



To: Members of Planning Committee

Councillors A F Knight (Chair), I R Melhuish (Vice Chair),
A Chick, S Dowding, A Hadley, B Heywood, E May, K Mills,
C Morgan, S J Pugsley, D Ross, L Smith,
M Smith, A H Trollope-Bellew, K H Turner

Our Ref TB/TM

Your Ref

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Extension 01823 356573

Date 17 February 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 26 February 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 "B. Lang".

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 26 February 2015 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of 29 January 2015 - **To Follow**

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: Seven

Date: 17 February 2015

<u>Ref No.</u>	<u>Application/Report</u>
3/31/15/002	Purseys, Wood Lane, Stogumber, Taunton Proposed new dwelling
3/05/15/002	Townsend Farm, Main Road, Carhampton Variation of condition 2 on planning permission 3/05/13/006 in order to change the external wall materials of plots 13, 14, 20 and 21 from natural stone to render and to amend the construction of the stone boundary walls and recon stone walls.
3/18/15/001	Land adjacent to Thatchings, Hilltop Lane, Kilve, Bridgwater TA5 1SR. Erection of dwelling

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

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

8. **Appeals Lodged**

No new appeals lodges since the last committee meeting.

9. **Appeals Decided**

No new appeal information since the last committee meeting.

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	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
Impact (Consequences)							

Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;

Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

Application No:	3/31/15/002
Parish	Stogumber
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 310123 Northing: 136960
Applicant	Mr & Mrs Trevor Simpson
Proposal	Proposed new dwelling
Location	Purseys, Wood Lane, Stogumber, Taunton, TA4 3TJ
Reason for referral to Committee	Part of the proposed development is outside of the development limits of Stogumber and therefore considered to be contrary to policy SP/5 of the adopted Local Plan

Risk Assessment

Description	Likelihood	Impact	Overall
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
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:

Purseys, Wood Lane, Stogumber, Taunton, TA4 3TJ

Description of development:

Proposed new dwelling

Consultations and Representations:

The Local Planning Authority has received the following representations:

Stogumber Parish Council

Stogumber Parish Council held a site meeting on Saturday 24th January to consider the revised application for a new dwelling on land adjacent to Purseys, Stogumber. The meeting was attended by a majority of the Parish Councillors and a number of local residents. The response of the Parish Council is as follows:

1. The Parish Council supports the building of a new house in this location. Whilst on the edge of the village, it is immediately adjacent to existing houses, including Archers Grove, a recent development of mainly large detached houses not dissimilar to that proposed. The Parish Council favours developments of one or a small number of houses rather than larger housing developments.
2. The Parish Council notes that the building has been moved 3m to the East, that the gable end is now hipped and the bottom two thirds of the windows on the upper storey facing Wood Lane are to be obscure glass. The Parish Council feels these compromises address the issues that they had with the original application. It feels it would go some way to reduce the visual impact on Wood Lane and Archers Grove
3. The Parish Council welcomes the proposed use of local stone for a large proportion of the

elevations.

4. There was a unanimous vote to support this application.

Highways Development Control

The site lies on Wood Lane, a classified un-numbered road that links Stogumber with Upper and Lower Vexford. In the vicinity of the site the national speed limit applies although speeds will be restricted to well below this level by the low radius curves between the site and Station Road and the narrow nature of Wood Lane south of the site.

The proposal will form an independent access for the new dwelling and the plans show an access of acceptable width and gradient with visibility splays of 2.4 by 35 metres which should be sufficient for the speed of traffic.

The level of parking shown is acceptable to serve the proposed dwelling and there is room within the site to turn vehicles so that they can enter and leave the site in forward gear.

In light of the above, the Highway Authority raises no objection to this proposal subject to the following conditions:-

The proposed access shall be constructed in accordance with details shown on the submitted access and parking plan and shall be available for use before first occupation of the dwelling hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted access and parking plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

The area allocated for parking and turning on the submitted access and parking 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.

Public Consultation

The Local Planning Authority has received 15 letters of objection/support making the following comments (summarised):

Objections

- I regret to continue my objection as the changes from the original refused application are at best cosmetic.
- Even though the new building has been pushed back by a small amount it will make no difference to the impact on Archers Grove and others
- It will dominate the skyline and overbear surrounding properties.
- The builders of Archers Grove and 1 and 2 Pickpurse Lane were constrained that the ride should be no higher than Purseys
- We are slightly lower than Purseys and would not want to see another building looming over the top of it

- At a meeting in the village to discuss Stogumber Local Plan and the setting of Stogumber and this being is on one of the entrances to the village. This house will change the entrance of the village.
- The development in Archers Grove had to be lowered by 2-3m as the same ridge level in Butts Cottage so that neighbours were not overlooked
- The height of the new dwelling will block the light to nos. 2 and 5.
- The property should be moved back by 3m and set 2m down to reduce impacts, and support the site for a dwelling on this site once the position has been modified.
- This large house will detract from and obscure direct sunlight to our home and impact the benefit of our solar thermal panels.
- I also want any interests in Masonics declared by everyone involved in the decision making process.
- How does the proposal relate to the recently developed Stogumber Village Plan.
- I am convinced that the roofline of the proposed house will illuminate the sun and impact on us and we value the light here in the valley in the winter.
- We believe the new house will be out of character of the AONB and it makes no sense to site a dwelling so close to Purseys and it will devalue that property.
- We insist you undertake an independent valuation of both Purseys and our own home to establish before and after prices re the value of our home.
- The current plans are still out of keeping with neighbours re roof height at 10.3m above road level and it will tower over and dominate other properties in the vicinity.
- The changes to the original application are cosmetic and even being pushed back it will still impact on Archers Grove.
- Concerns raised by local residents and some of Stogumber PC have been considered in this proposal, however I am still concerned about the elevation of the dwelling in terms of height, mass and second storey living quarters.
- A little more thought around re profiling and surrounding topography could be reduced modestly without compromising the integrity of the design or light benefit to future occupants.
- I remain supportive of a development in principle on this site and applicants desire to live there, but with heavy heart I object to the proposal as it stands.
- I object to the dwelling on the site, as we have moved from an area with thoughtless inappropriate development ruining a pleasant green area and thriving community. We choose this area for the unspoiled nature of the village and strong friendly community.
- The proposed building will tower over our relatively small sunken rear garden.
- The plans are both insensitive and un-neighbourly and do not reflect the effort into creating a sensible plan for the area to protect the character of the village.
- I would ask how this planning proposal reflects policy BD/2.

- If this application is permitted it will be at the detriment to neighbouring dwellings, and urge WSC to object to any building on this land until there is full support of the local people and particularly immediate neighbours.
- I have seen the cost and effort local authorities have to go to defend applications and appeals because it has not been enforced properly.
- It is scary to consider that the building would stand over 10m higher than Wood Lane and the roof level higher than surrounding buildings. It will also be well in excess of the telegraph pole adjacent to the site. Moving the build back by 3m would not reduce the impact of height.
- Our property at Archers Grove was constructed in a dip/bowl and cannot understand why the new build would exceed that of Quantock View.
- We expect the opinion and comments of local residents to be respected to protect the integrity of the area for current and future generations.
- If the application is approved it will set a dangerous precedent.
- We have accepted an offer to sell our property to current tenants who have settled well into the village and this application could hinder that future sale.
- The development will lead to the loss of agricultural land which was previously been refused a certificate of lawfulness for use as a wildlife garden/nature reserve and it will effectively become garden due to the lack of amenity space on the site once the driveway access and parking has occupied the remaining space within the settlement boundary.
- The loss of visual amenity will be unacceptable to no 2. Archers Grove.
- The design of the development in an upside down arrangement is un-necessary and insensitive to adjoining properties.
- The dwelling will be dominant and overbearing and in my view a direct contravention of planning policies BD/1, BD/2, SP/3 and LC/3 and the draft neighbourhood plan items 1, 3d, 11(5) and 11 (6).
- We note that the original application and revised received pre app guidance from the Planning Office and are confused as to what this would entail.
- If permitted this house will be at the detriment to neighbouring properties and it sets a dangerous precedent in the case of future applications.
- The proposed development will tower over Purseys by 5.15m from ground level and is effectively a whole 2 storeys higher.
- The proposal does not enhance the landscape due to the height and vantage points.
- We question whether this development is an infill site as it is on the fringe of the village and partially outside the development limits.
- The development is too large for the site within the settlement boundary.
- The development will lead to a loss of agricultural land and has previously had a refusal for a wildlife garden/nature reserve due to lack of amenity space on the site once the driveway and parking occupies the majority of the space.

