



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, G S Dowding, S Y Goss, B Heywood, I Jones, A Kingston-James, K Mills, 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 219735

Date 23 May 2018

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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 31 May 2018

Time: 3pm

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 31 May 2018 at 3pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 26 April - **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: one

Date: 23 May 2018

<u>Ref No.</u>	<u>Application/Report</u>
3/01/18/005	Outline Planning Permission with all matters reserved for the erection of 12 No. dwellings - Byways, 19 Church Lane, Bicknoller, TA4 4EL
3/04/17/008	Erection of a 33kV switchroom building (retention of part works already undertaken) - Land at Exebridge Substation, Riphay Barton, Dulverton
3/04/17/016	Demolition of garage at 1 Pound Close and erection of 13 No. dwellings with associated access, highway works and landscaping - Land to the north of Ellersdown Lane, Brushford
3/21/18/027	Erection of single storey rear extension (retention of works already undertaken) - 33 Paganel Road, Minehead, TA24 5EU
ECC/EN/15/00038	Update on planning enforcement issues - West Shute Farm, Huish

- 6. **Exmoor National Park Matters** - Councillor to report
- 7. **Delegated Decision List** - Please see separate sheet
- 8. **Appeals Lodged**
No appeals lodged
- 9. **Appeals Decided**
No appeals decided
- 10. **Reserve date for site visits** – 25 June
- 11. **Next Committee date** – 28 June

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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

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

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

PLANNING COMMITTEE

Minutes of the Meeting held on 26 April 2018 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor S Goss	Councillor P Murphy
Councillor B Heywood	Councillor J Parbrook
Councillor I Jones	Councillor K Turner
Councillor A Kingston-James	Councillor T Venner
Councillor K Mills	Councillor R Woods

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Assistant Director Planning and Environment – Tim Burton
Legal Advisor – Nick Hill– Shape Partnership Services
Democratic Services Officer – Tracey Meadows

P89 Apologies for absence

There were apologies for absence from Councillors I Aldridge, S Dowding and C Morgan

Substitution

Councillor A Hadley for Councillor S Dowding

P90 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 29 March 2018 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor K Turner, seconded by Councillor B Heywood

The **motion** was carried.

P91 Declarations of Interest or Lobbying

Councillor A Kingston-James declared that he had received correspondence for application No. 3/21/18/017. He stated that he would keep an open mind. Councillor T Venner declared that he had been lobbied by local residents on application No. 3/21/18/017, he also declared that he had written to the Planning Officer with observations on the application. He also stated that he would keep an open mind. Councillor A Hadley declared that he spoke at the last meeting regarding application No. 3/21/17/119, he stated that he would speak as the Ward Member and would leave the room for the debate and vote. Councillor R Woods declared that she had been lobbied for refusal a long time ago on application No. 3/39/18/002. She stated that she would keep an open mind.

P92 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P93	3/07/17/019	Change of use of agricultural land for siting of pop up café, toilet facilities and storage trailers with the erection of canvas yurt and formation of track and parking. Land to south of Higil Lea, Crowcombe	Mr M Smith Mr A Ware	Chairman of Crowcombe Parish Council Applicant	Objecting Infavour
P93	3/21/17/119	Application for approval of reserved matters following Outline Application 3/21/13/120 for a residential development of up to 71 no. dwellings, access, landscaping and associated works at Land off Hopcott Road, Minehead	Councillor A Hadley Mr T Hutton	Ward Member Agent	 Infavour
P93	3/21/18/119	Erection of a 10.5m long and 1.8m high close boarded fence in the south west corner of the site (retention of works already undertaken). Elgin Towers, Burgundy Road, Minehead			

P93	3/28/17/008	Erection of 1 No. detached dwelling and garage with formation of pedestrian and vehicular access (amended scheme to 3/28/16/008)	Mrs J Swan Ms S Biggs	Chairman to Sampford Brett Parish Council Local Resident	Objecting Objecting
P93	3/39/18/002	Siting of a static caravan and installation of a metal fence (retention of works already undertaken) Doniford Farm Park, Doniford Farm, Doniford Road, Watchet	Mrs A Cottrell	Applicant	infavour

P93 Town and Country Planning Act 1990 and Other Matters

Report Ten of the Planning Team dated 18 April 2018 (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

