West Somerset House  
Killick Way  
Williton TA4 4QA  
West Somerset Council  
Licence Number: 100023932



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Easting: 311799    Northing: 139065    Scale: 1:1250





### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/04/15/007	Little Allshire, East Anstey, Tiverton, EX16 9JG	Retention of mobile home for a temporary period as a rural workers dwelling in connection with the breeding and fibre production of alpacas and the breaking and training of heavy horses	17 August 2015	Refuse	<a href="#">SK</a>
3/04/15/012	Land at Allshire, Allshire Lane, Brushford, Tiverton, EX16 9JG	Conversion of a listed building to a dwelling	21 August 2015	Grant	<a href="#">EP</a>
3/04/15/013	Sunnybank, Ellersdown Lane, Brushford, Dulverton, TA22 9BH	Proposed replacement dwelling, revision to previously approved scheme 3/04/12/010	17 August 2015	Grant	<a href="#">SK</a>
3/21/15/048	1 Queens Road, Minehead, TA24 5DZ	Outline application for the erection of one 2-storey detached dwelling with parking provision	20 August 2015	Refuse	<a href="#">SK</a>
3/21/15/053	3 Park Street, Minehead, TA24 5NQ	Change of use from Class A1 (retail) to Class A5 (hot food takeaway) plus alteration of shop front to move the door from the side to the front elevation	18 August 2015	Grant	<a href="#">SK</a>
3/21/15/058	Summertrees, 8 Hillview Road, Minehead, TA24 8EG	Change of use of the existing attached annex to the north east of the site into an attached dwelling	24 August 2015	Grant	<a href="#">SK</a>
<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>

3/21/15/059	Thatchcot, The Holloway, Minehead, TA24 5PB	Erection of timber 5-bar gates to existing driveway	20 August 2015	Grant	<a href="#">EP</a>
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<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/15/060	Thatchcot, The Holloway, Minehead, TA24 5PB	Erection of timber 5-bar gates to existing driveway	20 August 2015	Grant	<a href="#">EP</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/15/061	2 Edgemoor Road, Alcombe, Minehead, TA24 6DA	Erect a bedroom extension to the principle elevation, enlarge the existing dining room, erect a utility extension to the rear of the garage and install a pitched roof over the garage and dining room.	24 August 2015	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/15/062	Butlins Warren Road, Minehead, TA24 5SH	Change of use for the temporary siting of circus tent on Blueskies Lawns from 1 July to 31 August 2015	08 September 2015	Grant	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/28/15/003	Hilfield, 5 Croft Meadow, Sampford Brett, Taunton, TA4 4LD	Variation of condition 3 on planning permission 3/28/14/014 in order to use brick with render instead of brick as on the existing dwelling	24 August 2015	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/37/15/012	Co-operative Food Store, 42 Swain Street, Watchet, TA23 0AE	Erection of rear flat roof extension to increase the existing customer sales area and additional storage / staff facilities. Existing external refrigeration and air conditioning plant to be relocated	07 September 2015	Grant	<a href="#">SK</a>

on new flat roof and enclosed with timber screening.

