



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, B Heywood, I Jones, C Morgan, P H Murphy, J Parbrook, K H Turner, T Venner, R Woods

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 20 July 2016

**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 28 July 2016**

**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 28 July 2016 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 30 June 2016 - **SEE 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: Three**

**Date: 20 July 2016**

<u>Ref No.</u>	<u>Application/Report</u>
3/10/16/001	Demolition of existing buildings and erection of two live/work units and two dwellings at land at Marsh Lane, Dunster, TA24 6PH
3/28/16/002	Erection of dwelling house (Class C3) together with provision of garden and maneuvering area at Union Quarry, Tower Hill, Williton, Taunton, TA4 4JR
3/32/16/010	Erection of a new residential dwelling with associated garden and car parking (resubmission of 3/32/16/001) at land adjacent to 6 Vicarage Close, Stogursey, Bridgwater, TA5 1QX

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

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

8. **Appeals Lodged**

Appeal against the refusal of the construction of a timber loading bay, new forestry tracks and the upgrading of existing forestry tracks on land at Cordings Cleeve, Brompton Ralph (planning application 3/02/15/002).

Appeal against the refusal of an outline application for the redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024 on land at Bank Street/Fore Street, Williton

Appeal against an outline application (with all matters but access reserved) for the erection of up to 480 sq. m. gross of flexible Class A1/A2 floor space linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping on land at J Gliddon & Sons Ltd, Bank Street, Williton.

9. **Appeals Decided**

3/28/15/008 – Erection of one dwelling in the garden at the School House, Main Road, Sampford Brett – Appeal Dismissed.

3/37/15/024 – Outline application for the erection of a dwelling house on land off 6 Cherry Tree Way, Watchet – Appeal Dismissed.

10. **Reserve date for site visits** – Monday 22 August.

11. **Next Committee date** - Thursday 25 August

**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>							

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.

**PLANNING COMMITTEE**

**Minutes of the Meeting held on 30 June 2016 at 4.30 pm**

**Present:**

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

Councillor I Aldridge  
Councillor S Goss  
Councillor A Hadley  
Councillor B Heywood  
Councillor C Morgan

Councillor J Parbrook  
Councillor K Turner  
Councillor T Venner  
Councillor R Woods

**Officers in Attendance:**

Area Planning Manager – Bryn Kitching  
Principal Planning Officer – John Burton  
Legal Advisor Martin Evans - Mendip DC  
Democratic Services Officer – Tracey Meadows

**P12 Apologies for Absence**

There were apologies for absence from Councillors G Dowding, I Jones and P Murphy.

**P13 Minutes**

**Resolved** that the Minutes of the Planning Committee Meeting held on the 26 May 2016 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor K Turner and seconded by Councillor B Heywood.

**The motion was carried.**

**P14 Declarations of Interest or Lobbying**

Councillor T Venner declared a personal interest on application No. 3/26/16/008. He declared that as the County Councillor for the Minehead division he sent supporting letters for the project and granted a financial award from the Health and Wellbeing project for a feasibility study. He left the room whilst the application was discussed and voted on.

**P15 Public Participation**

<b>Min No.</b>	<b>Reference No.</b>	<b>Application</b>	<b>Name</b>	<b>Position</b>	<b>Stance</b>
P15	3/26/16/008	Change of use of land from agriculture to a shared use path (Steam Coast Trail) as part of the National Cycle Network on Land to			

		the north of the railway line between Old Cleeve and Washford			
P15	3/26/16/008		Stephen Crossman	Trustee for Friends of the Steam Coast Trail	Infavour
P15	3/26/16/008		Robert Downes	Tourism Officer for West Somerset Council	Infavour
P15	3/26/16/008		Jim Whittaker	MD Channel Training	Infavour
P15	3/26/16/008		Chris Lytton	Old Cleeve Parish Resident	Infavour
P15	3/07/16/005	Erection of two storey, single storey and first floor extension and erection of garage block at Leigh Mill, Leigh Lane, Stogumber, Taunton	Mr James Laver	Crowcombe Parish Council	Against

## **P16 Town and Country Planning Act 1990 and Other Matters**

Report two of the Planning Team dated 21 June 2016 (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**

**3/26/16/008 – Change of use of land from agriculture to a shared use path (Steam Coast Trail) as part of the National Cycle Network on land to the north of the railway line between Old Cleeve and Washford**

### **Comments raised by the speakers included:**

- The new width of the lane would allow walkers, cyclist and cars to pass each other comfortably;

- Benefits to the local economy and businesses;
- Health and wellbeing for families, with families be able to spend more time with each other;
- Safer cycle routes;
- Network trails to link rural villages;
- The Visitor offer of competitiveness of West Somerset;

**The member's debate centred on the following issues:**

- Excellent idea for health and wellbeing of the community;
- Stock proof fencing needs to be erected to keep the animals in the fields;
- Really good idea as the A39 is very dangerous road for cyclists;

Councillor K Turner proposed and Councillor C Morgan seconded a motion that the application be **APPROVED** with a note to the applicant stating that water drainage details to be submitted in accordance with condition 5, shall include details to prevent discharge of water onto the highway from the farm accommodation bridge.

**The motion was carried.**

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

**3/07/16/005 Erection of two storey, single storey and first floor extension and erection of garage block at Leigh Mill, Leigh Lane, Stogumber, Taunton**

**Comments raised by the speakers included:**

- Size and character setting;
- Extension doubling the size of the building, increases the footprint of the original building;
- Materials to be used do not match;
- Over development on the site;

**The member's debate centred on the following issues:**

- Very small cottage at present for a family to live comfortably in;
- Given its location, this did not constitute over development;
- The property will be given a new lease of life;
- This property was crying out for renovation;
- The new footprint would only take up 10% of the original build;

Councillor C Morgan proposed and Councillor K Turner seconded a motion that the application be **APPROVED**.

**The motion was carried.**

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

**3/28/16/002 Erection of dwelling house (Class C3) together with provision of garden and manoeuvring area at Union Quarry, Tower Hill, Williton**

## **This application was deferred for one month**

### **P17 Exmoor National Park Matters**

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting in May of the Exmoor National Park Planning Committee. This included:

- Proposed extension to form new letting rooms and staff accommodation at The Rockford Inn, Brendon, Lynton, Devon.
- Proposed rear two storey extension including replacement of garage and realignment of section of front wall – 2 Church Cottages, Luxborough, Watchet.
- The National Trust put in an application for the proposed welcome and orientation panel sign - Bossington Car Park, Bossington, Minehead. Horner Wood Car Park, Horner and the Car park behind Vale View Cottage and Church Cottage, Selworthy, Minehead. Proposed welcome and orientation panel sign (1.8m x 1.78m) (Advert) – Webber's Post, Somerset.
- Proposed erection of 18 dwellings (12 open market and 6 local affordable) (Full) – Land at Barns Close Mead, Dulverton, Somerset.
- Proposed enlargement of 2 no. roadside gates with access to agricultural fields and the formation of a hard-core track and turning areas (Full) – Land North of A39, Porlock Hill, Porlock.

### **P18 Delegated Decision List (replies from Officers are in italic)**

Application No 3/11/16/002 – The entrance onto the A39 from East Quantockhead is quite difficult, has there been any comments from Highways regarding this? *The Area Planning Manager stated that he would forward the information at a later date;*

Application No 3/09/16/003 – To what size was this extension going to be, was it going to be a huge extension or an added on build? *The Principal Planning Officer stated that this was to be a relatively large extension;*

Application No's 3/26/16/012 – 3/26/16/013 – These applications are similar, but one has been Refused and one Granted. *The Area Planning Manager stated that one was a planning application and one was a listed building planning application, they came together in one application called a one app form, however they apply to slightly different things. The planning application applies to not only demolishing the existing building but to replace the new dwelling. 3/26/16/012 was the planning application, because the replacement dwelling was not on the site of the existing dwelling, it was in a separate field, this was refused planning permission. 3/26/16/013, although this has the same description, this application as for listed building consent, this would only cover the demolition of the building. Listed building consent could not grant permission for a new dwelling. We were happy with the demolition of the listed building as it was not a heritage asset.*

### **P19 Appeals Lodged**

Appeal against the refusal of the retention of the fence at 9 Cleeve Park, Chapel Cleeve, Minehead, planning application No 3/26/16/007.

### **P20 Appeals Decided**



No appeals

**P21 Reserve date for site visit** – Monday 22 July

**P22 Date of next meeting –** Thursday 28 July

The meeting closed at 5.50pm

<b>Application No:</b>	<a href="#">3/28/16/002</a>
<b>Parish</b>	Sampford Brett
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	
<b>Applicant</b>	Mr David Gliddon
<b>Proposal</b>	Erection of dwellinghouse (Class C3) together with provision of garden and manoeuvring area
<b>Location</b>	Land at Union Quarry, Tower Hill, Williton, Taunton, TA4 4JR
<b>Reason for referral to Committee</b>	<b>In the opinion of the Chairman of the Planning Committee, the application is considered to be of a significant, controversial or sensitive nature.</b>

## Recommendation

Recommended decision: Grant

### Recommended Condition(s) (if applicable)

- 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 floor plans, dwg. no. 1921-4, Proposed NW, NE and SW elevations, dwg. no. 1921-5, Proposed SE elevation, dwg. no. 1921-6, amended site plan, dwg. no. 1921-3, Proposed garage and store, dwg. no. 1921-6 and Proposed pedestrian refuges, dwg. no. 1921-7 submitted on 22/03/16, 13/04/16 and 14/04/16.

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

- 3 No works shall be undertaken on site unless samples of the materials to be used in the construction of the roof tiles, 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).

- 4 The mitigation measures in relation to the Bats, Birds, Reptiles and amphibians identified in the Extended Phase 1 Habitat Survey with a bat emergence survey, dated July 2015 shall be incorporated into the development in accordance with the schedule of implementation identified in the aforementioned survey 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).

- 5 No development shall take place until full details of the surface and foul water drainage arrangements, including any connection to an existing facility and arrangements to ensure that surface water is not discharged on to the highway, have been submitted to and approved in writing by the local planning authority. The arrangements shall be implemented in accordance with the approved details before the dwelling hereby permitted is first occupied.

Reason: To minimise the risk of flooding and/or ground/surface water pollution in accordance with Policy W/5 of the West Somerset District Council Local Plan and policy CC2 of the Submission document of the West Somerset District Local Plan to 2032.

- 6 No development shall take place until a site investigation has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority to determine the nature and extent of any contamination on the land. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To protect future users of the site and the environment, in accordance with Policy PC/4 of the West Somerset District Council Local Plan and policy NH6 of the submission document of the West Somerset Local Plan to 2032.

- 7 Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, C, E and G of Part 1 of Schedule 2 to the Order shall take place other than where expressly authorised by this permission.