3/07/17/019 - Land to south of Higil Lea, Crowcombe, TA4 4BF "Change of use of agricultural land for siting of pop up cafe, toilet facilities and storage trailers with the erection of canvas yurt and formation of track and parking

Comments by members of the public;

- The site fell into the area of the AONB;
- The site had an adverse impact on the surroundings and local views;
- Concerns that the field joined a small Hamlet, putting a risk to the local residents;
- The site was situated on the brow of a hill adjoining a dangerous junction;

- Inappropriate site;
- The development allowed opportunities for visitors and local residents to enjoy panoramic views of the Quantock and Blackdown Hills;
- The application would bring visitors into the area to support the local economy;

The Member's debate centred on the following issues;

- Concerns that the road junction on the brow of the hill was dangerous due to Increased traffic flow;
- Concerns that access to the site was via the Cul-de-sac only;
- The site was highly visible and detrimental to the AONB, the Quantock Hill;
- Location was too close to the houses;
- The boundaries need to be pushed with the AONB to discuss what is and what was not acceptable;
- Applicants needed to look at another site;

Councillor B Heywood proposed and Councillor K Turner seconded a motion that the application be **Refused**

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

3/21/17/119 - Land off Hopcott Road, Minehead Application for approval of reserved matters following Outline Application 3/21/13/120 for a residential development of up to 71 No. dwellings, access, landscaping and associated works.

Comments by members of the public;

- Concerns with the lack of parking provision within the development;
- The street layout did not seem suitable for Bus routes;
- Concerns that Bus Stops were placed on private property without the owner's permission;
- Concerns with the lack of charging points on the development;
- Additional car parking and Motorcycle parking would be provided with added secure and covered parking for each property on the development;
- The landscaping scheme had been amended to blend in with the surrounding area;

The Member's debate centered on the following issues;

- Concerns that if we pushed for more parking we would lose the affordable housing element;
- Pleased that the developers listened to concerns regarding the development;

- It was crucial that we got this site to a high standard as it would set the standard for other sites coming forward;
- Parking restrictions were needed on Hopcott Road;
- Concerns with the Bus route and who was going to use it;
- Concerns with the gate way to the site on the Hopcott Road;
- Concerns that there was enough room for two vehicles to pass smoothly on the roads;

Councillor K Turner proposed and Councillor K Mills seconded a motion that the application be **Approved**

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

3/21/18/017 – Erection of a 10.5m long and 1.8m high close boarded fence in the south west corner of the site (retention of works already undertaken). Elgin Towers, Burgundy Road, Minehead

The Member's debate centred on the following issues;

- Concerns that the fence was detrimental to the character of Penrhyn;
- The fence was out of keeping with the area;
- Concerns that the concrete posts were of a permanent fixture;
- The fence was detrimental to the neighbours;
- The fence was within the curtilage of a listed building;

Councillor P Murphy proposed and Councillor K Turner seconded a motion that the application be **Refused**

Reason – its obtrusion was alien in a landscape characterised mainly by hedging and its presence urbanises the rural the rural nature of the area. It was thus considered that it does not preserve the setting of the Conservation Area. It's urban appearance and bulk was incongruous with the traditional rural setting of Elgin Tower and it thus adversely affects the setting of the Grade II listed building. Time for removal 3 months.

The **motion** was carried

Reference Location, Proposal, Debate and Decision

3/287/17/008 – Erection of 1 No. detached dwelling and garage with formation of pedestrian and vehicular access (amended scheme to 3/28/16/008) Land to the rear of Brownwich house, 47 Tower Hill, Williton

Comments by members of the public;

- Concerns with pedestrian safety using the public footpath;
- Safety issues with construction vehicles;
- TPO's on the beech trees in the adjoining garden was required to prevent damage to the trees;
- The Public Right Of Way should be closed during construction;
- If the development was approved what would stop the residents of Tower Hill building in their back gardens;

The Member's debate centred on the following issues;

- Concerns with access issues;
- Ownership and maintenance of the track;
- The track needed to be surfaced to the same standard of the pedestrian access;

Councillor B Heywood proposed and Councillor K Mills seconded a motion that the application be **Approved** with an amended condition for the access track to be constructed before work commenced.