<b>Ref No.</b> 3/37/15/014	<b>Application</b> 34 South Road, Watchet, TA23 0HG	<b>Proposal</b> Erect a single storey bathroom extension to the south west elevation and a porch extension to the north west elevation	<b>Date</b> 20 August 2015	<b>Decision</b> Grant	<b>Officer</b> <a href="#">BM</a>
<b>Ref No.</b> 3/37/15/015	<b>Application</b> Contains Art The Harbour, Harbour Road, Watchet, TA23 0AQ	<b>Proposal</b> Variation of condition 1 on planning permission 3/37/12/032 in order to extend the temporary siting of four shipping containers to be used for studios, storage and creative space (gallery, workshops, training space, etc) for a further three years to 27 July 2018	<b>Date</b> 24 August 2015	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SK</a>
<b>Ref No.</b> 3/38/15/002	<b>Application</b> Keepers Find, Staple Lane, West Quantoxhead, Taunton, TA4 4DE	<b>Proposal</b> <b>Extension to dwelling</b>	<b>Date</b> 20 August 2015	<b>Decision</b> Grant	<b>Officer</b> <a href="#">BM</a>
<b>Ref No.</b> 3/39/14/037	<b>Application</b> Land and Buildings, Bank Street, Williton, TA4 4NH	<b>Proposal</b> Lawful development certificate for the existing use of the land as retail, workshop, mixed light industrial use and storage.	<b>Date</b> 21 August 2015	<b>Decision</b> Grant	<b>Officer</b> <a href="#">BK</a>
<b>Ref No.</b> 3/39/15/009	<b>Application</b> Shells Cottage, Shells Lane, Washford, Old Cleeve, Watchet, TA23 0PU	<b>Proposal</b> Erection of three holiday units (resubmission of 3/39/14/025)	<b>Date</b> 17 August 2015	<b>Decision</b> Refuse	<b>Officer</b> <a href="#">RW</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/39/15/010	Walton Cottage, 12 Bridge Street, Williton, Taunton, TA4 4NR	Extend the existing central chimney with new chimney pot and fit air bricks for ventilation. This is to accommodate installation of a new wood burner.	21 August 2015	Grant	<a href="#">EP</a>
ABD/28/15/001	Mill Farm, Taunton Road, Sampford Brett, Taunton, TA4 4LJ	Prior approval of proposed change of use of agricultural building to a dwellinghouse	08 September 2015	Prior approval is required and refused	<a href="#">RW</a>
C/32/15/004	Harford House, 1 Church Street, Stogursey, TA5 1TQ	Approval of details reserved by condition 4 (relating to details of sash window) in relation to Listed Building Consent 3/32/15/009	21 August 2015	Grant	<a href="#">EP</a>
C/39/15/002	Croft House, North Croft, Williton, Taunton, TA4 4RR	Approval of details reserved by condition 11 (relating to drainage) in relation to planning permission 3/39/14/031	27 August 2015	Grant	<a href="#">EP</a>
CA/21/15/009	Dalkeith, Martlett Road, Minehead, TA24 5QD	Beech tree to be crown lifted and hedge of mixed species to be reduced in height	27 August 2015	Raise No Objection	<a href="#">DG</a>
CA/21/15/010	The Old Smithy, Middle Street, Minehead, TA24 5JH	Fell one apple tree	20 August 2015	Raise No Objection	<a href="#">DG</a>
CA/21/15/011	Bridgeway,	Fell diseased horsechestnut	09	Raise No	<a href="#">DG</a>

Burgundy Road,  
Minehead, TA24  
5QJ

tree and replant a  
field maple

September  
2015

Objection

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
CA/21/15/013	Rosa Mundi, Woodcombe Lane, Minehead, TA24 8SB	Coppice Hazel 1, Hazel 2 and Hazel 3. Reduce Hedgerow. Remove leaning stems on Ash	09 September 2015	Raise No Objection	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
T/21/15/005	8 The Cedars, Minehead, TA24 5PE	To fell one Monterey Pine	27 August 2015	Grant	<a href="#">DG</a>

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## Appeal Decisions

Site visit made on 7 July 2015

**by C J Ford BA (Hons) BTP Dist. MRTPI**

a person appointed by the Secretary of State for Communities and Local Government

**Decision date: 14 September 2015**

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### **Appeal A: APP/H3320/C/14/2225551 Land at Kiln Cottage, Kilve, Bridgwater TA5 1DZ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr A Feltham against an enforcement notice issued by West Somerset Council.
  - The notice was issued on 4 September 2014.
  - The breach of planning control as alleged in the notice is: Unauthorised brick walling and pillars (Retrospective planning permission Ref/3/18/14/002 to retain the walling and pillars around a vehicular entrance was refused on 1 August 2014).
  - The requirements of the notice are to reduce the height of the walling and pillars around the vehicular entrance so that they are no higher than 1 metre in height above the adjoining land level where the land is adjacent to the Highway and no more than 2 metres in height above ground level elsewhere.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the development is exempt from the payment of fees, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
- 