Reason: To control the impact of the development on the site and on neighbouring properties, in accordance with Policies BD/1 and BD/2 of the West Somerset District Council Local Plan.

- 8 The dwelling hereby permitted shall not be occupied until the track, which provides access to it, and the associated areas allocated for parking and turning have been constructed in accordance with full details that have been submitted to and approved by the local planning authority. Those details shall include the surfacing of the track and parking areas, any remedial measures needing to be undertaken to deal with any undermining, and provision for pedestrian refuges along the track. The areas allocated for parking and turning shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: In the interests of highway safety in accordance with Policies, T/3 and T/9 of the West Somerset District Council Local Plan and TR2 of the Submission document of the new local plan.

- 9 All hard and/or 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 that the landscape scheme is implemented and maintained having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 10 Prior to occupation of the dwelling hereby approved the proposed boundary fence on the northern elevation should be replaced with a native hedge details of which shall be have been first submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with these approved details, prior to the occupation of the dwelling.

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).

## **Informative notes to applicant**

- 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, during the consideration of the application [certain elements of the proposal were deemed to be unacceptable / issues/concerns were raised by a statutory consultee / neighbour in respect of xxx]. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 3 The applicants attention is drawn to the Somerset County Council Rights of Way comments on this proposal and in particular the following;

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

- 4 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.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

## **Proposal**

Erection of a single two-storey four bedroom dwelling with a detached double garage plus garden and manoeuvring area.

Planning permission was granted for a dwellinghouse on this land via appeal decision dated 6th September 2010, following a refusal of an Outline application ref 3/28/09/002. A further application ref. 3/28/12/005 was subsequently approved on 21/12/12 for a 4 bed bungalow and required the submission of a Reserved Matters application to be submitted within 3 years of the decision date. This expired on 20/12/15.

This current application is a full application for a 4 bed house to be located on the quarry floor broadly in the position of the disused tennis court. The proposed dwelling is to measure 7.3m to the ridge, with a length of 16.5m and a width of 12m, with a detached garage and cycle store. The internal floor area of the dwelling proposed is 277sqm (including porches and balcony but excluding garage/cycle store). The garage details are height to ridge 5.2m, length 6.7m x width 9.8m, total floor area 65.7 sqm.

## **Site Description**

The site is a former quarry, long since disused, located at the rear of houses on Tower Hill. The floor of the former quarry is set some 7m below the rear gardens of the adjoining houses.

It has no direct frontage to a public road and access to it is via a lane, the first section of which from Tower Hill (the main Williton road - A358) is the route of a public right of way for pedestrians and this connects with another access track to the rear gardens of existing houses on Tower Hill and is access to the former quarry.

The site was used as a garden following the cessation of the use as a quarry and contains a disused tennis court. It is proposed that the dwelling be sited on the quarry floor broadly in the position of the disused tennis court.

## **Relevant Planning History**

There have been four previous Outline applications to develop this site for the erection of 2 bungalows and 1 single storey dwelling. Two of these proposals were refused in 1994 and 2009. However, the refusal in 2009 went to appeal and was allowed by the Planning Inspectorate (ref APP/H3320/A/10/2122491, dated 06/09/2010). Two proposals were granted consent in 2012 and 2015, both for a single storey dwelling with garaging and provision of a garden at the site. All of these previous decisions and the related planning appeal are material considerations in this case.

## Consultation Responses

### *Sampford Brett Parish Council -*

Sampford Brett PC has considered the application and has the following concerns;

1. Safety of pedestrians using the public right of way to be used for vehicular access. As stated in our response to the original application, this is a particularly well used route between Sampford Brett and Williton used all times of the day throughout the year. The establishment of sufficient pedestrian refuges will be fundamental to the safe shared use of the track.
2. Fire engine access to the property. The right angle bend in the track appears to be too tight for large vehicles. Has this been checked by the fire brigade? Have alternative means of fire fighting such as the installation of a sprinkler system been considered?
3. Ownership of the access track. We note that the application form states that the applicant owns all the land. Has this been verified for the access track?

If the application is consented, we trust that the conditions will be similar to those attached to application no. 3/28/12/005 and 3/28/15/002. In particular we ask that adequate pedestrian refuges are developed before any other construction begins

### *Rights of Way Protection Officer -*

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access at the present time (footpath WL 20/7). I have attached a plan for your information.

Any proposed works must not encroach on to the current available width of the footpath.

We would request improved surfacing of the existing rights of way through the development. Associated infrastructure (eg. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group. I have attached a form that should be completed and returned to Glenn Martin (Rights of Way Officer - email: [gvmartin@somerset.gov.uk](mailto:gvmartin@somerset.gov.uk)).

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

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

driver has lawful authority (private rights) to do so.

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

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

#### *Highways Development Control -*

Standing Advice applies.

#### *Wessex Water Authority -*

The site lies within a non sewered area of Wessex Water.

#### Water Supply and Waste Connections

New water supply connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply.

Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

#### Biodiversity Officer –

The proposal is to erect a single dwelling in an abandoned shallow sandstone quarry at Williton. Western Ecology submitted an extended Phase 1 Habitat Survey with a bat emergence survey dated July 2015 in support of this application.

The site consists of mixed plantation woodland, semi improved grassland, sandstone rock exposures and species poor hedges. Doniford Stream LWS and Orchard Wyndham Park LWS are located within 1 km of the site



Findings of the report are –

Bats – Due to its intact nature the rock face in the quarry was considered to have low bat roost potential. The precautionary emergence survey noted no bats emerging from the quarry face, however bats (common and soprano pipistrelle) were noted feeding within the open grassland and along the access track, whilst a single whiskered bat fed along the quarry face.

As bats are present in the quarry, I agree that the use of outside lighting should be kept to a minimum

Birds – The vegetation on site, as well as the rock faces have potential to support a range of common nesting bird species.

Vegetation clearance should take place outside of the bird nesting season. If this is not possible the site will need to be rechecked for nesting birds.

Reptiles and amphibians – The site currently has some value for slow worms and common toads.

If permission is granted, I suggest following condition

The applicant shall undertake all the recommendations made in Western Ecology's report dated July 2015, and provide mitigation for wildlife as recommended. 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 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

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.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

*Landscape Officer –*

No landscape objection. However, the boundary fence to the north should be replaced with a native hedge.

### *Environmental Health Team -*

I would recommend that the previous condition in relation to this land (cond. 6 from 3/28/15/002) is taken forward, subject to the site investigation as referred to, is adequate and prepared by a competent person (NPPF, S.121).

## **Representations Received**

Two letters of comment have been received in respect of the existing rights of way including ownership of track/access and locked access gates.

Two letters of objection has also been received making the following issues -

- should prohibit the use of motorised vehicles in respect of the access along the footpath;
- existing residents right of way over access;
- locked gate where track meets public footpath;
- Health and Safety issues;
- restricted access for emergency vehicles;
- uneven surface of existing track;
- forms of heating involving combustion would result in fumes being blown across neighbouring gardens.

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### **West Somerset Local Plan**

SP/2	Development in Minehead and Rural Centres
PC/4	Contaminated Land
BD/1	Local Distinctiveness
BD/2	Design of New Development
AH/3	Areas of High Archaeological Potential
TW/1	Trees and Woodland Protection
T/3	Transport Requirements of New Development
T/8	Residential Car Parking

T/9 Existing Footpaths  
W/5 Surface Water Run-Off  
NC/4 Species Protection

## **Emerging West Somerset Local Plan**

SD1 Presumption in favour of sustainable development  
SC1 Hierarchy of settlements  
SC2 Housing Provision  
NC/4 Species Protection  
NH1A Areas of high Archaeological potential  
NH2 Landscape Character Protection  
NH3 Nature conservation and the protection & enhancement of bii  
NH10 Securing high standards of design

## **Determining issues and considerations**

The main issues and considerations of the proposal are;

- Principle of Development
- Ownership of access
- Impacts on character and appearance of the area
- Impacts on residential amenity
- Ecology
- Rights of Way
- Highway Safety
- Conclusion

### **Principle of Development**

The site is within the Development Limits of the Rural Centre of Williton. This application seeks permission for the erection of one single two-storey 4 bedroom house plus a detached garage new access and manoeuvring area and provision of a garden. There is no objection in principle to this application as this has been established via the grant of the previous outline permissions at the site (ref. 3/28/12/005 and 3/28/15/002) and the appeal decision before that in 2010 (ref. APP/H3320/A/10/2122491). Circumstances to consider have significantly changed since the last approval in 2012 and although the adopted local plan is now being rolled forward, the policies of the Submission document of the new West Somerset Local Plan to 2032 do not indicate that this proposal should now be refused. There is thus a presumption in favour of approval if all the other relevant local planning policies and considerations can be satisfactorily addressed.

The proposal accords with planning policies SP/2, BD1, BD/2, AH/2, PC/4, T/3, T/8, T/9, TW/1 and W/5 of the West Somerset District Local Plan and Submission document policies SC1, SD1, NH2, NH3 NH10 and TR2 of the forthcoming West Somerset Local Plan to 2032.

## **Ownership of access**

As with the previous applications, there are issues centring on the ownership of the existing Public Right of Way (PROW) and the access rights to the adjoining rear access.

In technical terms the original ownership details were incorrect as Certificate A had been signed by the agent when in fact the applicant does not own the existing accesses and the application details were incorrect. The agent was contacted and the issue raised and consequently a Notice was placed in the newspaper seeking the owner of the access to come forward and therefore the application process stopped until receipt of the official notice had been submitted to the Council. No owner has come forward claiming ownership of the PROW. It is understood that the existing neighbours in Tower Hill have a right of access over the track adjoining the right of way and leading to the Quarry. However, it is clear in law that ownership of land is a Civil Matter.

The Public Rights of Way team confirm that they have no objection to the proposal but indicate that the surface may need upgrading to take vehicles, which would have to be done at the applicants expense.

The inspector that considered the previous appeal for a dwelling within the quarry, stated that *[in his opinion]* the junction of the track with the A358 was satisfactory in terms of visibility and that it could accept the limited additional traffic generated by a single house. Limitations of the use of this track by public service or utility vehicles was however noted. He also noted that the levels of extra traffic generated by the development (one house in that case) would be too low to constitute a significant additional risk of conflict between vehicles and walkers on the public footpath.

Given all of these factors, especially those of the Inspector on the previous appeal, it is not considered that a reason for refusal based on highways and access grounds would be appropriate.

## **Impacts on character and appearance of the area**

The site is not within a designated Conservation Area and there are no listed buildings in the vicinity.

The existing former quarry site is located to the rear of a number of existing large detached houses set within generous plots. The site is well screened by existing tree and boundary planting and land to the north of the site falls away further. Vehicular access is only available via an existing single grassed track located to the south east of the site and in a westerly direction to the rear of four existing properties. The first part of this track is also a public footpath. Some existing trees (selected Pines, as per dwg. Plan of site, dated 13/04/16), are to be removed to allow existing deciduous trees to develop. A mix of new Ash, Conifers and Hazel underplanting is shown on the plan along the southern elevation at the base of the Quarry face.