The **motion** was carried

Reference Location, Proposal, Debate and Decision

3/39/18/002 – Siting of a static caravan and installation of a metal fence (retention of works already undertaken). Doniford Farm Park, Doniford Farm, Doniford Road, Watchet

Comments by members of the public;

- Council tax has been paid on the caravan since August 2017;
- Living in the caravan meant that we could keep a close eye on the animals;
- The license required to keep animals was compulsory for 24 hour attendance on the site;
- 20 new jobs had been created through this business;

The Member's debate centred on the following issues;

- Living on site was for the safety of the animals;
- The caravan was not intrusive;
- Retention of the caravan did not meet any of the Policy OC1;
- Previous application for residential use was refused;
- The prime concern was for the welfare of the animals;

Councillor S Pugsley proposed and Councillor B Heywood seconded an amendment that the application be **DEFERRED** to establish if Planning Policy OC1 could be met. Time for compliance 3 months.

The **motion** was carried

P94 Exmoor National Park Matters

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 3 April 2018 of the Exmoor National Park Planning Committee. This included:

62/43/18/002 - Proposed second floor extension to rear of property to provide an additional bedroom. (Householder) – Croft Cottage, Lydiate Lane, Lynton, Devon (Approved)

6/8/18/102 - Proposed single storey rear extension and entrance gates Retrospective. (Householder) - Martinhoe Old School, Road to Beacon View, Martinhoe, Devon (Refused)

WTPO 18/01 - Works to trees subject to Tree Preservation Order: Selective branch removal & crown revising of 16 trees (beech & ash) to ensure approximately five metre clearance above the B3223. (Works to trees subject to Tree Preservation Order) – Birchcleave Wood, Simonsbath adjacent to the B32223 NGR 775393 (Approved)

6/40/17/113 - Retention of concrete track (190m). Retrospective. (Full) – Land East of Howetown, Exton, Winsford, Minehead, Somerset (Approved)

P95 Appeals Lodged

Appeal against the issuing of an enforcement notice in relation to a breach of planning control in respect of the approved plans and use of a building at The White Horse Inn, Washford, Old Cleeve, TA23 0JZ (application 3/26/14/012 refers)

P96 Appeals Decided

Appeal against the reconstruction and conversion of derelict buildings into two holiday let accommodation at the Former Scarr House, Lydeard St Lawrence, TA4 3RH – appeal dismissed. (Application no. 3/02/16/005).

The meeting closed at 7.13pm

Application No:	3/01/18/005
Parish	Bicknoller
Application Type	Outline Planning Permission
Case Officer:	Stephen Belli
Grid Ref	Easting: 310989 Northing: 139165
Applicant	Ms Sallyann Owen
Proposal	Outline Planning Permission with all matters reserved for the erection of 12 No. dwellings
Location	Byways, 19 Church Lane, Bicknoller, TA4 4EL
Reason for referral to Committee	

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposal is considered to be contrary to policies SC1 and SC4 of the West Somerset Local Plan to 2032 (hereinafter referred to as the Local Plan), in that it represents a scale of development which takes up the whole of the allocation to 2032 on one site, thereby limiting the opportunities for other sites to come forward with small scale developments that would be better suited to the character and grain of this sensitive village set within the Quantock Hills Area of Outstanding Natural Beauty (AONB). In addition the proposal falls short of the requirement to provide 35% affordable housing. The proposal is furthermore considered to be contrary to Local Plan policy NH6 in that the development occupies a currently designated County Wildlife Site and there are insufficient ecological biodiversity enhancements proposals which will mitigate and offset the loss to development of the greater part of the site.

- 2 The proposed development by virtue of its position on the edge of the village and its intended scale will result in harm to the visual appearance and character of this part of the village and the wider AONB in which the village is situated. The proposed development will be visible from close to and from the nearby high land to the east.. The development will harm the setting, character and appearance of the village in the landscape as well the wider character and beauty of the area thereby undermining its statutory purpose and designation. The proposal is considered to be contrary to Local Plan policies SV1, NH5, and NH14 as well as paragraphs 7, 115, and 116 of the National Planning Policy Framework (2012). On this occasion there are no overriding matters of public interest that warrant approval of this major development in a nationally

designated landscape.

- 3 There are at present insufficient details to demonstrate that the access into the site as suggested from Church Lane is safe for all users and that such works will not detract from the character and appearance of the village. In addition there is insufficient information to demonstrate that this level of growth along with the inadequate approach roads in terms of available width, lack of footways and street lighting is acceptable. A full assessment of the traffic impact associated with the development is not possible with the level of detail provided and it is therefore considered that the proposal is contrary to Local Plan policy SC1.