Comment

- Unlike plans made by County and District Councils, Neighbourhood Plans must be approved by a referendum of residents and whilst this plan maybe formally adopted, it should not be brought into disrepute by using the draft now to assess current planning applications.
- Planning applications are assessed in the light of an emerging Local Plan as well as an existing Local Plan, but we do not have an existing Neighbourhood Plan, and the decision should not be made with reference to the draft Stogumber Neighbourhood Plan.
- I still support a dwelling on this site once the position has been modified and including the ridge height.
- No objection in principle to a new dwelling on the site, however the current plan is out of keeping with neighbouring properties as the roof height would be 10.3m above road level.

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 is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/3 Development in Villages
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- W/1 Waste Water, Sewage Management and, Infrastructure
- NC/4 Species Protection

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 Revised Draft Preferred Strategy \(June 2013\)](#)

[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:

3/31/14/016	Proposed new dwelling	Withdrawn	16/01/2015
PRE/31/14/002	Build a 4 bedroom house and garage in garden of existing property	Advice given	14/07/2014
3/31/10/012	Erection of single storey detached garage to replace timber garage on similar footprint	Grant	03/11/2010
3/31/04/016	Certificate of lawful for a proposed use from agricultural land to wildlife garden/nature reserve	Refuse	08/04/2005
3/31/97/030	Construction of garden room and double garage with log store	Grant	12/02/1998
3/31/75/010	Replace existing portable stable and fodder store with permanent block of two stables	Decided	28/08/1975

Proposal

The application proposes the erection of a 4 bedroom dwelling reverse level house with bedrooms on the ground floor with living accommodation above. It will be sited on 0.45ha of land with the creation of a new permeable access (Tegula Harvest paving) onto Wood Lane. The dwelling house will be constructed with a mix of Capton Stone (Red), multi red bricks (Ibstock Bradgate Claret brick) red render, aluminium (finish cream) windows and doors and timber garage door.

The new access will result in the removal and setting back of existing banks and hedges abutting the highway and further planting and trees will be carried out in accordance with the submitted landscape scheme. A new pedestrian entrance is also proposed onto Wood Lane to the north west of the site and will consist of a set of steps and associated stone walls between the existing hedgebank.

Site Description

The site is situated to the south east of the village of Stogumber within the garden of the property of Purseys. The main house is a 16th Century detached dwelling site within an extensive parcel of land. The proposed application site is located to the south west of the main house of Purseys and bound by Wood Lane to the south and west and Station Road to the north.

Planning Analysis

1. Principle of Development

The proposals site is within the development limits of Stogumber, which is classed as a village within Saved Policy SP/1 and SP/3 and SP/5 of the adopted Local Plan. The proposed dwelling would be sited within the residential curtilage of the existing dwelling house of Purseys. The red line has been amended being drawn around the proposed dwelling site, mostly within the Settlement Boundary, however, the proposed new terrace would be located outside of the current boundary. The remaining land owned by the applicant is edged in blue as associated land. It is shown that the edge of the development boundary is 28m away from the edge of the Wood Lane Road

Although there is no available public transport from Stogumber accessibility to services within the village is good, as such the proposal would not significantly or demonstrably conflict with the relevant sections of the NPPF relating to sustainable development.

The objection that the building is not within the Settlement Boundary is noted though the

application is largely within the development limits and with a small amount of the property not being sited within the Local Planning Authority does not consider such an amount would constitute a reason for refusal. The principle of a dwelling house on this site is therefore acceptable.

2. Character and Appearance of the Area

Wood Lane is rural in character but has a new development opposite (Archers Grove). Properties in Archers Grove have been built with stone and render and have a mixture of slate and clay tiles on their roofs. Purseys is a rendered cottage with a thatched roof. The proposed design of the building is considered to be acceptable, reflecting the character and appearance of neighbouring properties.

The height of the proposed building together with its massing is not considered to be overbearing or dominant upon the neighbouring properties No.2 and 3 Archers Grove due to the revised proposal being set back into the site and having a half hip that will further minimise the overall impact of the building.

Whilst the building is sited at a raised level it has been dug down into the land by 1m at the access point and this does help to minimise the building impact upon the wider area. The building is considered to have been designed to be sympathetic to the existing character of the area and uses traditional materials that aid in softening the building into the existing landscape. The agent has submitted good quality photographs of the proposed materials to be used and these are all considered to be acceptable.

3. Landscaping

A revised scheme of landscaping and boundary treatment has been submitted and increases tree planting including hawthorn, hornbeam, white cherry and Rowan on the western boundary of the site. This together with the proposed planting of a new boundary hedge (mix of Hawthorn & Quicks, Holly, Viburnum, Honeysuckle and Dog Rose) grown to height of 1.5m that will ensure the softening of the proposed building upon the local area and the impact upon neighbouring properties.

4. Residential Amenity

Policy BD/2 of the saved adopted Local Plan requires that the siting of new buildings should have 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 this instance, it is considered that there is sufficient distance between the site and the properties opposite (Archers Grove) and adjacent (Purseys) as mentioned previously. However, due to the reverse level of the property, concern has been raised on the potential for overlooking from the proposed dwelling house into bedroom windows of 2 and 3 Archers Grove. To address this issue, the Agent has agreed to obscure the glazing to the first floor windows on the western elevation up to the 1.7m level with clear top lights. This would prevent any overlooking to occur. It is recommended that a condition will be placed on any permission granted detailing that obscure glass shall be installed in these first floor windows and shall thereafter be retained and maintained.

Concern has also been expressed regarding potential loss of outlook. It must be noted that an individual does not have the right to a view in planning law. However, in order to try and address this issue, the Agent has repositioned the proposed dwelling away from the boundary by another 3m, which would reduce the impact of the building upon the neighbouring property. It would also improve the amount of light from the south into the existing dwelling house of Purseys, which is set down at a lower level, therefore improving their amenity. By siting the dwelling a further 3m to the east from the roadside boundary

this also brings the western elevation of the new home more on a par with the existing eastern side elevation of Purseys and this will further aid the amount of sunlight from the east available to both dwellings and their respective garden areas,

Several letters of objection have been received, from the immediate neighbouring properties within Archers Close raising concerns on the potential loss of privacy and amenity that would arise from this proposal. These concerns centre on the height of the dwelling, loss of view and overlooking. It should be noted that even driving, walking, or on horseback along Wood lane it is possible to overlook the rear of nos. 2, and 3 Archers Grove and also the western side elevation of a bungalow known as Quantock View. The submitted detail confirm that the distance from the rear of properties nos. 2 and 3 Archers Grove would be set at a distance of 26 metres from the western elevation of the new home across Wood Lane, albeit on rising ground. This is in excess of the minimum distance of 21 metres, which is generally taken to be acceptable in privacy and amenity terms for back to back dwellings. It is also noted that the front principle elevation (north) of Quantock View directly faces the rear of nos. 3 and 4 Archers View at a distance of 24m on slightly different levels. The proposal would better this existing situation.