In terms of landscaping, the agent has confirmed that there is no requirement to remove any of the existing mature trees surrounding the quarry floor and management of trees and new landscaping are to be conditioned. The Council's Landscape officer has suggested that the proposed boundary fence to the north should be replaced with a native hedge and a condition is attached accordingly.

Materials to be used in the development are confirmed as natural stone and rendered walls, tiled roof (colour to be agreed) with wooden glazed windows and timber doors. No external lighting at the site is proposed and some new boundary details are to be agreed. These materials will match the existing built form in the immediate vicinity and is therefore in accordance with local planning policies BD/1 and BD/2 and submission policy NH10.

The site is capable of accommodating the suggested dwelling and it is considered that the erection of the dwelling on the site has been established in the previous approval and would not significantly impact on the character or appearance of the area.

### **Impacts on residential amenity**

Representations have been received from the community raising the following:

The proposed dwelling is to be sited in an enclosed former quarry away from the back of existing homes located on Tower Hill and therefore there will be no significant impacts to residential amenity in terms of overlooking or overbearing impact or noise issues. There may however, be some impacts on residential amenity in terms of the occupants of the additional house and existing occupants using the existing access track.

The proposal is considered to meet the general requirements of local planning policies BD/1 and BD/2 of the West Somerset District Local Plan.

### **Ecology**

The applicant has submitted an extended Phase 1 habitat Survey with a bat emergence survey, prepared by Colin Hicks of Western Ecology, dated July 2015, and which contained a series of recommendations for mitigation and further surveys. The proposal site and this habitat survey has been assessed by the Council's Biodiversity and Landscape Officer who has recommended that a condition be attached to the decision regarding the submitted details and an informative (advice) to the applicant as shown above in this report.

It is considered therefore that this proposal accords with local planning policy NC/4 and Submission document policies NH2 and NH3.

## **Rights of Way**

Comments have been received from the Rights of Way Team in SCC confirming that there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access at the present time (footpath WL 20/7). They also guide that they have no objections to the proposal but should works be required to improve the surfacing of the existing rights of way, authorisation for these works would be required. An associated closure order and diverted route would also need to be applied for but is outside of this planning remit and control.

## **Highway Safety**

SCC Highways have returned comments of Standing Advice on the application.

The SCC adopted parking strategy requires four parking spaces as well as sufficient manoeuvring within the site. Two car parking spaces are to be provided at the site within the proposed double garage and there are a further five identified parking spaces shown on the submitted site location plan (dwg. no. 1921-3 dated 13/04/16) and there is adequate manoeuvring within the proposal site. the proposal does therefore comply with the Highway Authority's guidance.

With reference to the comments regarding the accessibility of the site via emergency vehicles, it is accepted that the existing track is a single width only and there is no opportunity to widen this track due to the existing topography of the land and again ownership issues. However, it is noted that the Highways Authority has not raised objections relating the proposal in terms of access and the Inspector that considered a previous proposal for a single dwelling in the quarry considered the access arrangements to be acceptable. .

Access to the site is via a single track road from the A358. In the previously approved planning permission 3/28/12/005 and 3/28/15/002 details on parking and turning areas were required via condition plus the need for pedestrian refuges to be provided and agreed by the Local Planning Authority. Submitted dwg. no. 1921-7 dated 14/04/16 indicates the provision of two pedestrian refuges being provided on the western side of the existing access (PROW) and this is acceptable. Parking is referenced above as being acceptable.

Therefore, on balance, the proposal is considered to be acceptable, from a highway and traffic perspective.

## **Conclusion**

Given the above considerations and commentary the development of one two storey 4 bed house, associated garden parking and turning and detached garage is acceptable and planning permission is recommended, subject to conditions.

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



Application No 3/28/16/002  
 Erection of dwellinghouse (Class C3) together with provision of garden and manoeuvring area  
 Land at Union Quarry, Tower Hill,  
 Williton, Taunton, TA4 4JR  
 22 March 2016  
 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="#">3/10/16/001</a>
<b>Parish</b>	Dunster
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Bryn Kitching
<b>Grid Ref</b>	Easting: 299061    Northing: 144488
<b>Applicant</b>	N/A Strongvox Homes
<b>Proposal</b>	Demolition of existing buildings and erection of two live/work units and two dwellings
<b>Location</b>	Land at Marsh Lane, Dunster, TA24 6PH
<b>Reason for referral to Committee</b>	<b>The comments of the Parish Council are contrary to the recommendation.</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

- 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 following approved drawings:

Location Plan - F@12/85  
Plots 55, 56 & 57 Ground Floor Plan - F@12/81/01  
Plot 58 Ground Floor Plan - F@12/81/02  
Plots 55, 56 & 57 First Floor Plan - F@12/81/03  
Plot 55 Plans and Elevations - F@12/81/04  
Plots 56, 57 & 58 Plans and Elevations - F@12/81/05  
Plot 55 Elevations - F@12/81/10  
Plot 56 Elevations - F@12/81/11  
Plot 57 Elevations - F@12/81/12  
Plot 58 Elevations - F@12/81/13  
Site Layout - F@12/80D  
Street Scenes - F@12/82A  
Materials Plan - F@12/86A  
Tree and Hedge Protection plan - D30 34 P2  
Phase 2 Strategy (drainage plan) 32939\_SK03 Rev A

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

- 3 The business floorspace of the live/work units (as identified as "work area" on drawing numbers F@12/81/02 and F@12/81/04 shall be finished ready for occupation before the residential floorspace is occupied.

The business floorspace of the live/work units shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

The residential floorspace of the live/work units shall not be occupied other than by a person employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.

Reason: To ensure that the workspace for the live/work units is provided and only used for a business purposes and to ensure that the business space is only used for operations appropriate to the nearby residential dwellings.

- 4 The developer shall undertake all the recommendations made in Ethos Environmental Planning's Bat survey report dated May 2016 as suggested. 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.

Reason: to protect wildlife

- 5 Prior to construction of the buildings hereby permitted, details of the foul and surface water drainage and watercourse proposals shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the agreed details.

Reason: The application has insufficient details to determine if drainage matters are to be properly addressed and so it is not possible at this time to know if the development of the site will have an adverse impact on flood risk elsewhere.

- 6 At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan (Drawing No F@12/80D). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety

## **Informative notes to applicant**

### **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. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

### **The Council's Biodiversity Officer advise that:**

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
2. 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.

### **The Council's Environmental Health Officer advise that:**

To protect the amenities of occupiers of other premises in the vicinity, attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise and dust from demolition and construction activities. The applicant is also advised to contact the environmental health department for any proposed piling operations.

It is also advised that should a mobile crusher be brought on the site, that it is a requirement for the operator of said crusher to notify the local authority where the permit for use was issued of a change of location.

## **The County Highways Authority advise that:**

Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the West Somerset Area, Mart Road Industrial Estate, Minehead, TA24 5BJ, Tel No. 0300 123 2224. Application for such a permit should be made at least four weeks before access works are intended to commence.

The development should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the development should contact the Somerset County Council for information on 0300 123 2224.

## **Proposal**

It is proposed to demolish the existing dwelling and farm buildings on the site in order to erection 2 dwellings and 2 live work units. This is a different scheme to one that was approved in 2007 (and subsequently renewed in 2012) for the change of use of farm buildings to two live/work units and one residential dwelling and associated works. In that previously approved scheme, the existing dwelling was to be retained, resulting in two dwellings and two live work units.

The proposed layout includes 4 detached buildings facing onto Marsh Street with 2 detached double garages and 1 garage/workshop to the rear. Access would be via the existing residential access to the farm house and the other access to the farm buildings would be closed up. The existing carriageway width in Marsh Lane would be retained and a pedestrian footway erected on the northern side of the lane to provide for pedestrian access to the dwellings and live work units. A new 1m high natural stone boundary wall would be built on the back edge of the new footway

## **Site Description**

This application relates to Higher Marsh Farm, Marsh Lane, Dunster. The application specifically relates to a cluster of traditional farm buildings and farm house located immediately adjacent to Marsh Lane. The site forms part of a larger site allocated for mixed use development within the local plan and currently under construction for the erection of 54 dwellings

## **Relevant Planning History**

The following planning history is relevant to this application:

3/10/05/012	Change of use of farm buildings to two live work units and one residential dwelling and associated works.	Approved	26/07/2007
3/10/05/013	Outline application for the demolition of existing farm buildings and erection of 50 dwellings.	Approved	26/07/2007
3/10/10/001	Application for a non-material amendment for the re-positioning of 9 units to north east corner of the site to enable retention of pillbox building in relation to application ref: 3/10/05/013	Withdrawn	06/08/2010
3/10/10/003	Application for a new planning permission to replace an existing extant planning permission (ref: 3/10/10/001).	Refused	18/10/2010
3/10/11/001	Demolition of existing farm buildings & erection of up to 54 residential dwellings, open space, landscaping & ancillary works.	Approved	07/06/2013
3/10/12/004	Replacement of extant planning permission in order to extend the time limit for implementation relating to the change of use of farm buildings to two live/work units and one residential dwelling and associated works (ref: 3/10/05/012)	Approved	08/06/2012
3/10/15/001	Reserved matters application for approval of details relating to the appearance, layout, scale, landscaping and access of a residential development comprising 54 dwellings of a varying type and tenure.	Approved	03/08/2015

## Consultation Responses

### *Highways Development Control – comment*

I refer to the above mentioned planning application received on 7th June 2016 and following a site visit the Highway Authority has the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the demolition of the existing buildings and the erection of two live/work units and two dwellings.

According to the TRICS datasets the average dwelling generates between 6-8

vehicle movements per day. As a consequence this proposal has the potential to generate 42 vehicle movements per day. However it is noted that two of the units are proposed to be for a live/work use. Therefore it is likely that their trip generation will be less than the average dwelling. Consequently it is likely that the average trip generation would be 38 movements per day. This equates to approximately 2 extra movements per hour. Therefore taking this into account and that this proposal forms part of the wider residential development at Dunster Marsh it is unlikely that it will result in a significant increase in traffic impact terms.

In terms of the internal layout it is likely that this will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

The proposal will be utilised by an access onto Marsh Lane this will provide visibility to the right of approximately 80.0m as shown on the plan whilst to the left visibility has been shown to the junction with Station Road although the 'Y' axis is limited it is the Highway Authority's opinion that vehicle speeds are quite low in this location as such the splay is considered to be acceptable. It is noted that a turning area has been provided it is presumed that this has been provided to allow refuse vehicles to enter the site and turn to leave in a forward gear. Although no tracking has been provided as part of the planning application, consequently the applicant will need to show that the turning head is able to accommodate an 11.4m long refuse vehicle.