- 4 The site lies in an area considered to be at significant risk of flooding from surface water. The proposal contains insufficient detail to allow the Planning Authority to assess likely impact on surface water and attenuation of flows. The scale of the development proposed may well adversely impact on local surface water flows and it should be demonstrated at this stage that this scale of development will be able to successfully attenuate any local surface water on site and will not exacerbate problems currently encountered off site. The lack of a flood risk assessment, detailed drainage strategy and proposals for attenuation of surface water within the site means that the development is considered to be contrary to Local Plan policy CC2 and the advice set out in the National Planning Policy Framework (2012).

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. During the course of pre-application discussions the applicant was informed that, in the view of the local planning authority, the proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan / policies within the National Planning Policy Framework, as such the applicant was advised that it was likely that should an application be submitted it would be refused. Despite this advice the applicant choose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

The application was considered not to represent sustainable development.

For the reasons given above and expanded upon in the planning officer's report, the

application was considered to be unacceptable and planning permission was refused.

Proposal

The proposal is for outline planning permission with all matters reserved for future approval for a total of 12 dwellings. An illustrative site layout plan has been submitted in which the applicants suggests that vehicular access will be formed from Church Lane (an unclassified public highway) at its right angle bend along the western boundary of the site. The plan indicates a single point of access onto Church Lane with a new estate road serving the dwellings. A pedestrian access is shown crossing a small stream and accessing the adjoining cul de sac of Parsons Close to the north of the site. The applicant currently lives in the bungalow directly to the west of the site boundary.

Site Description

The site comprises a gently sloping parcel of grazing land some 0.75 ha (1.8 acres) in extent currently used as a horse paddock by the applicant. The site is bounded to the west by the garden of the applicant's property, a short stretch of native hedgerow and Church Lane. To the north the site is bounded by a narrow strip of land just to the north of a stream with further hedgerow and some Alder and other trees within the site, with further hedgerows and trees to the eastern and southern boundaries. A Tree Preservation Order covers some of the Alders adjoining the site. Beyond the stream to the north lies a further small piece of land which adjoins the private garden and the edge of the cul de sac highway on Parsons Close. Whilst the applicant's plan does not indicate ownership the applicant herself in conversation with the case officer claimed she did own the land right up to the edge of the public highway on Parsons Close.

At the present time access to the site is via an agricultural vehicular gateway next to which is a pedestrian gate. A public right of way (footpath) runs from this gateway in a south westerly direction. The footpath is separated from the field by a timber fence. The site slopes upwards towards the east. The whole of Bicknoller village lies in the Quantock Hills Area of Outstanding Natural Beauty. The site is visible from Church Lane from where it is possible to see the elevated higher land of Bicknoller Hill and Thorncombe Hill both of which areas are publicly accessible as open access land.

Relevant Planning History

3/01/78/004 - 2 dwellings (whole field – same as current site) accessed from Church Lane, refused on 09/08/78.

3/01/79/003 - 2 dwellings (whole field) accessed from Church Lane, refused on 05/06/79. Appeal dismissed (dangerous access)

3/01/92/023 - 4 dwellings (two thirds of current site) accessed from Parsons Close, refused on 21/1/93. Appeal dismissed (loss of TPO trees, landscape impact and harm to character of area)

3/01/93/013 - 2 dwellings (one third of current site), accessed from Parsons Close refused on 20/01/94.

3/01/94/023 - 2 dwellings (one third of current site) accessed from Parsons Close, refused on 19/1/95. Appeal dismissed (loss of character, impact on area, outside settlement boundary, loss of important gap, impact on trees)

Consultation Responses

BICKNOLLER PARISH COUNCIL - Bicknoller Parish Council held an Extraordinary Meeting on Monday 9th April 2018.

Bicknoller Parish Council held an Extraordinary Meeting on Monday 9th April 2018. The main item on the agenda was planning application 3/01/18/005, Outline Planning Permission with all matters reserved for the erection of 12 No. dwellings on Byways, 19 Church Lane, Bicknoller, TA4 4EL. The Parish Forum preceding the main meeting was attended by 30+ parishoners.

All who spoke gave views and reasons opposing the planning application. Reasons included:

- Unsafe access on a blind bend.
- Siting, appearance, and density of dwellings contrary to the general nature of the village.
- Concerns about the natural habitat and wildlife of the site, including the proposed site being in a County Wildlife Site.
- The drainage of this marshy site, and what could happen as a result of development.
- Detrimental effects to the AONB, and potential spoiling of amenity and tourist business.