In respect of the objection from no. 3 Archers Grove the re-siting of the building and its distance from the property is considered to reduce the level of overlooking, and together with boundary planting would mean that there is not considered to be a significant loss of amenity such as would warrant the refusal of this application.

Consideration of the proposed scale and massing and concerns of overlooking from the building has been questioned due to the variance in natural ground levels. The building has been orientated with the gable end facing Wood Lane and Archers Grove as this is considered to reduce visual impact. The western gable will be half hipped (repeated on the eastern elevation) to assist in minimising the overall massing.

It is also proposed that the building is re-sited on the land by 3m to the east with an overall distance of some 8m from the boundary, further reducing its impact upon neighbouring properties. This move would result in the garage and terrace area being sited outside of the Settlement Boundary by 1.5m, though as there is no physically boundary the structure would be set into the existing hillside. The Local Planning Authority notes that the policies relating to Settlement Boundary's will not form part of the New Local Plan and therefore the placement of part of the garage over the Settlement Boundary is not considered to be of such detriment to warrant the refusal of the application.

It is considered that the proposed re-siting of the building and installation of obscure glazing at first floor level (which could be controlled by condition) would overcome the concerns expressed and would not be detrimental upon the amenity of neighbouring properties in Archers Grove.

5. Highway Safety

A new vehicular access on the western boundary is proposed to serve the new dwelling. The proposal includes the provision of a visibility splay with a minimum distance of 35m along the highway when viewed from a setback of 2.4m and there will be no obstruction of verges 900mm above road level. The existing entrance into the site will be stopped up. The Highway Authority has confirmed that this is considered to be acceptable.

The new access will be illuminated by two 1.0m high bollard down lights as shown on dwg. no. 141001/1B. The surface material of the new access will be flush concrete edging kerbs between the highway and tegula block paving which will be used on the remainder of the drive. A French drain is to be inserted with a fall of 1 in 20 to drain surface water. The

lowest entrance of the drive will be set at a level of 102.03m rising to 103.00m at the entrance of the house and the parking area to the west in behind the roadside hedge will provide 3 parking spaces in addition to the 1 single space provided in the proposed garage. This is all considered to be acceptable by both the Highway Authority and the LPA.

6. Parking

Policies T/7 and T/8 of the Local Plan set out the parking standards. The County Council adopted Parking Strategy locates the site within Zone C. As such 1 parking space and 1 cycle parking space are required per bedroom. This proposal has 4 parking spaces and 4 cycle spaces making it compliant with the parking policies. The proposal is therefore acceptable on these grounds.

7. Flood Risk

The site is not located within either flood zone 2 or 3 and as such a flood risk assessment will not be required.

8. Biodiversity

A Protected Species Survey has been submitted and details that although there would be a loss of 60m of hedgerows they are of poor species making the level of impact low. It is, however, recommended that mitigation measures referred to in the report, including sympathetic timing of operations to minimise risk of disturbance to species, compensatory planting of rich hedgerow, the erection of bird boxes, and the creation of habitats suitable for amphibians and reptiles should be a condition of approval.

9. Lighting

External lighting proposed will comprise of four external lantern lights at key points on the dwelling with a new bulk head light set into the new stone wall at the pedestrian access steps. These will be set on high motion PIRs with a 2 minute over run. A total of 3 x 1.0m bollard down lights also set on high motion PIRs, will have a 2 minute over run. 2 of these lights are to be positioned either side of the driveway and one adjacent to the terrace area. All of the external lights are to be fitted with top covers to avoid light pollution and direct the light downwards. Therefore the proposed lighting will not have any significant impact on the character and appearance of the area and will not impact upon residential amenity.

9. Draft Stogumber Neighbourhood Plan.

Some of the comments received from the community relate to policies contained within this document. The designation of the Stogumber Neighbourhood Plan must accord with Regulation 7 (1) of the Neighbourhood Planning (General) Regulations 2012. On the 30th April 2014, West Somerset Council designated the Stogumber Neighbourhood Area in order that Stogumber Parish Council may proceed with the preparation of their neighbourhood plan for the area. It is noted, however, that correspondence from the Chairman of Stogumber Parish Council states that Stogumber does not have an existing neighbourhood plan as it has not yet been confirmed by a referendum of residents. This is due to be discussed by the Parish on the 12th March 2015. On this basis, no weight can be given to the document.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

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

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: Site location plan, Site plan (block), Proposed site layout dwg. no. 141001/1B, Elevations - North and East, dwg. no. 141001/4A, Elevations - South and west, dwg. no. 141001/5A, New dwelling section through proposed, dwg. no. 141001/6A, New dwelling section east - west, dwg. no. 141001/7A, section west - east, dwg. no. 141001/8A, Ground floor layout, dwg. no. 141001/2A, First floor, roof and section, dwg. no. 141001/3A and Topographical survey, dwg. no. 2014/006/1, plus the Protected Species Survey by JH Ecology by Mr T Simpson dated October 2014 and the Design and Access Statement submitted on 19/01/15.

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

- 3 No works shall be undertaken on site, other than those required by this condition, unless the access to the site has been provided in accordance with the approved plans 141001/1B and 141001/2A. 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).

- 4 There shall be no obstruction to visibility greater than 900 mm above the adjoining carriageway level within the visibility splays shown on the approved plans 141001/1B and 141001/2A. 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 at all times thereafter.

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 The dwelling shall not be occupied unless the drainage scheme at the access to the site, which will prevent water being discharged on to the highway, has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form at all times thereafter.

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).

- 6 All external walling, roofing materials to be used shall be carried out in accordance with specify details received on 19/01/15.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2 and BD/3 of the West Somerset District Local Plan (2006).

- 7 The proposed first floor windows on the western elevation shall be glazed with obscure glass up to 1.7m above floor level and permanently retained as such.

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).

- 8 The mitigation measures in relation to protected species and prospective wildlife encouragement as identified in the Protected Species Survey by JH Ecology by Mr T Simpson dated October 2014 and Design and Access Statement shall be incorporated into the development in accordance with the schedule of implementation identified in the afore mentioned documents and subsequently retained.

Reason: To ensure that suitable mitigation measures are incorporated into the development to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 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 neighbours in respect of overlooking. 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.



Application No 3/31/15/002
Erection of dwelling
Adjacent to Purseys, Stogumber
19/01/2015



Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

West Somerset Council
Licence Number: 100023932

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Easting: 310123 Northing: 136960
Scale: 1:1250

Application No:	3/05/15/002
Parish	Carhampton
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 300592 Northing: 142750
Applicant	Flint Hastoe Housing Association
Proposal	Variation of condition 2 on planning permission 3/05/13/006 in order to change the external wall materials of plots 13, 14, 20 and 21 from natural stone to render and to amend the construction of the stone boundary walls and recon stone walls.
Location	Townsend Farm, Main Road, Carhampton
Reason for referral to Committee	Called into Committee

Risk Assessment

Description	Likelihood	Impact	Overall
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
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:

Townsend Farm, Main Road, Carhampton

Description of development:

Variation of condition 2 on planning permission 3/05/13/006 in order to change the external wall materials of plots 13, 14, 20 and 21 from natural stone to render and to amend the construction of the stone boundary walls and reconstituted stone walls.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Carhampton Parish Council

Views awaited.