The applicant has shown a footway serving the fronts of the proposed properties please note that this will require a legal agreement to secure its delivery. In terms of parking the applicant has proposed a total of 10 spaces for the site. This level of parking is considered to be acceptable.

Finally it is noted that local residents have raised concerns that the proposal (and the large Dunster Marsh development) has result in the narrowing of Marsh Lane. It is understood that Marsh Lane provides a width of 5.5m which is sufficient to allow two vehicles to pass.

Therefore to conclude the proposal will result in the laying out of a private street as such APC would apply. The applicant has proposed a turning area which is acceptable in principle but will need to provide further details as to whether turning can be achieved within the site. The point of access is considered to be acceptable but the applicant should note that the footway along the frontage will need to be secured under a S278 agreement.

As such taking into account the above information the Highway Authority raises no objection to this proposal.

- No work shall commence on the development hereby permitted until the proposed highway works have been submitted to and approved in writing by the Local Planning Authority.

Such works shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use.

- The proposed estate roads, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan (Drawing No F@12/80D). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

NOTE:

Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the West Somerset Area, Mart Road Industrial Estate, Minehead, TA24 5BJ, Tel No. 0300 123 2224. Application for such a permit should be made at least four weeks before access works are intended to commence.

The development should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the development should contact the Somerset County Council for information on 0300 123 2224.

*Environment Agency* – no comments received

*Wessex Water Authority* – comment:

New water supply and waste water connections will be required from Wessex water



to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

*Somerset Drainage Board Consortium* – comment:

With reference to your letter dated 2<sup>nd</sup> June 2016, the Board would like to make the following comments.

The site is located on the boundary of the Parrett Internal Drainage Board area, any surface water run-off generated will discharge into the Board's area, within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively.

These proposals are located within a larger development to which the Board commented on in 2015 about the surface water drainage details and flood risk. The Board suggested that a sustainable, surface water drainage design which agrees the future maintenance arrangements with the Local Planning Authority (LPA) be concluded. Those details would need to indicate a surface water design which mimics or indicates improvements to the existing arrangements and should reduce the rate and volume being discharged into the receiving land drainage network or sewerage network as appropriate.

Clearly the larger development proposals have been approved and the surface water drainage arrangements to serve this development will need to conform to the drainage master plan of the overall development. Any details produced should provide sufficient information as well as allay any concerns associated with potential increased flood risk downstream for existing property and land owners.

The Board does not object, but would suggest that the following Condition set out below is included.

Condition: No development should proceed until the foul and surface water drainage and watercourse proposals have been agreed with the Local Planning Authority in conjunction with the Parrett Internal Drainage Board.

Reason: The application has insufficient details to determine if drainage matters are to be properly addressed and so it is not possible at this time to know if the development of the site will have an adverse impact on flood risk elsewhere.

There are some localised drainage details submitted with the proposals which clearly link to the drainage arrangements agreed with the previously approved development. Whether these arrangements have the capacity to cope with the additional dwellings must be proven.

The Board was contacted by various agents over a number of years regarding surface water management and flood risk pertaining to the site. During these discussions the Board expressed concerns regarding access to both the Main River

network and the Board's view of the rhine abutting the site. The installation of a gate would be required to facilitate a permanent access arrangement which allows the land drainage network to be maintained. The Board has a sluice and culvert located near the proposals, if development proceeds modification will be required to ensure that the structures cannot be tampered with and the Board would seek a contribution to fund these costs.

It is important that surface water drainage disposal and flood risk is considered at an early stage of the design process and improvements made where necessary.

The above requirements are based on the principles set out in Section 103 of the National Planning Policy Framework and Section 2 of the Technical Guidance to the National Planning Policy Framework, which requires that the development should not increase flood risk elsewhere.

A robust, sustainable and maintainable approach that will mitigate any impact on the receiving network must be designed.

If you have any concerns or require further information please do not hesitate to contact the Board.

*South West Heritage Trust* – no comments received

*Biodiversity and Landscaping Officer* – comments

The proposed works involve the demolition of existing buildings and the erection of two live work units and two dwellings at Higher Marsh Farm, Marsh Lane, Dunster.

The majority of the site is comprised with hard standing concrete with several unused agricultural structures (Buildings 1-5 and Structure 6)

Ethos Environmental Planning carried out a Bat Survey Report, including a dusk emergent survey, in May 2016 (Previously surveys, had been undertaken in 2006 when soprano pipistrelle bats were recorded on site.)

Findings of the report was as follows

Bats - The surveyor considered the structures to have low potential for bats, being in poor condition with high internal light levels. There was generally low levels of bat activity on site. No bats were seen emerging from any structures on site.

Nesting Birds - Evidence of past nesting activity was noted within building 5.

I support the report's recommendations and so suggest the following condition  
Condition for protected species:

The applicant shall undertake all the recommendations made in Ethos

Environmental Planning's Bat survey report dated May 2016 as suggested. 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.

Reason: to protect wildlife

#### Informative Note

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
2. 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* – comments:

The trees in this part of the site are not of any particular merit, so no objection to their removal. A planting scheme that includes some new trees will serve to replace any losses.

#### *Planning at Exmoor National Park* – no comments received

#### *Somerset Wildlife Trust* – no comments received

#### *Environmental Health Team* – comment

It is noted that there is a single occupied residential dwelling in Marsh Street almost directly opposite the farmhouse ear-marked for demolition. Therefore I would like to advise the following;

To protect the amenities of occupiers of other premises in the vicinity, attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise and dust from demolition and construction activities. The applicant is also advised to contact the environmental health department for any proposed piling operations.

It is also advised that should a mobile crusher be brought on the site, that it is a requirement for the operator of said crusher to notify the local authority where the permit for use was issued of a change of location.

#### *Dunster Parish Council* – object

The overwhelming consensus of opinion from both Councillors and residents alike

is they are all very unhappy with the proposed demolition of the Higher Marsh Farm House to make way for new modern Houses. Local residents are very concerned with the loss of the farm house and agricultural buildings which are part of the heritage of the lower part of Dunster and object very strongly. Sadly, the buildings are not listed, however, the Parish Council have asked me to convey their disquiet and would like to be informed when the planning application is due to go before the Planning Committee as they wish to attend and speak.

## **Representations Received**

5 letter of objection have been received which raise the following issues:

- Understood that the farmhouse was to remain.
- Understood that only 54 houses were to be built.
- Concerned about how close some of the new houses are to Marsh lane.
- Concerned that residents would park their cars to the front of the houses, causing traffic disruption in Marsh Lane.
- Marsh Lane is very busy with holiday traffic and motor homes wanting to go to Dunster Beach and the Steam Railway.
- There should be some form of traffic control on the A39 to account for all the new dwellings – roundabout suggested.
- Loss of an attractive feature (farm house and existing buildings) which was originally proposed to be retained.
- The will be no character to the development and it would look like any other housing estate.
- The builder should resurface Marsh Lane as their lorries have broken up the road.
- Further disruption to residential amenity during the build process.
- A previous traffic survey indicated that there were 1,400 vehicles movement in Marsh Lane over a 12 hour period

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### **West Somerset Local Plan**

- SP/1 Settlement Hierarchy
- SP/3 Development in Villages

LC/1	Exmoor National Park Periphery
TW/1	Trees and Woodland Protection
TW/2	Hedgerows
NC/4	Species Protection
NC/5	Wildlife Habitats
W/5	Surface Water Run-Off
W/6	Flood Plains
W/7	River Corridor Protection
AH/3	Areas of High Archaeological Potential
LB/1	Listed Buildings Alterations and Extensions
BD/1	Local Distinctiveness
BD/2	Design of New Development
E/2	Employment Development Within Settlements
T/3	Transport Requirements of New Development
T/8	Residential Car Parking
T/15	Transport Infrastructure and Developer Contributions
H/4	Affordable Housing
R/5	Public Open Space and Large Developments
DM/1	Mixed-Use Development

### **Emerging West Somerset Local Plan**

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SC5A	Self containment of settlements.
SV1	Development at primary and secondary villages
EC1	Widening and strengthening the local economy
EC4	Home-based business activities
EC6	Work/Live developments
TR2	Reducing reliance on the private car
CC2	Flood Risk Management
NH1	Historic Environment
NH1A	Areas of high Archaeological potential
NH3	Nature conservation and the protection & enhancement of bii
NH10	Securing high standards of design

### **Determining issues and considerations**

It is considered that the main issues for the determination of this application are:

- Principle of development
- Character and appearance of the area
- Highways
- Residential amenity
- Drainage

#### **Principle of development**

The existing planning permission for this part of the development site was for the conversion of the existing farm buildings to a single dwelling and 2 live/work units. This permission retained the existing dwelling on the site, so if developed in accordance with the original permission, there would be 2 dwellings and 2 live/work units. The proposed development is for the same number of units, but rather than retaining the existing dwelling and converting the farm buildings, they would all be demolished and replaced with new buildings.

It is considered that as the proposal would not result in any more units than previously permitted, the principle of providing 2 dwellings and 2 live/work units is acceptable.

### **Character and appearance of the area**

The existing rendered dwelling and stone barns do have a distinctive character that is traditional to many villages that have agricultural units within the built up area. The site is not within a conservation area, nor are any of the buildings listed. Therefore, they have little protection in the planning system and could be demolished under the rights granted by part 11 of the Town and Country Planning (General Permitted Development) Order 2015 - subject to a prior notification procedure to control the method of demolition and restoration of the site.

It is fully understood that the Parish Council and local residents have concerns about the loss of these traditional buildings and that they would like to see them retained and converted in accordance with the previous permission. However, it is necessary to consider the application that has been submitted and to make an assessment as to whether it would respect the character and appearance of the area. Dunster Marsh is a mixture of traditional stone and render dwellings, as well as more modern rendered bungalows and short terraces. The proposal is for 4 two-storey buildings facing onto Marsh Lane, with a mixture of natural stone and render, under either a pantile, or slate effect roof. This is the same palette of materials that is being used in the adjoining development of 54 dwellings and was previously considered to be acceptable for the area. The natural stone wall at the rear of the proposed footway would respect the character of other boundary treatments in the village and would have a traditional appearance in the context of the new development.

It is considered that the design of the buildings reflect the residential character of the area and are an appropriate design that would not result in any significant harm to the character and appearance of the area.

### **Highways**

The number and frequency of vehicles accessing the proposed development should not be dissimilar to that of the existing dwelling and extant planning permission for the conversion of the outbuildings. Access would be from a single point onto Marsh Lane, where there is already an existing access to the dwelling. The other existing access from the yard onto Marsh Lane would be removed. The Highways Authority have comment that the visibility splays are appropriate for vehicle speeds in the area.