During the debate on the application Parish Councillors mentioned:

- That in 1979 permission was refused for the erection of two dwellings on the whole field and that an appeal was 'dismissed having regard to the proposed access in that scheme direct to Church Lane' [see document T/APP/H3320/A/93/219352/P7, dated 12 May 1993 dismissing application 3/01/92/023].

That all subsequent applications have proposed coming through Parsons Close, and that comments from Highways have added in their letters

"2. No vehicular or pedestrian access shall be made from the site direct to Church Street" [see letters HT/PA/3/01/KCD dated 29 December 1993 and 15

November 1994].

If the access was not suitable for two dwellings, then it cannot be so for 12 dwellings.

It was also pointed out that the architect's assertion in the Design and Access Statement that 'The speed limit in Church Lane is 30 mph' is wrong.

- Siting and appearance. WSC2016 POLICY SC1: HIERARCHY OF SETTLEMENTS states:

4. Development within or in close proximity (within 50 metres) to the contiguous built-up area of Minehead/Alcombe, Watchet, Williton and primary and secondary villages will only be considered where it can be demonstrated that:

in 4.B 'There is safe and easy pedestrian access to the essential services and social facilities within the settlement'

Safe access on a blind bend is not conducive to this. A foot bridge to Parsons Close may not always be used, even if the applicant had a legal right to build - which has not been shown.

in 4.C '. It respects the historic environment and complements the character of the existing settlement'. The style, height, and density of the proposed housing is not in keeping with the character of the village – and certainly not of those nearby.

The nearby dwellings are single storey, and the proposal is for 2-storey housing on rising ground.

- The number of dwellings was discussed.

'Limited Development: In clause 2 of the policy above, in terms of housing, "limited development" means individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period.'

So this application is for a greater number than that allowed for in WSC2016's definition of limited development. Too much in one place, and in the timescales given

- Affordable housing was discussed in relation to the proposal. The proportion of affordable housing appears incorrect. WSC2016 states in POLICY SC4: AFFORDABLE HOUSING: '...minimum ratio of 35 affordable units for every 65 open-market (pro rata) based on the total number of dwellings to be provided in the development.'

This application does not appear to be in accordance with this.

- Appearance and siting was discussed in relation to WSC2016 and the current Village Design statement.

WSC2016, POLICY SV1: DEVELOPMENT AT PRIMARY AND SECONDARY VILLAGES Development at primary and secondary villages should:

- be designed to form an integral, harmonious addition to the settlement's existing character

It was mentioned that WSC2016 went on to state:

'New development should create a sense of place with a distinctive character, which clearly demonstrates how it has responded to its local context.'

Also POLICY NH5: LANDSCAPE CHARACTER PROTECTION

'Within the identified landscape character areas, as shown in figure 2,

development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area

Some communities have produced Village Design Statements which help to define the character of the locality and identify important local features.'

Parish Councillors said that the village design statement should be referred to, especially:

Village Design Statement:

<https://www.bicknoller.com/wp-content/uploads/2011/06/Village-Design-Statement.pdf>

Infilling has not enhanced the look of the village. Small plots, and houses with garages which occupy too great a proportion of their plot, are the main culprits

7.3 Any future development in the village should be critically examined to ensure the protection of the local environment and to avoid the destruction of wildlife.

7.12 Any new development/alteration should have regard to the (mainly) low density of buildings in the parish, and consequently the need for adequate space to be provided between buildings

7.13 In the light of 7.12 above, each planning application for a new development must state the size of the plot, the Percentage of the plot being built upon, and the distance to the closest boundary

7.14 In the light of 7.12 above, each planning application which changes the external dimensions of an existing building, must state the percentage of the plot that will be built upon and the distance to the closest boundary if the application is successful

7.16 The height and pitch of roofs should be in sympathy with surrounding buildings (4)

7.17 Developments/alterations should not interfere with existing culverts, streams, flood plains or land drainage. They should also be able to cope with the overflowing, or temporary, watercourses which result from extreme weather conditions. This is of benefit to both properties and wildlife.

7.18 Preserve the natural, winding character of parish lanes whilst ensuring that they can be safely negotiated

Parish Councillors did not think that the proposal reflected these design statement items or policy statements in WSC2016 at all.