Public Consultation

The Local Planning Authority has received 2 letters of objection making the following comments (summarised):

1. The use of render will diminish the appearance of the scheme resulting in an over bland abundance of bland rendered elevations
2. Due to the proximity of the site to Exmoor National Park and being at the main approach to the village the site warrants a greater sensitivity to the appearance of the development. It should echo the stonework of the local stone buildings
3. Policy BD/2 states that walls and fences should be appropriate to the area and respect the character predominating in the area. The walls in the area are stone.
4. Policy BD/8 concerns the reuse of existing building materials and as the wall along Winsor Lane is stone there is no reason to change it. the walls along main Road should be stone as the walls of the barns are stone
5. The developers are reneging on their promise to keep stone walls on the houses it will make the development yet another council estate so marring the coequal look of the village
6. It will stick out like a sore thumb at the entrance to the village

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 is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/3 Development in Villages
- LC/1 Exmoor National Park Periphery
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- BD/3 Conversions, Alterations and, Extensions
- H/4 Affordable Housing
- H/5 Affordable Housing on Rural Exception Sites
- R/5 Public Open Space and Large Developments
- NC/4 Species Protection
- PO/1 Planning Obligations
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- UN/2 Undergrounding of Service Lines and New Development
- W/5 Surface Water Run-Off
- LB/1 Listed Buildings Alterations and Extensions
- AH/3 Areas of High Archaeological Potential
- SP/5 Development Outside Defined Settlements

National Policy

[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 Revised Draft Preferred Strategy \(June 2013\)](#)

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

[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)

[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
3/05/96/011	Proposed conversion of redundant agri buildings & private open space with access from Winsors Lane renew 05/90/034	Grant	17 June 1996
3/05/90/034	Conversion of redundant agricultural buildings	Grant	12 August 1991
3/05/90/029	Conversion of agricultural buildings to residential use, demolish extension and boundary wall	Grant	12 August 1991
3/05/96/012	Proposed conversion of largely redundant agricultural buildings to residential use. demolition of a pitched lean-to	Grant	17 June 1996
3/05/90/033	Erection of 10 residential dwellings and access	Grant	27 June 1991
3/05/96/011	Proposed conversion of redundant agri buildings & private open space with access from winsors lane renew 05/90/034	Grant	17 June 1996
3/05/97/002	Erection of 10 no. residential dwellings together with private open space and access from Winsors Lane	Grant	18 April 1997
3/05/94/009	Erection of 10 no. residential dwellings together with private open space and access from Winsors Lane (renewal)	Grant	26 May 1994
3/05/90/034	Conversion of redundant agricultural buildings	Grant	12 August 1991
3/05/03/001	Conversion of barns into dwellings and the construction of new houses - in accordance with plans no. 580/p1, 580/p2a, 580/p3, 580/p4a, 580/p5b, 580/p6, 580/p7, 580/p8 and 580/p10	Grant	15 September 2003
3/05/03/002	Conversion of listed barns into dwellings - as amended by site location plan received on 10/01/2003	Grant	27 March 2003
3/05/03/002	Conversion of listed barns into dwellings - as amended by site location plan received on 10/01/2003	Grant	27 March 2003
3/05/03/001	Conversion of barns into dwellings and the construction of new houses - in accordance with plans no. 580/p1,	Grant	15 September 2003

	580/p2a, 580/p3, 580/p4a, 580/p5b, 580/p6, 580/p7, 580/p8 and 580/p10		
3/05/15/001	Variation of conditions 2 and 6 on 3/05/13/006 in order to change the levels and positions of various windows	Not yet determined	

Proposal

The application seeks to vary condition 2 on planning permission 3/05/13/006 (for the erection of 25 dwellings and the conversion of barns to 10 dwellings) to change the natural stone elevations to render on four proposed houses (plots 13, 14, 20 and 21) together with amending the reconstituted stone boundary walls to plots 3 to natural stone walls. The reconstituted stone walls to the parking areas along the side boundaries of plots 8, 11 12, 14 and 15 are proposed to be amended to 1.8m close boarded timber fencing.

Site Description

The site lies at the western end of Carhampton adjoining Townsend Farmhouse, a Grade II listed building. The majority of the site is the former farmyard for Townsend Farmhouse and the remainder of the site is currently a field. The former farmyard consists of a number of barns that are in the form of two parallel ranges of barns joined by a single story barn to form a Y. The stone barns that run parallel to Main Road are single storey barns that have various roof heights whereas the stone and brick barns to the south of the front range includes a two storey barn and a single storey barn. The land rises from the rear (south) of the barns and on the higher land there is a steel clad shed and concreted area where it would appear that there were buildings in the past. At the eastern end of the range of barns that fronts onto the A39 are two listed cottages which are not included within the application site. At the junction of Winsors Lane and Main Road, there was a mono pitched rendered modern building that has recently been demolished. A stone wall runs along the Winsors Lane frontage running south from the existing entrance to the farmyard and adjoining field.

Planning Analysis

The principle of converting the barns and to erect 25 dwellings was established with the granting of planning permission in January 2105. Account was taken of the character and appearance of the area, the affect on the setting of the listed barns and farmhouse together with the affect on the character and appearance of the listed barns, the affect on the amenity of the proposed occupiers and existing neighbours, highway and flooding issues. In addition as West Somerset Council does not have a five year land supply there is a presumption in favour of development unless there are overriding harmful considerations that would outweigh the benefit of providing the new dwellings.

The proposed use of render on the four plots, whilst diluting the quality of the scheme will not adversely affect the appearance of the dwellings or the character of the proposal as a whole or indeed the setting of the adjoining listed barns and farmhouse. The use of render within Carhampton is acknowledged and as such the scheme as a whole will complement the appearance of Carhampton. There will still be a mix of materials with 9 stone faced properties, 10 rendered properties and four half-rendered / half-timber boarded houses, plus the 10 properties in the stone barns. Stone is therefore still the predominant material used for the dwellings. The change in the materials to be used for the boundary walls is considered to be acceptable. The use of natural stone instead of reconstituted stone is welcomed and due to the location of the proposed close boarded fencing instead of reconstituted stone, this variation is also considered acceptable. The stone boundary walls in front of the proposed dwellings

are to be retained and will help to reinforce the local character of stone walls within Carhampton.

In conclusion it is considered that the proposed amendments to render 4 properties instead of being faced in natural stone, the change from reconstituted stone walls to natural stone and the use of close boarded fencing adjoining the parking areas in lieu of stone walls, will not adversely affect the character and appearance of the development as a whole or the setting of nearby listed buildings

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and so Environmental Impact Assessment is not required.

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 and to avoid the accumulation of the unimplemented planning permission.

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers:

3165-220 (Location Plan),
3165-200 Rev G (Proposed Site Plan),
3165/201 Rev A (Existing Barns Proposed Floor Plans),
3165-202 Rev A (Plots 16 and 17),
3165-203 Rev B (Plots 4, 5, 6 and 7),
3165-204 Rev A (Plots 8, 11 and 12),
3165-205 (Plot 15),
3165-206 Rev A (Plot 18 and 19),
3165-207 Rev A (Plots 23, 24 and 25),
3165-208 Rev B (Plots 9, 10, 13 and 14),
3165-210 Rev A (Plots 20, 21 and 22),
3165/213 Rev B (Existing Barns Proposed Elevations Sheet 1 of 2),
3165/214 Rev B (Existing Barns Proposed Elevations Sheet 2 of 2),
3165-215 Rev E (Proposed Street Scenes),
3165/216 Rev A (Proposed Carport for barns),
3165/217 (Typical Window Joinery Detail for barns),
3165-218 Rev A (Garage Plots 19, 20, 21 and 22),
3165-220 (Carport for Plots 1, 2, 3 and 18)

together with Drawing Numbers:

13044 - sk01 Rev G (materials key),
13044 - 103 Rev A (plots 1-3),
13152 sk102 (external works proposed levels plan),
13044 - 002 Rev K (proposed site plan),
Materials summary Rev F,
13044-sk30 RevC (Typical Window Detail PassivHaus Plots) – Issued 12 November 2014,
13044-sk31 RevB (Typical Window and Door Elevation PassivHaus Plots),
13044-sk32 RevA (Typical Front Door Detail PassivHaus Plots),
13044-sk33 RevC (Typical Window Detail Plots 18-22),
13044-sk35 RevA (Typical Front Door Detail Plots 18-22),
13044-sk36 Rev A (Typical Window Detail Plots 23-25),
13044-sk37 Rev A (Typical Window Detail Timber Boarding Plots 4-7),
13044-05 Rev A (Proposed Garden Sheds),
13044-06 Rev A (Typical Garage Door Elevation and Details),
13044-004 Rev F (Proposed Planting Schedule)

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

- 3 All external walling and roofing materials to be used for plots 1 -25 shall be carried out in accordance with the details as stated on the schedule of materials dated 26 November 2014 and the hereby approved sample panel of walling materials shall be retained on site during the construction of the new build dwellings hereby approved

No works shall be undertaken on Plots 26 - 35 unless a schedule of materials and finishes and samples of the materials (to include sample panels of the walling 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, BD/2, BD/3 and LB/1 of the West Somerset District Local Plan (2006).

- 4 The hereby approved joinery details for the windows, doors and timber cladding for Plots 1 - 25 shall be carried out in accordance with the approved details.

No works shall be undertaken on Plots 26 - 35 unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include elevations and cross-sections, profiles, reveal, surrounds, and details of the materials, finish and colour in respect of new windows, doors, and other glazed or timber panels. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area having regard to the provisions of Saved Policies BD/1, BD/2, BD/3 and LB/1 of the West Somerset District Local Plan (2006).

- 5 The hereby approved hard and soft landscaping scheme for Plots 1 - 25 (excluding the wooden fence along the western boundary between Plot 35 and the rear of the car ports)

shall be carried out in accordance with the approved details. Details for this section of the western boundary shall be submitted to and agreed in writing by the Local Planning Authority. The works hereby approved and the boundary treatment along the western boundary to be agreed in writing by the Local Planning Authority shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

No works shall be undertaken on Plots 26 - 35 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 treatments and finished ground levels; a planting specification to include positions, species and size of all new trees and the location 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. Such landscaping scheme shall take into account the requirements for ecological mitigation and enhancements required by condition 19. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of and implementation 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).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, roof light, door or other opening, other than those expressly authorised by this permission, shall be constructed, above ground floor level, in the rear (north east) elevations of plots 18, 19 and 20.

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).

- 7 There shall be no obstruction to visibility greater than 300 mm above the adjoining carriageway level within the visibility splays shown on the approved plans. 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).

- 8 The gradient of the proposed access from Winsors Lane shall not be steeper than 1 in 10 for a distance of 6 m from its junction with Winsors Lane.

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).

- 9 The dwellings shall not be occupied unless the first 10 metres of the access, as measured from the back edge of the adjoining carriageway, has been properly consolidated in accordance with the details shown in the approved plans. 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 No dwelling shall be occupied until the parking spaces (including any garage) associated with that dwelling and related turning areas have been provided in accordance with the approved plans. Such parking areas shall not thereafter be used for any purpose other than the parking of the vehicles associated with that dwelling and the garages shall be available for the parking of vehicles associated with that dwelling.

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).

- 11 No works shall be undertaken on site unless details and specification for the off-site highway works (uncontrolled pedestrian crossings as indicated on drawing number 3165-200) and a programme of implementation 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 and programme.

Reason: To ensure that the off-site highway works are provided to an appropriate standard 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 hereby approved Construction Environmental Management Plan (Halsall Construction) shall be carried out in accordance with the approved details until the construction of the development has been completed.

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

- 13 The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.

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

- 14 The proposed roads, including footpaths and turning spaces, where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall

be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the highway works are provided to an appropriate standard in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 15 No works shall be undertaken on site unless a travel plan has been submitted to and approved in writing by the local planning authority. Such travel plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable transport options are taken up minimising the impact of the development, having regard to policy requirements of the National Planning Policy Framework and having regard to Saved Policy T/7a of the West Somerset District Local Plan (2006).

- 16 No works shall be undertaken on site unless a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of gullies, connections, soakaways and means of attenuation, a programme of implementation and details of the appropriate right of discharge for surface water. The drainage works shall be carried out in accordance with the approved details and programme.

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).

- 17 No dwelling within the barn conversion scheme (plots 26 – 35) shall be occupied unless the bin and recycling store area (shown on drawing number 3165/201A) and the bin collection store (shown adjacent to the LPG Tank and the carports on drawing number 3165-200 Rev I) have been provided and are available for use . No dwelling identified as plots 15 – 17 and 23 – 25 shall be occupied unless the bin collection store (shown between the parking spaces allocated to plots 13 and 16 on drawing number 3165-200 Rev I) has been provided and is available for use. Once provided the bin and recycling store area and the bin collection store points shall be retained and available for use for the storage of bins and recycling.

Reason: To ensure the adequate provision bin and recycling storage in the interests of the appearance of the development having regard to Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006) and to ensure adequate arrangements are in place for the collection of waste.

- 18 No works shall be undertaken on:

a) Plots 1-25 unless details of ecological mitigation and enhancements, having regard to the Ecological Appraisal (August 2012), the Reptile Survey report (October 2012) and

the Bat Survey Report (March 2013), have been submitted to and approved in writing by the local planning authority. Such details shall include the provision of bat boxes, the provision of nesting opportunities for birds, the method for the translocation of slow-worms (including details of the translocation site), improvements/enhancements to the hedgerows and tree planting in and around the site and a programme of implementation. The ecological mitigation and enhancements shall be provided in accordance with the approved details and programme.

b) Plots 26 - 35 unless details of ecological mitigation and enhancements, having regard to the Ecological Appraisal (August 2012), the Reptile Survey report (October 2012) and the Bat Survey Report (March 2013), have been submitted to and approved in writing by the local planning authority. Such details shall include the provision of bat boxes, the provision of nesting opportunities for birds, the method for the translocation of slow-worms (including details of the translocation site), improvements/enhancements to the hedgerows and tree planting in and around the site and a programme of implementation. The ecological mitigation and enhancements shall be provided in accordance with the approved details and programme.