The width of the Marsh Lane carriageway would remain the same as existing and amended plans have been submitted that confirm this. The adopted highway would be widened by the provision of the pedestrian footway to the front of the proposed dwellings.

There is sufficient parking for each of the properties at the rear of the dwellings and each would have at least 4 spaces available on driveways and in double garages. Given this level of provision, it should not be necessary for vehicle to park in Marsh Lane. Full details of the internal street arrangement can be secured by condition as suggested by the Highways Authority.

### **Residential amenity**

The bungalow opposite the site (27 Marsh Lane) is the dwelling that is most likely to be effected by the proposal. The existing farm house already faces this property and therefore it is already overlooked from first floor rooms. The proposed dwelling in the location of the farmhouse will have the same number of first floor windows, but one of these would be to serve a bathroom and therefore obscurely glazed. It is therefore considered that there would not be a loss of residential amenity to this property.

Concerns have been raised regarding noise and disturbance from both the traffic related to the completed development as well as from the construction. In terms of the completed development, the number of vehicle movements will not be dissimilar to the number of movements associated with the existing planning permission and dwelling. It is therefore considered that the impact would not be greater than the extant planning permission. With regard to disturbance from construction, the Councils Environment Health officer has made comment that could be included as an informative should planning permission be granted. Construction noise and disturbance is best dealt with through the appropriate environmental health legislation rather than planning condition as the legislation has a much quicker response.

### **Drainage**

The drainage board have commented on the application and consider that the foulds and surface water drainage details can be secured by a planning condition. It is expected that the drainage from this development would be combined with the larger development of 54 houses, however, confirmation that the capacity of the system for the overall development would be required prior to the construction on the new buildings.

### **Conclusion**

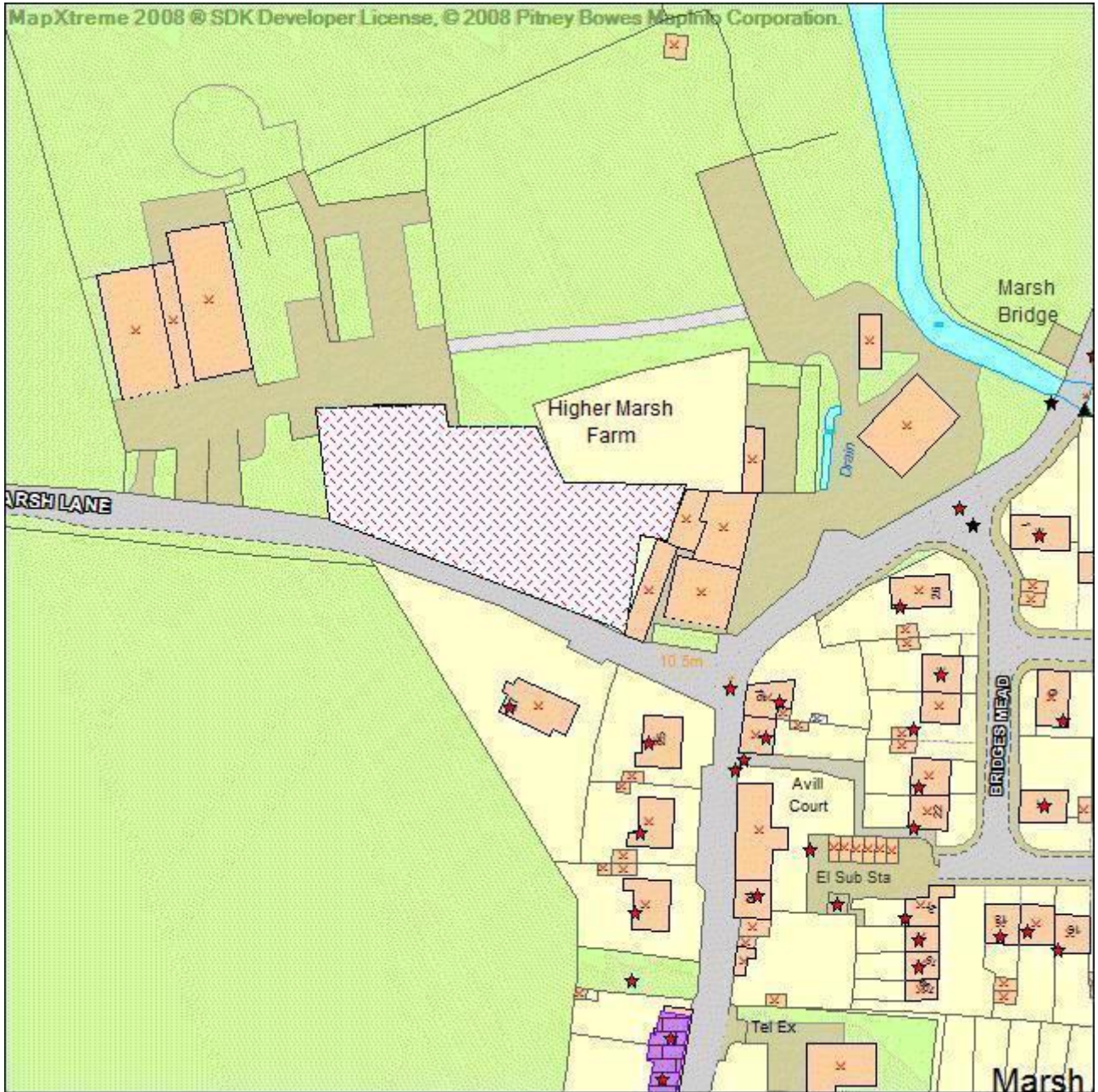
The proposed development is considered to be an acceptable design and layout that would not result in any addition units of accommodation to that which has already

been approved.

The original planning permission was tied into the larger development in terms of the provision of affordable housing, community infrastructure contributions and commented sum for off-site highways works. It would therefore be necessary for the applicant to enter into a deed of variation to transfer the Section 106 obligations from the previous planning permission to any new consent. Subject to this taking place, it is recommended that planning permission be granted.

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





Application No 3/10/16/001  
 Demolition of existing buildings  
 and erection of 2 live/work units  
 and 2 dwellings  
 Higher Marsh Farm, Marsh Lane,  
 Dunster  
 24/05/2016  
 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="#">3/32/16/010</a>
<b>Parish</b>	Stogursey
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 319994    Northing: 143041
<b>Applicant</b>	Mr Partington Magna West Somerset Housing Association Ltd
<b>Proposal</b>	Erection of a new residential dwelling with associated garden and car parking (resubmission of 3/32/16/001)
<b>Location</b>	Land adjacent to 6 Vicarage Close, Stogursey, Bridgwater, TA5 1QX
<b>Reason for referral to Committee</b>	<b>The comments of the Parish Council are contrary to the recommendation.</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

- 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: Location/Block Plan, dwg. no. 2304.1-10A, Floor plan, elevations, section & Site Plan, dwg. no. 2304.1-11A and Topographical Survey, dwg. no. 15065swg-03 submitted on 09/06/16 and 13/07/16.

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

- 3 The parking area shall be marked out in accordance with the details shown on the approved plans prior to the occupation of the dwelling hereby approved. The parking area shall thereafter be retained in the approved form.

Reason: To ensure the orderly parking of vehicle and to reduce the likelihood of on street parking, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 4 The mitigation measures in relation to protected species identified in the Extended Phase I Survey prepared by abbas ecology dated May 2016 shall be incorporated into the development in accordance with the schedule of implementation identified in the Extended Phase I Survey prepared by abbas ecology dated May 2016 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).

## **Informative notes to applicant**

### **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/nature of the submitted scheme. During the consideration of the application issues/concerns were raised in respect of available parking spaces. 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.

- 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.

- 3 There is always a possibility that any building or structure may be used by bats and nesting birds. We would therefore like to draw your attention to the following.

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) No work should proceed while birds are building a nest, on a nest, or until the young become fully independent.

2. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation. Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England (tel. Batline 0870 833 9210).

Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

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.

- 4 The applicant's attention is drawn to the comments received from Wessex Water regarding connection of services and protection of existing services.

## **Proposal**

Erection of a new residential dwelling (single storey two bed. bungalow) with associated garden and car parking (resubmission of 3/32/16/001).

The proposed new 2-bedroom bungalow is proposed to measure 10m long x 7.5m wide with the eaves at 2.5m above ground level and the ridge approximately 5m above ground level. The total floor area proposed is 65sqm. It is to be constructed in masonry with smooth render above a brick plinth and it will have masonry corbels at the end of the eaves.

The roof will be clad with concrete interlocking tiles with the canopy over the front door being supported by two white posts. The eaves fascia, soffit and rainwater goods are proposed to be white plastic.

New closeboarded fencing at a height of 1.8m is proposed to the north and west boundaries to enclose the site and the proposed new garden areas. The bungalow will have its own garden and associated/dedicated parking. The parking will be located to the south east.

## **Site Description**

The existing site comprises existing residents domestic garages and car parking forecourt and an unused grassed area. It is located at the end of the existing estate road known as Vicarage Close which is a cul de sac.

To the south of the site are existing (Magna Housing Association) bungalows and to the west and north of the site are the rear gardens belonging to properties in Town Close. Immediately east at the front of the existing site is a small block of existing single garages with forecourt in front. These are to be retained and the bungalow developed further back into the site.

## Relevant Planning History

A recent planning application for the a single two bed bungalow ref 3/32/16/001 which was withdrawn and resubmitted as the current proposal.

## Consultation Responses

*Stogursey Parish Council* - No comments received at time of writing

*Highways Development Control* - Standing Advice

*Health and Safety Executive* - No comments received

*Office of Nuclear Regulation* - I have consulted with the emergency planners within Somerset County Council, which is responsible for the preparation of the Hinkley Point off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPPIR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

Therefore, ONR does not advise against this development.

*Wessex Water Authority*

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.



## Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our Sewer Protection Team to discuss further 01225 526333.

Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

### *Biodiversity and Landscaping Officer -*

Abbas Ecology carried out an Extended Phase 1 Survey of the site in May 2016. Findings of the report are as follows;

Habitat - The site is classed as having low wildlife value.

Bats - The flat roofed garages had little potential for bats  
There were no trees or other features on site that could be used by bats

Birds - The garages contained no evidence of breeding birds. However the small hedge at the rear of the site has low potential for breeding birds

Reptiles-The grass is managed and so is not suitable for reptiles. If the grass grows then slow worms could colonise if present in neighbouring gardens.  
The large compost heap at the end of the small hedgerow may contain slow worms

Badgers -The surveyor found no signs of badger on site

Condition for protected species:

The applicant shall undertake all the recommendations made in Abbas Ecology's Extended Phase 1 Survey report dated May 2016.

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.

Reason: to protect wildlife

### Informative Note

There is always a possibility that any building or structure may be used by bats and nesting birds. We would therefore like to draw your attention to the following.