### **Appeal B: APP/H3320/A/14/2225559 Kiln Cottage, Kilve, Bridgwater, Somerset TA5 1DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Feltham against the decision of West Somerset Council.
  - The application Ref 3/18/14/002, dated 6 June 2014, was refused by notice dated 1 August 2014.
  - The development is described in the application as "Retention of brick walling around vehicular entrance".
- 

### **Decisions**

1. Appeal A is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal B is dismissed.

### **Preliminary Matters**

3. The development in Appeal A and Appeal B is the same. When submitting Appeal B, the appellant agreed a revised description of the development to include the pillars. However, planning permission can only be granted for

development and "retention" is not an act of development. For the purposes of Appeal B, the development is therefore the erection of brick walling and pillars around the vehicular access. The vehicular access differs from that depicted in the plans submitted with Appeal B. The branch to a field access has been omitted and the recently planted hedgerow forms a continuous outer edge.

4. Whilst the appeal site is located within the Quantock Hills Area of Outstanding Natural Beauty (AONB), the effect of the development in relation to the designation does not form part of the Council's reasons for refusing consent or for issuing the enforcement notice.

### **Appeal A, the appeal on ground (a) and Appeal B, the section 78 appeal**

#### *Main Issue*

5. The main issue is the effect of the development on the character and appearance of the area.

#### *Reasons*

6. The appeal site is situated alongside the A39 and is separated from the main built up area of Kilve by an area of open land. The established boundary treatment to the property, facing the A39, is formed by a low wall predominately made of stone with timber fencing above.
7. The appeal development extends from the established front boundary treatment. It comprises a low semi-circular brick wall which follows the inner edge of the vehicular access to the property. At the back of the semi-circle is a higher brick wall with the intervening area presented as a raised and planted bed. At the southern end of the walling there is a brick pillar with another located on the other side of the access. The concerns raised by the Council specifically relate to both the height and the materials of the walling and the pillars.
8. Examining the height of the development in isolation, a key view of the property is that obtained coming out of the main built up area of Kilve. In this prospect, the development is seen as sitting comfortably against the backdrop of the buildings on the site and the existing garden wall.
9. In more close-up views, whilst the southern pillar in particular is of a sizeable height (2.5m), this is a response to the land falling away at this point. Overall, the height of the development does not appear out of place in the context of the existing front boundary treatment. In physical design terms alone, the scheme forms an attractive terminus to the built development on the site.
10. Nevertheless, turning to examine the materials, a key part of the character of the area is low boundary walls made of natural stone, in many cases with planting behind. The use of dark grey brick in the walling and the pillars is therefore out of character with the area. Furthermore, having regard to the light rendered finish of the buildings on site and the use of stone and timber in the front boundary treatment, the brickwork starkly and in my view inappropriately contrasts with the character and appearance of the appeal property.
11. Therefore, whilst the height of the development alone is not harmful, unfortunately it is the use of inappropriate materials alongside the height that



creates an unduly dominant and incongruous feature. It is the combination of the two which make the scheme unacceptable.

12. The identified harm could not be overcome through the maturing of the planting within the raised bed and around the access, or by way of a condition requiring a landscaping scheme. Soft landscaping measures would not have the degree of permanence of the built development.
13. The appellant claims that no objections were received and it is only the Case Officer that has an issue with the walling. However, third party correspondence was received at the appeal stage. This consisted of a letter from Kilve Parish Council expressing the view that the height of the development was acceptable but raising concern in respect of the colour of the brickwork. Also, the decision to serve the enforcement notice was made by elected members.
14. The development has an unacceptably harmful effect on the character and appearance of the area. It thereby conflicts with Policies BD/1 and BD/2 of the West Somerset District Local Plan 2006. Amongst other things, these policies require new developments to respect the character of their surroundings and in the case of walls to respect the character predominating in the locality.

### **Conclusion**

15. For the reasons given above, the appeal on ground (a) and the section 78 appeal fail. All other matters raised have been taken into consideration but none alter the decision to dismiss the appeals.

*C J Ford*

APPOINTED PERSON