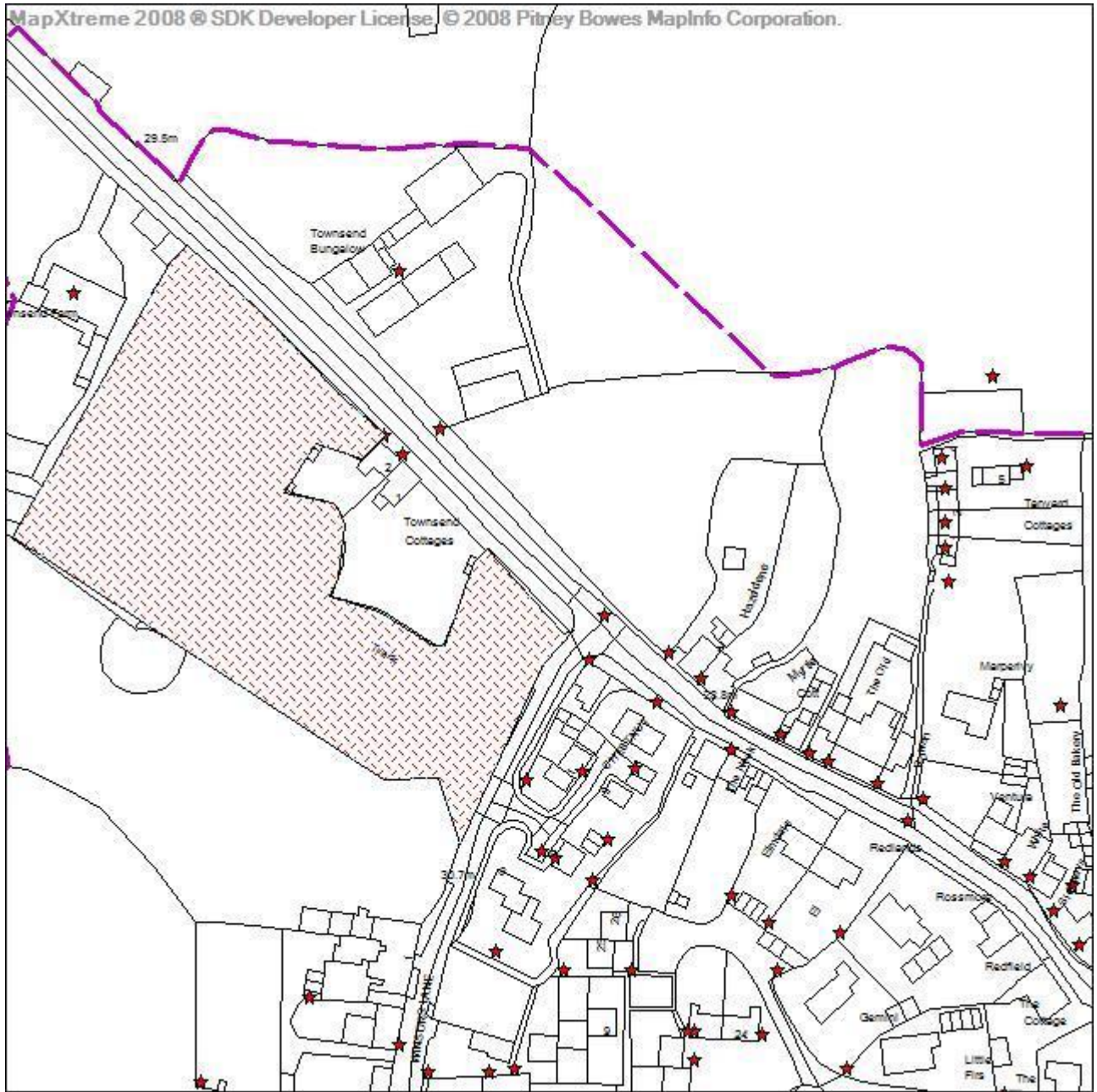
Reason: To ensure habitats for protected species are maintained and enhanced having regard to the provisions of saved Policy NC/4 of the West Somerset District Local Plan and Policies within the National Planning Policy Framework.

- 19 Prior to the occupation of more than 20 of the new build dwellings the conversion works hereby approved to the barns (plots 26 – 35) shall be substantially complete.

Reason: To ensure that the repair/preservation of the barns is carried out as this is a key component of the scheme and forms part of the justification for allowing the development to proceed without on-site public open space provision and only a limited contribution towards the provision of off-site community facilities having regard to the provisions of Saved Policies LB/1 of the West Somerset District Local Plan (2006).

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification) no lines, mains, pipes, cables or other apparatus shall be installed or laid on the site other than in accordance with drawings first submitted to and approved in writing by the Local Planning Authority.

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



Application No 3/05/15/002
variation of condition 2 of
3/05/13/006
Townsend Farm, Main Road,
Carhampton
21/01/2015

Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA



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Application No:	3/18/15/001
Parish	Kilve
Application Type	Outline Planning Permission
Case Officer:	John Burton
Grid Ref	
Applicant	Mr Peter Hamlett
Proposal	Erection of dwelling
Location	Land adjacent to Thatchings, Hilltop Lane, Kilve, Bridgwater, TA5 1SR
Reason for referral to Committee	The application was called in by a Councillor.

Risk Assessment

Description	Likelihood	Impact	Overall
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
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:

Land adjacent to Thatchings, Hilltop Lane, Kilve, Bridgwater, TA5 1SR

Description of development:

Erection of dwelling (in outline).

Consultations and Representations:

The Local Planning Authority has received the following representations:

Kilve Parish Council

Following a visit and meeting with the architect at the above site Kilve Parish Council have the following observations to make:

No objections to ONE house of a similar design, size or smaller, in the same position as shown on the outline plans. The P.C. considers that the boundary of the proposed new build next to "Willow Lea" is too close particularly as there is a 5 metre boundary on the other side with "Thatchings".

If at a later date, assuming that outline planning is approved, an application was presented for additional housing e.g. more than one, the Parish Council would have very strong reservations in approving them.

Highways Development Control

The Highways Authority have asked for 'standing advice' to apply.

Public Consultation

The Local Planning Authority has not received any letters of objection or support.

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 is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/5 Development Outside Defined Settlements
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- W/1 Waste Water, Sewage Management and, Infrastructure
- NC/1 Sites of Special Scientific Interest

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 Revised Draft Preferred Strategy \(June 2013\)](#)

[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 site:

3/18/74/005	Erection of two dwellings and garages	Refuse	22/07/74
3/18/98/035	Erection of a two-storey detached dwelling with double garage and walled garden	Refuse	24/09/98

Site Description

The site is located to the east of the village of Kilve and accessed from the junction of A39 with Rowditch Lane/Hilltop Lane. The site consists of a vacant parcel of land with frontage to Hilltop Lane. The site itself has timber fencing on the southern boundary, trees on the northern boundary, and the property of Deer Leap to the east which has its own vehicular entrance onto an un-named road to the east.

Proposal

The application seeks outline consent for the erection of a single storey bungalow style property, but with rooms in the roof creating two levels of accommodation. The feasibility design shows two wings to the rear that enclose a terraced area. A garage is proposed in front of the property with access to Hilltop Lane and a covered link walkway to the new dwelling. The dwelling is shown as being finished with stone and natural stone walls, timber windows and doors and a slate roof. The proposal also shows solar panels placed on the rear (south) elevation of the garage and of the rear wing of the property.

Planning Analysis

1. Planning policy and the principle of development.

The land is not sited within a settlement boundary (as defined in the adopted Local Plan) and therefore the proposal for a dwelling house that is not to be used for agricultural or forestry would be contrary to Policy SP5 of the adopted Local Plan. This policy requires that development on sites outside of the development limits are strictly controlled and limited to development that benefits social or economic activity, maintains or enhances the environment and does not significantly increase the need to travel.

However, Paragraph 49 of the National Planning Policy Framework (the NPPF) identifies that Development Plan policies which specifically deal with supply of housing should not be considered up to date where a local planning authority cannot demonstrate a 5 year land supply. In this scenario the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. In view of the current progress in relation to the emerging Local Plan 2012-2032, it is acknowledged that the local planning authority is currently not in a position to demonstrate a five-year housing land supply in accordance with the paragraph 47 of the NPPF. This situation is unlikely to change until the new local plan, with strategic site allocations, has progressed sufficiently so that it can be afforded significant weight.