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) No work should proceed while birds are building a nest, on a nest, or until the young become fully independent.

2. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation. Should a bat or bats be encountered whilst work is being

carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England (tel. Batline 0870 833 9210).

Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

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.

## **Representations Received**

Ward Councilor Chris Morgan objects for the following reasons:

"I consider that this application represents an extreme example of excessive over development within the village of Stogursey.

It is not proven that more hosing is required within the village, bearing in mind the village has an unfinished housing development at "paddons Farm", and permission recently granted for a further twelve houses in Castle Street.

The proposed Bungalow in Vicarage Close will place a burden and strain on already frayed relationships between neighbours as a result of parking issues, not only in the close, but also in Vicarage road and Burgage road.

I consider this to be a step too far in an already over crowded area."

Three letters of objection have been received from members of the community raising concerns regarding;

- car parking and access,
- loss of green area and
- wildlife.

## **Planning Policy Context**

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

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



Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### **West Somerset Local Plan**

- 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
- NC/4 Species Protection

### **Emerging West Somerset Local Plan**

- NH10 Securing high standards of design
- SD1 Presumption in favour of sustainable development
- SC1 Hierarchy of settlements
- TR2 Reducing reliance on the private car

## **Determining issues and considerations**

The issues and considerations to be considered in this case are;

- Principle of development
- Character and appearance of the area
- Ecology
- Residential Amenity.
- Highway Safety and loss of car parking.
- Flood risk and drainage.

### **Principle of development.**

This is a brownfield site within the settlement boundary and so it is appropriate in policy terms to consider redevelopment to provide additional residential development. This is a sustainable site within a sustainable location in a primary village that is expected to accommodate approximately 60 new homes over the plan period. The site could only (reasonably) take one dwelling and that is all that is proposed.

The space is partly used for parking and partly unused grass area. Although the loss of some parking provision is regrettable, in this instance, it is considered that the provision of 1 additional social housing unit outweighs this. Therefore on balance, the proposal is considered to be acceptable in principle.

### **Character and appearance of the area.**

This site is located within the development limits of Stogursey within the centre of

the existing housing estate at the end of Vicarage Close . It is not located within a designated Conservation Area and there are no Listed Buildings in the immediate Vicinity. The land is currently an area of part tarmac adjacent to a series of three existing single garages with a grassed area towards the rear of the space.

The rear (western) boundary of the site adjoins the existing dwelling and garden at no. 14 Vicarage Close. The northern boundary of the site is adjacent to the existing long gardens belonging to nos. 32 and 34 Vicarage Close, and the southern boundary is adjacent to an existing bungalow known as no. 6 Kingsland. To the eastern boundary of the site is the existing entrance into the garage court area and the existing garages. Surrounding the site within the streetscene is a mixture of both two storey houses and single storey bungalows, that are constructed in a mixture of both brick and render and are clad in a mix of brown and terracotta tiles.

The proposal is to erect a single two bedroom bungalow on the site in materials to match those existing in the area are acceptable in terms of local policies BD/1 and BD/2 as per the submitted details.

The proposed dwelling is to be sited at right angles to the existing neighbour adjacent (no. 6) and faces the existing side garden wall which has a height of 2m (as per dwg. nos. 2304.1 - 10 A and 2304.1 - 11A . The entrance to the bungalow and two single windows in the front principle elevation will face the south.

The proposed infill development of the site will not have any significant impacts on the character and appearance of the site and therefore is considered acceptable in respect of local policies BD/1 and BD/2 of the West Somerset District Local Plan and Submission version policy NH10.

## **Ecology.**

Part of the site has a tarmac surfaced car parking and domestic garage forecourt and part is a small grassed area.

During the course of the previous submission, the council were advised that Badgers could be present close to the site. The previous scheme was withdrawn and an Extended Phase I Ecological Survey was undertaken by 'abbas ecology' and a report was submitted from them dated May 2016. Recommendations of the report were;

- \* No further ecological survey work is required on the site prior to development
- \* Removal of the hedgerow must be undertaken between September and the end of February to ensure no nesting birds are disturbed
- \* The grassed area must be kept short until the development is complete to prevent colonisation by slow worms or other wildlife
- \* The compost heap must be removed by hand during the reptile activity season (April-October) to ensure any slow worms present can move out of the way

No evidence of badger activity was found on site.

The proposal and the Ecology report has been assessed by the Council's Landscape and Biodiversity Officer who has suggested appending a protected species condition should the application be approved and also an informative note for the applicant.

It is therefore considered that the proposal accords with policy NC/4 of the West Somerset District Local Plan and policy NH3 of the submission draft.

### **Residential Amenity.**

The rear of the proposed bungalow is approximately 1m from the adjoining boundary and the only proposed window opening on this elevation will be a bathroom window and a rear access door.

The existing northern boundary consists of 0.5m wire netting fencing and some sparse planting of approximately 1m in height and further north the planting rises to existing fir tree planting of 3m plus. There will be a new 1.8m fence erected along this elevation between the rear of the bungalow and the rear gardens and dwellings in Town Close to prevent overlooking. This new fence will start at the north eastern corner and run to the edge of the two existing car parking spaces to the east of the existing garage block.

The garden areas to serve the new bungalow will be to the east and west of the site and where one three paned window is to be inserted into each of these elevations. On the western elevation it is also proposed to erect a 1.8m close boarded fence which will run along the entire eastern boundary.

The proposed kitchen window faces east and an existing boundary that is at a distance ranging from 6.7m to 5.2m. There is currently an existing post a wire netting fencing and part shrub planting at an approximate height of 0.5m.

It is considered that the single storey 2 bedroom bungalow is acceptable with its siting toward the eastern end of the proposal site. This will allow for the existing garages , forecourt and parking spaces to be provided. Therefore the development will not have significant impacts on residential amenity in the area and is in accordance with local planning policies BD/1 and BD/2 and submission version NH10.

### **Highway Safety and loss of car parking.**

In this case the site is located within Zone C as per the adopted Somerset County Council Parking Strategy. The proposal is for a 2 bedroom bungalow and as such 2 parking spaces and 2 secure cycles parking spaces are required by the Area Highways Department.

In response to parking concerns an amended plan has been received (13/07/16) confirming the layout of the parking spaces within the site. The submitted amended

drawing (dwg. no. 2304-1 - 11A) shows the provision of two parking spaces alongside the proposed new bungalow plus one additional residents parking space adjacent to the bungalow spaces and the new garden area. Two other tandem parking spaces are to be provided adjacent to the two bungalow spaces and to the side of no. 6 Vicarage Close and are to be designated for No. 6 Vicarage Close.

Two existing parking spaces will remain alongside the existing garages and the proposed eastern garden area. The forecourt area beside/outside the garages will also be retained for parking. Although the site is not currently marked out, it is clear that there are 3 garages, and then room for either 3 or 4 vehicles to park adjacent to the garages.

The plan proposes to keep the garages (3 spaces), provide 3 marked external surface parking spaces dedicated to surrounding properties plus two for no. 6 (total = 8) and provide two spaces in addition for the new dwelling. The current 8 parking spaces including the garages gives a ratio of 1.33 spaces per dwelling in Vicarage Close. The proposal includes 10 spaces including the garages giving a ratio of 1.42 space per dwelling. This coupled with the available on street parking provides two parking spaces per dwelling in Vicarage Close although there is no requirement to achieve this retrospectively on existing dwellings.

The planning agent has also stated in the submitted Design & Access Statement that the existing car parking is underused and has been demonstrated by a series of photographs taken at different times of the day in the working week and at weekends. In a further email dated 13/07/16 advises that further photographs were taken after dark on the evening of 3/03/16 and only three vehicles were parked within the proposal site.

It is also confirmed by the agent that currently five car parking spaces within the site that are unmarked and potentially gives a potential for uneconomic use of the space and six spaces could be accommodated if marked out. On each occasion when photographs were taken, there were at least two available parking spaces within the site and there were between two to five spaces available on all occasions. It is unclear whether the existing garages within the red line of the site are being used for their intended parking use and two of these garages are currently licenced to residents of Vicarage Close, with the third being licenced to a resident of Park View (around a third of a mile away). The three garages are unaffected by the development proposal.

The agent noted that the surrounding estate roads are being used for on road parking for residents to park closer to their homes and when the photographs were taken, two to three car parking spaces were available on the road in Vicarage Close. It should be noted that on street parking cannot be controlled by the planning remit and are controlled by SCC Highways or the Police.

The secure cycle parking will be provided by providing two cycle spaces within a proposed timber shed to be located adjacent to the bungalow in the eastern garden area and adjacent to the bin storage.

Given the above considerations and the receipt of further amended details it is

considered that the access and parking provision at the site are acceptable and would accord with local policies T/3 and T/8.

**Flood risk and drainage.**

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

It is noted from the submitted information that an existing Wessex Water sewer crosses the site from east to west and that discussions have taken place between the agent and the water board regarding a diversion of this sewer. Wessex Water have made formal comments in this respect.

Waste will be disposed of via the existing sewer and surface water will be disposed of via soakaway.

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



Application No 3/32/16/010  
 Erection of a new residential dwelling with associated garden and car parking (resubmission of 3/32/16/001)  
 Land adjacent to 6 Vicarage Close, Stogursey, Bridgwater, TA5 1QX  
 9 June 2016  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council



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### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/05/16/003	Carhampton Recreation Centre, Main Road, Carhampton, Minehead, TA24 6LX	Formation of additional external door and screen and alterations to fenestration in order to create separate changing rooms and shower facilities	28 June 2016	Grant	<a href="#">JC</a>
3/05/16/004	1 Meadowside, Carhampton, Minehead, TA24 6PF	Erection of single storey extension.	05 July 2016	Grant	<a href="#">BM</a>
3/06/16/001	Week Farm, Wiveliscombe, Taunton, TA4 2SQ	Erection of agricultural building for the livestock and dung storage	08 July 2016	Prior approval not required	<a href="#">KW</a>
3/07/16/006	3 Hillcrest, Stickle Hill, Crowcombe, Taunton, TA4 4AN	Demolition of rear single storey extension and conservatory and erection of a two storey rear extension and single storey side extension.	27 June 2016	Grant	<a href="#">BM</a>
3/10/15/004	Former Scout Hut, Marsh Street, Dunster Marsh, TA24 6PN	<b>Erection of a single two-bed detached dwelling and associated works.</b>	20 June 2016	Grant	<a href="#">BK</a>
3/16/16/002	Combe House Hotel, Holford, TA5 1RZ	Internal and external alterations and retention of satellite dish to Combe House Hotel and ancillary living accommodation	28 June 2016	Grant	<a href="#">EP</a>
3/16/16/003	Coach House 1, Alfoxton Park, Holford, TA5 1SG	Install a wood burning stove with flue	29 June 2016	Grant	<a href="#">EP</a>