- The drainage of water on site and the nature of the ground was a concern and how development would have negative consequences, also expressed in the Parish Forum. POLICY CC6: WATER MANAGEMENT:

'Development that would have an adverse impact on: • the availability and use of existing water resources; • the existing water table level • accessibility to existing watercourses for maintenance and, • areas at risk of flooding by tidal, fluvial and/or surface water run-off Will only be permitted if adequate and environmentally acceptable measures are incorporated that provide suitable protection and mitigation both on-site and through displacement to adjoining land.'

West Somerset District Council letter reference Eng/DCT/BMR/P14 dated 25 November 1994 states:

The site, in contrast to the other part of the same field is very marshy and acts as a water carrier for the higher ground to the watercourse on the western

boundary of the site. I, therefore, consider it inappropriate to develop this area.'

'Marshy/wetland habitats are becoming increasingly rare and, therefore, development on them should be resisted.'

- It was also mentioned both by Parish Councillors in debate and by individuals in the Parish Forum that the proposed development was within the Quantocks AONB.

POLICY NH14: NATIONALLY DESIGNATED LANDSCAPE AREAS

Within the identified landscape character areas, as shown in figure 2, development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area

'Applications for development should have regard to location, siting, orientation and landscaping to achieve high quality design and to ensure that the proposals conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB or the National Park and their settings. Development which would conflict with the achievement of the statutory purposes of the AONB or the National Park, or their settings or which would adversely affect the understanding or enjoyment of the national park's special qualities, will not be permitted.'

'Where development is considered to be necessary and acceptable, particular attention will be paid to the design taking account of; siting, scale, form, height, massing, detail and/or use of local materials as appropriate.'

Again, Parish Councillors did not think that the proposed development met these criteria, [as has previously been mentioned regarding other comments regarding siting and appearance].

This was also the stated opinion in document T/APP/H3320/A/95/248622/P8 dated 26 June 1995 section 7 dismissing an appeal on a planning refusal on the site:

'I am of the opinion that the partial development of OS419, outside the existing well defined limits of development on this side of the village, would be harmful to the appearance and character of the AONB'.

-

BIODIVERSITY - The application is outline for the erection of 12 dwellings at Byways, Church Lane, Bicknoller. The proposal involves the removal of a small section of hedging for access.

Richard Green carried out an Ecological Appraisal on the land dated October 2017

Findings were as follows

Habitat The site, which measures 0.85 ha includes Church Lane Field Local wildlife Site, described as a damp moderately herb rich grassland.

My concern with this proposal is that as the site has been designated as a Local Wildlife Site in principle I would not like to see it developed.

However I concede in this case that the semi improved grassland and marshy grassland are no longer of the same quality as when the site was designated in 1994 and that its species richness has been reduced due to heavy grazing and

poaching and by nutrient input.

The 1994 survey lists devils bit scabious, Marsh marigold, lesser spearwort and southern marsh orchid which no longer seem to be present according to the latest survey.

If the site were developed then I would like to see part of the marshy grassland retained if possible.

Bats The surveyor found no evidence of bats in any of the buildings on site. However he has suggested that dark corridors be maintained on site for commuting and foraging bats. Any lighting should avoid any illumination of vegetation on site. I support the installation of bat tubes in each new dwelling.

Birds No nesting birds were observed although there is potential for nesting within the trees, scrub and hedges on site. Vegetation should be removed outside of the bird nesting season. I support the erection of bird boxes on each new dwelling.

Dormice The species rich hedges on site provide suitable habitat for dormice.

The removal of a small section (10m) of hedge for access is unlikely to have a significant impact on dormice. This should be undertaken as a two stage operation. If further hedging is to be removed a dormice survey should be undertaken and an EPS licence may be required.

Reptiles The rank amenity grassland around the bungalow provides suitable habitat for reptiles. Indeed slow worms have been recorded on site. These reptiles will need to be translocated to a receptor site.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green's Ecological Appraisal dated October 2017 and a dormice survey if required and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development

shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

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

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

PLANNING POLICY - Regarding said site and application, the land was nominated for consideration as a potential site for residential development in the 2017 SHLAA. The applicant did not specify the number of units to be provided on the site so the LPA used its 'default' density that had been used in previous SHLAA's (30 dwellings per Hectare for all settlements other than Minehead, Watchet and, Williton where 35dph has been used) in the absence of any such figure being included on the SHLAA nomination form. This gave a notional development capacity on the site of c.18 dwellings. The conclusion was that the land adjoined the built-up area of Bicknoller (identified as a Primary village in the West Somerset local plan to 2032 [WSLP to 2032]) and was within walking distance of most of the services and facilities in the village. It was also noted that it was within the Quantock Hills AONB and a designated County Wildlife Site that might impose constraints on the type and scale of development.