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 NPPF is a strong material consideration that indicates that, in view of the current position in respect of the five-year housing land supply, proposals should not be judged against criteria within Policy SP/5 but rather the main issue in this case will be whether the proposal constitutes sustainable development as defined by the Framework. The NPPF clearly sets out that, even when the Development Plan is absent, silent or the relevant policies are out of date, planning permission should not be granted where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of approval when assessed against the policies in the NPPF or where other specific policies in the NPPF indicate that development should be restricted (paragraph 14). As such notwithstanding the fact that the site is located outside of the development limits consideration must be given to whether the proposed development is suitable having regard to the principles of sustainable development and other material considerations. Paragraph 7 of the NPPF is

the crucial test in determining whether or not a development proposal is sustainable. This paragraph sets out the three dimensions to sustainable development. An economic role, a social role and an environmental role. In addition, paragraph 29 of the NPPF states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability criteria. This is considered below. Also relevant is paragraph 55 of the NPPF which explains that sustainable housing in rural areas should be located where it will enhance or maintain the vitality of rural communities within existing settlements. However, it is clear that the proposal will not assist in maintaining vitality and the location is not within an existing settlement (as defined by the adopted Local Plan). Therefore paragraph 55 is not helpful to consideration of this proposal.

The main question is therefore, whether or not this proposal is considered to be sustainable development in a sustainable location. It is noted that the site is located approximately 1.13 km. from the centre of Kilve (to the north west) and 1.4km from the centre of Holford (to the south) which are regarded as small villages. Primarily a sustainable location should give ease of access to services by foot and a good level of access to public transport. A distance of 1.13 km is farther than what would be considered an easy walking distance (up to 300 metres). Whilst both Kilve and Holford would be walkable in approximately 20-40 minutes, there is a lack of footpaths alongside the roads to these small villages which is not ideal in terms of convenience or safety. There are two bus stops to the south of the proposed development site at the junction of A39 and Hilltop Lane at a distance of 120 m. However, due to the lack of footpaths alongside the road there is a major concern in respect of pedestrian and highway safety. People are unlikely under these circumstances to walk, making the private motor vehicle the likely preferred choice. This would not be a sustainable option. This proposal is not sited within an identified settlement, there are limited bus services within the area and very limited footpath provision to assist movement. The site is therefore considered to be in an unsustainable location and the proposal will not assist in meeting the aims of sustainability. This makes the proposal unacceptable.

2. Character and Appearance of the Area

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 NPPF cites “contributing to protecting and enhancing our ... built and historic environment” as a key element of sustainable development (Paragraph 7). Chapter 12 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”. The proposed design of the dwelling is not considered to be in keeping with the character and appearance of neighbouring properties. The properties either side of the site are two storey dwelling houses and whilst it is noted there are bungalows opposite and further along the lane, the proposed (substantially) single storey building proposed would be out of keeping within its immediate environment. Also, the scale and massing of the garage is not considered to be subservient to the main dwelling house especially because it is shown forward of the principle elevation of the property. For all of these reasons, the proposal is considered to be contrary to Local Plan Policy BD1 and paragraphs 56, 57 and 64 of the NPPF.

The land is sited within the Quantock Hills Area of Outstanding Natural Beauty and therefore the design of new development should enhance and not damage the character of the

landscape. This proposal by nature of its design and massing does not enhance the character of the AONB and therefore is contrary to this designation as detailed under para. 115 of the NPPF.

3. Residential Amenity

Concern is raised on the siting of the proposed dwelling as it is shown set forward of the neighbouring property of Willow Lea. The scale and massing of the gable of the southern elevation of the property combined with the overall height and massing of the garage building, would significantly reduce the light levels and outlook to the neighbouring property's habitable rooms and therefore would be contrary to Local Plan Policies BD/1 and BD/2. It is, however, noted that there are no windows on the proposed dwelling house that would result in overlooking or loss of privacy to neighbouring properties.

Further concern is also raised about the limited amount of curtilage shown as being provided for the proposed dwelling itself. The feasibility study shows that the dwelling would be a 4 bed (minimum) property and yet the amount of external amenity space is minimal. Whilst this could probably not form a reason for refusal on its own merits, it is another indicator of the proposed dwelling being out of keeping with the surrounding context adding to a poor residential environment.

4. Highway Safety

The Highways Authority has returned comments that the application should be considered under their standing advice. Although the road outside has a 60 mph limit, it is felt that the site would be capable of providing sufficient visibility spays. The site can provide sufficient off street parking space to meet the required standards. Level access is available from the entrance of the site by foot or car through the house and out to the rear gardens. The proposed parking and circulation is shown on dwg. no. 5394/P/03, 5394/P/01 and 5394/P/02 (dated Dec 2014). It is not therefore considered that highway safety would be so prejudiced as to warrant a refusal on highways grounds.

5. Flood Risk

The site is not located within either flood zone 2 or 3 and as such a flood risk assessment will not be required. However, any approval should require details of the drainage arrangements for the site to be provided.

6. Other Implications

The Parish Council has no objections to one house of a similar design, size or smaller, in the same position as shown on the outline plans. They consider that the boundary of the proposed new build next to "Willow Lea" is too close particularly as there is a 5 metre boundary with "Thatchings" to the north. The Parish Council make clear that they would not support any future plans to provide more than one dwelling unit on the site. In response, it must be made clear that this is only an outline application with all matters reserved for future consideration.

So matters relating to design and size would be appropriately considered at the Reserved Matters stage. The case officer agrees with the Parish Council that the proposed dwelling does not have a curtilage commensurate with the size of the property, but as argued above, it would be difficult to substantiate this as a reason for refusal as the site is not considered to be overdeveloped by the proposal. Finally, any proposal for more than one dwelling on the site would be a separate matter that would require planning permission in its own right. It could not form the subject of any Reserved Matters application. If such a proposal is submitted then the Parish Council would be consulted and they would have their usual rights to comment at that stage.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and so Environmental Impact Assessment is not required.

Conclusions and recommendation.

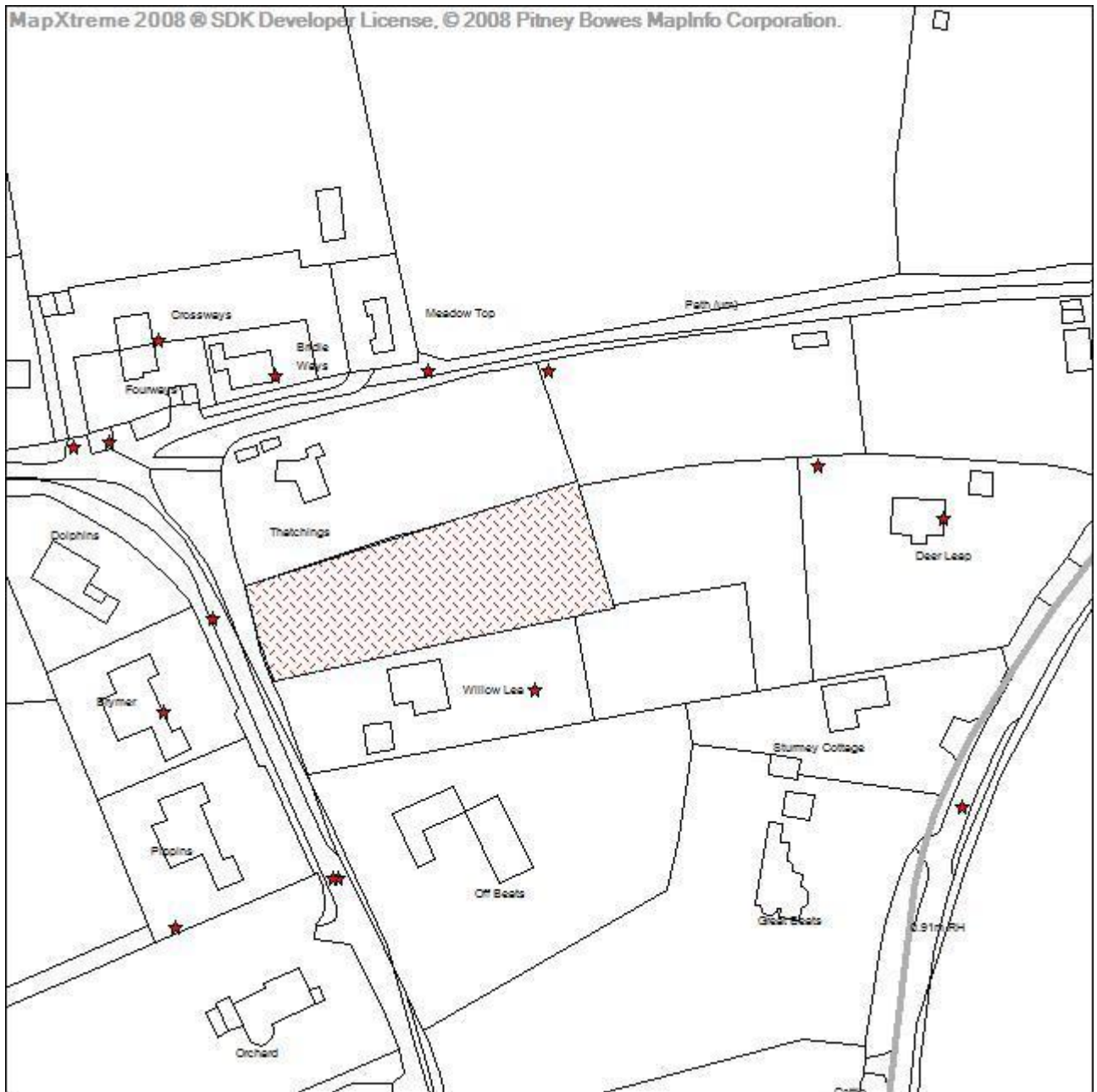
It is considered that the proposal, is unacceptable and it is recommended that Outline Planning Permission be refused for the following reasons:

Reason for Refusal :

- 1 The application site lies outside any settlement boundary with the nearest village being 1.13km away. The village has very limited facilities and is significantly distant from the application site. The roads that connect the site to Kilve and Holford are narrow with no footways, high hedgebanks and limited street lighting, making it highly likely that future residents would use private motor vehicles to access the limited facilities of these villages, or travel further afield for everyday required facilities. In light of this it is considered that the site cannot be regarded as sustainable in transport terms. There are no important economic benefits to the proposal, and it is considered that the imposition of a house on this open rural plot would not provide any environmental benefits. Therefore no positive weight can be given to the proposed development which would outweigh the identified transport sustainability issues. Overall it is considered that the proposed development cannot be classified as sustainable development. As such this proposal does not accord with Emerging Local Plan (2015) Policies SD1 (Presumption in favour of sustainable development), OC1 (Open countryside development), adopted Local Plan (2006) Policy SP/5 and paragraphs 7, 14, 17 and 55 within the National Planning Policy Framework. NPPF.
- 2 The proposed design by nature of its siting, scale and massing would be detrimental upon the character and appearance of the local area and therefore would be contrary to emerging Local Plan (2015) Policy NH2 and Local Plan (2006) Policies BD/1, BD/2 and LC/3.
- 3 It is considered that the siting and massing of the building and garage on the southern elevation would result in the significant loss of light and outlook to neighbouring property of Willow Lea and therefore make the proposal contrary to Local Plan (2006) Policy BD/2.

Notes/informatives

- 1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.
- 2 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 3/18/15/001
Erection of dwelling
Land at Rowditch, Kilve
09/01/2015



Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

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prosecution or civil proceedings.
Easting:
Northing:

Scale: 1:1250

Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/04/14/013	3 & 4 Brocksbridge Cottages, Brocksbridge Cottages, Dulverton, TA22 9RL	New vehicular/pedestrian access track to the road 18 metres to the east away from the cottage and the blind corner	05 February 2015	Grant	SK
3/07/14/009	Hooks, Crowcombe Road, Crowcombe, Taunton, TA4 4AE	Alterations and new garage building	30 January 2015	Grant	EP
3/07/14/010	Hooks, Crowcombe Road, Crowcombe, Taunton, TA4 4AE	Proposed external and internal alterations.	02 February 2015	Grant	EP
3/16/14/004	Woodlands End, Holford, Bridgwater, TA5 1SE	Formation of en-suite & dressing room in existing bedroom area at first floor level	21 January 2015	Grant	EP
3/21/14/109	17A Friday Street, Minehead, TA24 5UB	Alteration of Obscure glass balustrading to roof terrace.	06 February 2015	Grant	SK
3/21/14/114	Caravan Club Site, Hopcott Road, Minehead, TA24 6DJ	Proposal to extend and improve some of the existing all weather pitches	15 January 2015	Grant	SK
3/21/14/117	9 Lower Park, Minehead, TA24 8AX	Erection of two storey extension to the side and a rear single storey extension.	11 February 2015	Grant	SK
3/30/14/004	Townsend Farm,	To glaze softwood	21 January	Grant	EP

Skilgate, Taunton, window at rear of 2015
TA4 2DQ property

Ref No.	Application	Proposal	Date	Decision	Officer
3/38/14/005	St Audries Bay Holiday Club, West Quantoxhead, Taunton, TA4 4DY	Proposed 19 caravan bases and associated balconies/decking and parking plus the re-positioning of one existing caravan base.	30 January 2015	Grant	SK
3/39/14/035	Lavender Cottage, Long Street, Williton, TA4 4QN	Re-render the front and rear elevations in lime render	06 February 2015	Grant	EP
3/39/14/038	4 Rylands Close, Williton, Taunton, TA4 4PE	Proposed single storey extension	14 January 2015	Grant	CM
C/02/15/001	Odwell Cottage, Parks Lane, Brompton Ralph, TA4 2SE	Approval of details reserved by condition 3 (relating to joinery details) in relation to Listed Building Consent 3/02/14/001	06 February 2015	Grant	EP
C/21/15/001	Chanin & Thomas, 8 The Parade, Minehead, TA24 5UF	Approval of details reserved by condition 5 (relating to making good the wall) in relation to Listed Building Consent 3/21/14/107	16 January 2015	Grant	SW
C/32/14/009	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF	Approval of details reserved by condition G18 (relating to Landscape and Visual: Temporary lighting) in relation to planning permission ref: 3/32/10/037	15 January 2015	Grant	JH
CA/21/15/001	Pilgrim Corner,	Fell and remove dead	02	Grant	SK

Vicarage Road,,
MINEHEAD

strawberry tree to the right of the property's garden - Arbutus. Cut 2 metres from the top of a very large gleditsia tree and remove low, thick horizontal trunk. Remove 2 metres from top of a second, live Arbutus to left hand side on the property's boundary Remove 1 metres from camelia, on left hand side of the property next to the Arbutus

February 2015

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/15/003	1 Cartref, Weirfield Road, Minehead, TA24 5QF	Five metre reduction to Lawson Cypress and reduce sides by 10-15% (Tree 1). Fell one Sycamore (Tree 2). Reduce Lawson Cypress by 4 metres in height and reshape (Tree 3). Reduce Macrocarpa by 4.5 metres in height (Tree 4).	02 February 2015	Grant	SK
CA/31/14/001	The Old Rectory, Vellow Road, Stogumber, TA4 3TL	Removal of part of Elder which is growing through the garden fence	02 February 2015	Grant	SK
CA/31/15/001	Oldway House, 25 Old Way, Stogumber, Taunton, TA4 3SX	To fell Weeping Willow (Salix Babylonica)	03 February 2015	Grant	SK
FUN/21/15/001	5A Blenheim Road, Minehead, TA24 5PY	Change of use of shop (A1) to estate agents (A2)	22 January 2015	Prior approval not required	SK
T/26/15/001	10 Cleeve Park, Chapel Cleeve,	Fell Holm Oak (T3)	11 February 2015	Grant	SK

Minehead, TA24 6JA