<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/18/16/004	1 Quantock View, Sea Lane, Kilve, Bridgwater, TA5 1EE	Removal of existing conservatory to the rear and erection of single storey extension	12 July 2016	Grant	<a href="#">BM</a>
3/21/15/006	Brooklands, The Parks, Minehead, TA24 8BT	Change of use from house with one flat to 13 private residential flats	28 June 2016	Grant	<a href="#">JB</a>
3/21/16/039	6 Brook Street, Alcombe, Minehead, TA24 6BP	To remove the cement tar band along the base of the front wall of the house and leave as exposed stonework re-pointed in lime mortar to allow moisture to evaporate naturally from the base of the wall so reducing damp in the front rooms.	22 June 2016	Grant	<a href="#">EP</a>
3/26/16/014	Glen Cottage, Huish Lane, Washford, Old Cleeve, TA23 0PA	Lawful Development Certificate for a proposed replacement garage	07 July 2016	Refuse	<a href="#">JC</a>
3/31/16/007	James Barton, 4 Vellow Road, Stogumber, Taunton, TA4 3TL	Retention of timber outbuilding forming office, garage and store, retention of wrought iron gate and erection of proposed garage	29 June 2016	Grant	<a href="#">EP</a>
3/31/16/008	Cheddar Marsh Farm, Kingswood, Stogumber, TA4 3TW	Erection of hay/straw store	24 June 2016	Prior approval not required	<a href="#">DA</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/37/16/018	Co-op, 57 Liddymore Road, Watchet, TA23 0DR	Display of 2 x internally illuminated logos.	12 July 2016	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
AFU/02/16/00 1	Old Field Shed, Middle Stone Farm, Brompton Ralph, Taunton, TA4 2RT	Prior approval of proposed change of use of agricultural building to farm shop	07 July 2016	Grant	<a href="#">JC</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/28/16/001	Mill Farm, Sampford Brett, Taunton, TA4 4LJ	Approval of details reserved by condition 2 (relating to a contamination assessment report) in relation to planning application ABD/28/15/002	07 July 2016	Grant	<a href="#">JC</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
NMA/21/16/0 01	White Lodge, Periton Road, Minehead, TA24 8DU	Non-material amendment to planning permission 3/21/14/053 for plot 2 in order to lower the ground floor finished floor level back to 67.04m a.s.l (from the previously raised height of 67.7m) so that it is at the natural level of the land and sits better on the site	22 June 2016	Grant	<a href="#">EP</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
T/01/16/001	Hove To, Trendle Lane, Bicknoller, TA4 4EG	Application to carry out management work to two Copper Beech trees , one Robinia and two Horse Chestnuts included in Tree Preservation Order T/3/52	13 July 2016	Grant	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
T/21/16/005	Starhanger, Beacon Road, Minehead, TA24 5SE	Application to carry out limb shortening and crown lift to five Pine trees and to fell one Pine tree and One Oak Tree included in TPO T/3/105	22 June 2016	Grant	<a href="#">DG</a>

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## Appeal Decision

Site visit made on 1 June 2016

**by Robert Gully MEng CEng MICE**

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

**Decision date: 30 June 2016**

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**Appeal Ref: APP/H3320/W/16/3146645**

**School House, Main Road, Sampford Brett, Somerset TA4 4LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mrs Izanne Simonite against the decision of West Somerset Council.
  - The application Ref 3/28/15/008, dated 25 August 2015, was refused by notice dated 2 February 2016.
  - The development proposed is a dwelling in the garden of School House, Sampford Brett.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have quoted the appellant's surname in the banner heading above as spelt on the planning application form.
3. The host property adjacent to the appeal site is referred to with slightly differing names in submissions, however, I use 'School House' in this decision. Furthermore, I note that the host property is described by West Somerset District Council as forming part of the old school. I use the name 'Old School', which is also used by the appellant, to describe the other part of the building which lies nearer the junction with Main Street. I refer to the buildings together as 'the school houses'.
4. I refer to the lane past the appeal site as Croft Meadow from its junction near the church, although some submissions refer to it as a continuation of Main Street here. I refer to Main Street rather than Main Road, to mean the road which meets Croft Meadow by the church, as this is most consistently used by the parties.

### Main Issues

5. The main issues in this case are:
    - the effect on the character and appearance of the area;
    - whether or not the proposal constitutes a sustainable rural location, with respect to access to facilities and services;
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- whether or not the proposal would result in adequate living conditions for the occupants of School House and Woodburnes, with respect to outdoor space and overlooking respectively.

## **Reasons**

### *Character and Appearance*

6. The Council refer to an appeal decision on the same site in 1999<sup>1</sup>. Whilst this decision is of significant age, and the policy context has changed, the Inspector's characterisation of the area remains valid. School House and Old School appear as one substantial building together, with the openness afforded by the garden being an important part of its setting. This reflects the openness seen on the other side of Croft Meadow at the church and in front of its neighbour Brett Water Cottage. The more constrained nature of the lane past the village hall and elsewhere, which includes a variety of property styles, is substantially different in character to the immediate area around the school houses. In this respect the appellant's comparison with other plot sizes and building designs elsewhere in the village does not present a compelling argument. Such plots are not comparable with the important contribution that the appeal site makes to openness of its immediate setting, and do not reflect the architecture that prevails towards the junction with Main Street.
7. The area around the appeal site also provides complementary openness to the more continuous frontage of the dwellings on Main Street, including the Grade II listed Woodburnes. Furthermore, the importance of the school houses and their spacious setting is elevated by their shared stone appearance with those dwellings, which contributes to the strong historic character in this part of the village.
8. The proposal would be readily visible from Croft Meadow for a significant distance along the lane from the junction with Main Street. Despite its single storey form, the proposed dwelling would significantly alter the openness and setting of School House, whose garden currently extends as an attractive green backdrop through to the relatively well hidden village hall. The associated 2 metre high close boarded boundary fence adjacent to School House would further substantially alter the localised sense of openness causing significant harm to character and appearance. The aluminium fenestration and off-white render of the appeal proposal would contrast with the predominantly stone appearance of School House, causing further harm to its setting.
9. Although there are interruptions to the roadside stone wall nearer the village hall, the wall is largely continuous from here and makes a valuable contribution to character and appearance, particularly when looking past the front of the appeal site towards the school houses and church. Whilst I acknowledge that the wall may be removed without planning permission, there is nothing to suggest that this would occur except in relation to the appeal proposal, and hence I give this limited weight. The loss of several metres of wall associated with the new entrance, despite being partly rebuilt with entry splays, would still significantly alter the wall's enclosure of the lane at this point.
10. For the reasons set out above, I conclude that the proposal would cause significant harm to the character and appearance of the area, contrary to

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<sup>1</sup> Appeal reference T/APP/H3320/A/99/1015828

policies BD/1 and BD/2 of the West Somerset District Local Plan – April 2006 (the Local Plan). These policies require development that respects and is sympathetic to the scale, layout and character of its surroundings. The proposal would also fail to preserve the setting of the Church of St George and the property Woodburnes, both of which are listed buildings, and to which I give special regard in line with my statutory duty.

*Access to facilities and services*

11. The appeal site would lie within the defined settlement boundary for Sampford Brett within the Local Plan. The Council have confirmed that the emerging West Somerset Local Plan 2015 has been examined in part but that main modifications are being drafted. On this basis I give the emerging plan limited weight. Other than the emergence of a new plan, there is no further evidence to suggest that the defined settlement boundary in the Local Plan should be considered out of date.
12. Notwithstanding this, on my site visit I found it to be only a short distance on a route northwest out of the village before I met the footway near the edge of Williton on the A358. The centre of Williton provides a relatively wide range of facilities for a rural area, which would significantly reduce the need to travel further afield. Although I acknowledge that the overall distance to the centre of Williton, and the narrow unlit lane, might act as a deterrent to walking for some, the above route would certainly be a reasonable walking option for many in daytime.
13. Furthermore, the close proximity of Sampford Brett to Williton means that it could not be considered isolated in the terms of paragraph 55 of the National Planning Policy Framework (the Framework). Given the proximity to Williton, the appeal proposal would be likely to contribute to the sustainability of the rural community as a whole in accordance with paragraph 55. I am also mindful of the guidance in paragraph 34 of the Framework which focusses transport sustainability on larger proposals and acknowledges the specific context of rural areas.
14. The appellant has referred to Policies SP/2 and SP/3 of the Local Plan in their submission, however Sampford Brett is identified as a small village in Policy SP/1, not as a rural centre or village. The Local Plan settlement policy which applies to small villages, and which lists Sampford Brett, is SP/4. This policy identifies that infill development would be acceptable subject to various requirements. I note that the policy pre-dates the Framework and therefore should be given weight in accordance with its compliance with it (paragraph 215). The support for social and economic viability, protection of environmental quality and avoidance of significant travel impacts are all generally in line with the aim for sustainable development and specific policy within the Framework. I therefore afford Policy SP/4 significant weight.
15. I have found the proposal to be compliant with paragraph 55 of the Framework, and in this context I am also satisfied that it would comply with the support for economic and social viability required in Policy SP/4. However, the policy also requires that development should protect or enhance environmental quality. As a result of its effect on character and appearance the proposal would be contrary to this requirement of the Local Plan policy.

16. I conclude that the proposal would represent a sustainable rural location in respect of relevant parts of policy in the Local Plan and the Framework. However, the significant harm caused to character and appearance means that the proposal could not be considered as sustainable development and, therefore, would not be compliant with Policy SP/4 as a whole.

### *Living Conditions*

17. The proposed dividing boundary fence would leave a significantly reduced outdoor area associated with School House. The vast majority of the proposed retained area currently comprises gravel which is likely used in part for vehicle parking and manoeuvring. However, there is no requirement for outdoor areas to be soft landscaped to be adequate. Whilst the outdoor area would appear small relative to nearby dwellings, it would still be sufficient and would extend around 3 sides of the property. In particular I note that vehicles would only be likely to encroach on the front area, and that a variety of aspects would remain available, such that acceptable outlook, daylight and sunlight could be obtained.
18. Overall, I find no compelling reason to conclude that the outdoor space afforded to occupants of Old School would be inadequate.
19. The ground level of the appeal site steps up towards its rear, such that it meets the boundary fence of Woodburnes at a similar level. However, the floor level of the proposed single storey dwelling would be set significantly lower, to meet with the ground level towards the front of the plot. This would limit any potential for overlooking of the garden of Woodburnes directly from the proposed dwelling. Although the rear garden of the proposal would be at a comparable level to that of the neighbouring property, this would not be significantly altered from the existing relationship with the garden of School House.
20. On the basis of the above, I conclude that the proposal would not cause significant harm to the privacy of occupants of Woodburnes through overlooking.
21. In light of my conclusions above, the proposal would be in accordance with part 17 of the Framework which seeks, amongst other things, a good standard of amenity for all existing and future occupants.