However, the SHLAA report makes very clear in the Introduction at para. 1.3 the limitations of the information provided in the SHLAA; *"It should be noted that the SHLAA does not set policy or make allocations, but provides background evidence on the potential availability of land in West Somerset for housing. It is an important part of the evidence base for plan making but in itself does not determine whether a site should be allocated for housing development. Furthermore, it does not preclude any sites not identified within the deliverable or developable supplies from being allocated in development plans nor securing planning permission in the future."* Notwithstanding this, the Planning Policy perspective on the proposal is as follows;

- Bicknoller is identified as a Primary Village in the settlement hierarchy in Policy SC1: Hierarchy of Settlements in the WSLP to 2032.
- In criteria 2 of Policy SC1, Bicknoller is identified as being suitable for

'limited development' and in the definitions in the supporting text that accompany the Policy, this is clarified as providing "...individual schemes of up to 10 dwellings..." it also suggests that in order to manage the scale of development in identified settlements that this is restricted to "...about a 10% increase in the settlements total dwelling number over the Local Plan period." In the case of Bicknoller the figure of the dwelling stock for the settlement at the start of the plan-period (2012) is given as 122 in the definition of Primary Villages. This would make the notional increase in the dwelling stock for the village over that period (2012 – 2032) as c.12 additional dwelling units. – The reasoning behind this scale of development in the smaller settlements of West Somerset was to meet Member concerns (during the evolution of the Local Plan) about allowing modest levels of development in those settlements that had an existing range of economic and social/community facilities in order to help sustain their long-term future/viability. These aspects are also covered in Policy SC5: Self Containment of Villages and, policy SV1: Development at Primary and Secondary Villages. The identification of the Primary and Secondary Villages came as a result of the findings in the West Somerset Town and Village Centres Study (2012).

- The definition of Limited Development also includes the requirement that no more than about 30% of the additional (10%) increase in stock should come forward in any five year period. – Whilst the proposal is for only 12 dwellings this effectively accounts for the whole of the villages 'entitlement' for all of the Local plan period. The reasoning behind the restriction of 30% of the total coming forward in any five-year period was to prevent the entire entitlement being taken-up by just one development. It was felt that otherwise this could potentially inhibit other small/individual development proposals that could come forward subsequently.
- The land itself adjoins the existing contiguous built-up area and therefore is deemed to meet the requirements of criteria 4 of Policy SC1 about being within 50 metres of the built-up area of the settlement. Therefore, there is a general presumption in favour of development in general terms and notwithstanding any other policy considerations. – A definition of what comprises the 'built-up area' is provided in the supporting text to the policy.
- In view of the numbers of dwellings in the proposal, this crosses the threshold whereby a requirement to provide affordable housing as an integral part of the development would need to be provided. This is set out in Policy SC4: Affordable Housing. As the proposal is for 11 or more dwellings, then 35% of the development total would be expected to be affordable housing units. In this particular instance this would suggest c.4 of the 12 dwellings within the development would need to be of this type. The type and tenure of the affordable housing units would be determined through discussion/negotiation with the Rural Housing Enabler, Heather Crockford. The default position with regards to the type is provided in criteria 3 of the Policy and elaborated on in the supporting text to it. In addition there is information provided in the Council's Planning Obligations

SPD that was re-adopted as Council policy at the time of the Adoption of the WSLP to 2032.

- The Policies Map Inset Map for Bicknoller in the WSLP to 2032 shows that there are watercourses along the north-eastern and north-western boundaries of the site that might be affected by the development proposal and the requirements of Policy CC6: Water Management, would need to be taken account of.
- In view of the designation of the land affected as comprising part of a County Wildlife Site (CWS) then, Policy NH6: Nature Conservation and the Protection and Enhancement of Biodiversity, may also apply. Although the designation is a local one and therefore does not have the same weight and status as national and international designations, it may be worth contacting Somerset Environmental Records Centre (SERC) as to their view on the contribution the CWS0 makes to the wider biodiversity network.
- As most of the contiguous built-up area of Bicknoller village including the proposal site) lies within the Quantock Hills AONB, the provisions of Policy NH14: Nationally Designated Landscape Areas would need to be considered. This is most likely to affect the design and scale of development. The proposal exceeds the threshold of the definition of Major Development that is provided in the supporting text to the Policy and therefore the applicants would be expected to provide good evidence as to why a development of the size proposed is appropriate and required in such a sensitive location.