### **Other Matters**

22. The appellant has identified personal circumstances relating to the progressive deterioration of her health and I acknowledge that her need for specialist accommodation will become increasingly pressing over time. However, the evidence before me is limited in respect of the lack of other alternatives that might be available and I am not persuaded that these circumstances would justify going against policy in this case.
23. The appellant has referred to pre-application advice provided by the Council, which I note was favourable in principle. However, such advice is non-binding on the Council and this appeal has to be considered on the merits of the application that was ultimately submitted to them. I also note the appellant's comments regarding the timescale for the Council's decision and the absence of a subsequent opportunity to discuss potential amendments to the scheme.

However, these are not matters that fall to be considered as part of this appeal.

**Conclusion**

24. Whilst I have found in favour of the appellant in relation to the sustainability of the proposal's location and living conditions, I have found that it would cause significant harm to the character and appearance of the area. Furthermore, it would fail to preserve the setting of nearby listed buildings. I have had regard to all other matters raised, including the appellant's personal circumstances, but these do not outweigh the harm identified.
25. I therefore conclude that the appeal should be dismissed.

*R Gully*

INSPECTOR



## Appeal Decision

Site visit made on 1 June 2016

by **Robert Gully MEng CEng MICE**

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

Decision date: 07 July 2016

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**Appeal Ref: APP/H3320/W/16/3145945**

**6 Cherry Tree Way, Watchet, Somerset TA23 0UB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
  - The appeal is made by Mr Robert Middleton against the decision of West Somerset Council.
  - The application Ref 3/37/15/024, dated 25 October 2015, was refused by notice dated 21 December 2015.
  - The development proposed is the erection of a dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - The effect of the proposal on the character and appearance of the area;
  - The effect on living conditions of neighbouring properties, with respect to noise, vibration, light and emissions.

### Preliminary Matter

3. The planning application which is the subject of this appeal was for outline permission with all matters reserved.

### Reasons

#### *Planning Policy*

4. The appeal proposal would lie outside the settlement/development limits in both the West Somerset District Local Plan (the 'Local Plan'), adopted 2006, and the West Somerset Local Plan 2015 (the 'Emerging Plan'). However, it would lie immediately adjacent to these limits, which encompass the existing properties on Cherry Tree Way.
  5. The Local Plan is of some age and pre-dates the National Planning Policy Framework (the Framework). Policy SP/5, which relates to development outside settlement limits, therefore needs to be considered in the context of paragraph 215 of the Framework, which requires that policies are afforded weight according to their degree of consistency with it. The requirement to benefit economic or social activity in the policy is aligned with the aims of
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sustainable development, albeit the Framework requires all three dimensions of sustainability to be satisfied. Furthermore, avoidance of a significant increase in car travel is aligned with paragraph 34, whilst the need to maintain or enhance environmental quality is well aligned with the environmental aspect of sustainable development as described in paragraph 7 in the Framework. Overall, Policy SP/5 accords well with the Framework and I therefore afford it significant weight.

6. I note the appellant's final comments that there may be a shortfall in the Council's 5 year housing supply, however the submitted evidence is insufficient to conclude that there is a supply shortfall that should significantly alter my consideration of policy in the Local Plan, in the manner set out in paragraph 49 of the Framework.
7. Policy SP/5 of the Local Plan relates to all countryside areas, although the supporting text notes that development will be strictly controlled in remoter areas, which would not apply here. In respect of this policy, I do not find that much hangs on the discussion around whether the site lies in 'open' countryside. My characterisation of the site and surroundings is set out below, and it is clear that the provisions of Policy SP/5 are intended to apply to the appeal site. Notwithstanding this, as a result of the proximity of the appeal site to Cherry Tree Way and the main urban area of Watchet, it would be unreasonable to consider the site isolated or rurally located. It therefore does not fall to be considered under paragraph 55 of the Framework, which addresses such circumstances.
8. The Emerging Plan is progressing through examination, and according to the Council the hearing sessions have been completed. However, the Inspector's report is awaited. On this basis I give the Emerging Plan limited weight. Notwithstanding the above, in light of the appellant's extensive submissions regarding the policy and other housing developments, I specifically address Section 5 of Policy SC1 of the Emerging Plan in this decision. This relates to development within 50 metres of the contiguous built up area of specific settlements, including Watchet, and applies to this appeal case.

#### *Character and Appearance*

9. Cherry Tree Way is a small, relatively self-contained, development lying on the periphery of the main urban area of Watchet. Many of the houses are set around a triangular green, and are also along the lane which extends to the west and which connects by means of a footpath to the main urban extent of Watchet. The site is approached by car from the south east, by travelling some distance outside the main urban area of Watchet, such that the impression on this approach is strongly one of arriving from the countryside. From this direction, which provides a clear public view of the appeal site, the existing dwellings are relatively inconspicuous and nestle at the base of the hillside behind them. The appeal site is located on this hillside, which rises from the rear of properties on the east side of Cherry Tree Way. The separation from a substantial self-contained area of existing properties to the east, mean that on the approach to Cherry Tree Way, the rural character in front and on the hillside above prevails.
10. A strong line of trees extends from the boundary of the rear gardens of properties on Cherry Tree Way towards the approaching highway. This reinforces the relatively inconspicuous nature of the existing properties seen

from this direction, the rear garden boundary line and the contrast with the open rural nature of the hillside behind. The lie of the land from the entrance road ensures that the appeal site makes an important contribution to this rural vista. The presence of non-native species in the boundary hedge to the appeal site, and the top of tree canopies seen in amenity land beyond to the north, are not readily appreciated as being distinct from the overall rural agricultural view. Furthermore, the properties beyond in Admirals Close are not visible from the approach road. The lack of visibility of the current structures and paraphernalia within the appeal site, or any development beyond, means that the appeal site provides an important and valuable contribution to defining and maintaining the existing boundary between urban dwellings and the rural countryside uphill of Cherry Tree Way.

11. The lower part of the appeal proposal would likely be hidden, at least in part, behind the host dwelling and boundary vegetation, from Cherry Tree Way and some longer distance views. However, any visibility of the structure from the general direction of the approaching highway would substantially alter the rural character of the plot. All matters are reserved for future approval. Without details of a specific proposal, I cannot conclude that an adequate scheme could be controlled by the Council, which would not be seen outside the plot on the approach to, and along, Cherry Tree Way. As such I find that the appeal proposal would have an unacceptable effect on the rural character of the appeal site, particularly when seen from the southeast.
12. Furthermore, whilst scale is a reserved matter, the appellant asserts that a single storey dwelling would be likely to have an acceptable impact. However, for the reasons given above, visibility of such a dwelling would also cause an unacceptable effect.
13. More recent property additions to Cherry Tree Way adopt differing styles. However, their scale and relationship to the street is relatively consistent and reinforces the existing appearance of Cherry Tree Way. The appeal proposal would sit with an entirely different relationship, accessed by a lane to the rear, on elevated ground and, according to the appellant, likely to be of a different form or orientation to secure an acceptable development in other respects.
14. In their final comments the appellant submits that the lawful use of the site should have little bearing on this appeal. For the reasons given above, the appeal site's primary contribution is in respect of openness and its undeveloped appearance. This is unaffected by its regular maintenance or the fact that a small proportion of it accommodates structures, including a static caravan and/or equipment associated with domestic use. These are not visible at distance from outside the plot. The main issue relates to the effect on character and appearance of the area and this is not readily influenced by the change from agricultural use to a more domesticated one or vice-versa, or whether the site should be considered undeveloped 'greenfield' land.
15. Notwithstanding that I give limited weight to the Emerging Plan, the strategic and early release sites raised by the appellant are of a substantially larger scale and therefore materially different in terms of their consideration in the planning balance that would ultimately be undertaken. Furthermore, the potential for their future presence would not alter the important contribution that the appeal site makes to defining the change to rural character to the rear of Cherry Tree Way.

16. I conclude that the proposal would have an unacceptable effect on the rural character and appearance of the area above Cherry Tree Way. Therefore, the proposal would fail to maintain environmental quality, being contrary to Policy SP/5 of the Local Plan. Furthermore, its incongruous relationship with the existing settlement would be unsympathetic to the layout of buildings and the scale and harmony of the area as a whole, being contrary to relevant parts of Policies BD/1 and BD/2. In respect of the wider landscape, covering the Central West Somerset character area, the proposal's effect would be localised to the extent that it would not materially undermine the value of the local landscape which prevails over a wide area. It would therefore be in accordance with Policy LC/3. The appeal site's existing classification as 'amenity land' in the Local Plan does not affect the consideration of its contribution to character and appearance against Policy SP/5 above.
17. Although I give it limited weight, the proposal would be contrary to emerging Policy SC1(5)(C), as a result of its unacceptable effect on the character of the existing settlement. This would arise through its incongruous relationship with existing properties on Cherry Tree Way and its effect on the setting of Cherry Tree Way relative to the strong rural boundary to its rear.

#### *Living Conditions*

18. Although access is a reserved matter in this case, existing constraints require that the proposed access would pass between nos. 6 and 7 Cherry Tree Way, albeit separated from the latter property by its driveway and side parking area. Traffic movements generated by a single dwelling would be very low, likely limited to a few movements per day, and speeds would be inevitably be slow. The access would not directly face main habitable rooms in the neighbouring property. Whilst vehicle movements to the side of the neighbouring property would introduce a new source of light, noise, exhaust gases and possibly vibration, their effect would be so limited, infrequent and temporary such that they would not cause material harm.
19. I therefore conclude that the proposal would be acceptable with respect to the effect on neighbouring properties. Although I give the Emerging Plan policy limited weight, I therefore find that the proposal would accord with criteria 5(E) of Policy SC1 which requires, amongst other things, that development within or in close proximity to the contiguous built-up area of Watchet does not harm amenity of adjoining land uses.

#### **Other Matters**

20. I note the appellant's submissions regarding the pre-application phase and their statement that the local authority did not respond at this time. However, pre-application advice is non-binding on the Council in any event and the appeal has to be judged on the merits of the application as ultimately submitted and considered by the Council.
21. Paragraph 53 of the Framework requires local authorities to consider their own policies for controlling inappropriate development in residential gardens. It is not a policy to be applied in its own right.

#### **Conclusion**

22. I note the sustainable location relative to Watchet and the proposed environmental credentials of the development. However, as a result of its

unacceptable effect on the character and appearance of the area, the proposal could not be considered sustainable development and therefore does not benefit from the presumption in favour of such. Although the proposal would be acceptable with respect to its effect on living conditions, having regard to all matters raised, these do not outweigh the harm caused.

23. I therefore conclude that the appeal should be dismissed.

*R Gully*

INSPECTOR