QUANTOCK HILLS AONB TEAM - The Quantock Hills was the first landscape in England to be designated as an Area of Outstanding Natural Beauty (1956). The primary purpose of AONB designation is the conservation and enhancement of the landscape's natural beauty. The Quantock Hills AONB Service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose – to ensure this beautiful and nationally protected landscape remains outstanding now and into the future.

Please accept the following within this context.

Thank you for consulting the AONB Service in respect of the above planning application.

Policy 115 of The National Planning Policy Framework (NPPF) states that **“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas...”**

Policy 116 of the NPPF states that **“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest”**.

You have confirmed that this application is a major development. On this basis, we ask you to suitably consider what would constitute exceptional (unique) circumstances in this instance related to public interest. If your assessment determines that development of twelve properties in this location is not judged to be in the public interest then we assume the application will be refused, in line with national planning policy.

Policy SC1 (Hierarchy of Settlements) within the Adopted West Somerset Local Plan to 2032, states that:

*"2. Limited development in the primary villages: **Bicknoller, Carhampton, Crowcombe, Kilve, Stogumber, Stogursey, West Quantoxhead and Washford, will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area**".*

The West Somerset Local Plan states that Limited Development in terms of housing is *"individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period"*.

Our interpretation, if correct, is that the maximum number of houses for an individual scheme within any part of Bicknoller during this plan period should only ever reach ten in total and, for development within any five year period, should only be able to reach a maximum of three to four in number. On this basis we also assume the application, as it stands, will be refused as it is contrary to the Local Plan Policy SC1.

Policy SV1 (Development at Primary and Secondary Villages) of the West Somerset Local Plan states that: *"development at primary and secondary villages should be designed to form an integral, harmonious addition to the settlement's existing character..."*.

The proposal which is to develop the whole of the site for domestic use would see built form extend further east than existing development at neighbouring Parson's Close and we feel this would form an awkward extension to the settlement; as would be seen in wider views of the village from the open hills. We do not believe it responds to the narrow ribbon of development currently defining the east side of Church Lane. As such, when considering settlement form or shape as an essential part of Bicknoller's character, this scheme does not show a sensitivity of response to the pattern of the village.

We note the comments from Friends of Quantocks and agree there may be scope for this site to accommodate a small amount of development. However, in order to conserve and enhance the character of this AONB-village, we feel any proposal would need to be significantly smaller in scale (and responsive to settlement pattern) and not at the expense of the total loss of the field. The eastern and southern half of the field should, in our opinion, always form part of the undeveloped land between the houses on Church Lane and the line of development along Trendle Lane.

A site visit confirmed that the field is being used for grazing horses and is not under agricultural use. The field is overgrazed and poached and on the day of the site

visit was very wet underfoot (on the public footpath running through the site). There is no doubt that the surrounding mixed hedgerow boundaries offer valuable habitat as well as contributing to landscape character; providing visual interest, texture and landscape pattern. We note your Landscape Officer's comments in respect of the local wildlife site designation.

We note the many comments in respect of access off Church Lane. The appropriateness of the access in terms of safety is a matter for Somerset Highways but in terms of the requirement for a splayed entrance, we would be concerned about the landscape effects resulting from the loss of a section of hedgerow and the potential change in character the new opening may bring to the rural lane. The applicant has not provided any form of landscape and visual appraisal – to help understand the likely effects of the development on the landscape resources (physical attributes making up the site and the wider character of the landscape) or on the visual amenity (the quality and character of views). This is particularly important given the location below open access heathland. For a development in this sensitive location within an AONB, we would expect to see a landscape appraisal, alongside the ecological survey, forming a key part of the applicant's evidential material.

Bicknoller is a very characteristic village at the foot of the open access heathland. Whilst 20th century development has seen the introduction of properties to the village that are not typically Quantock in character, Bicknoller has nonetheless retained its core Quantock charm. Any application for development in this very sensitive village must be appropriate in terms of scale and responsive to the settlement pattern in order that it can be integrated successfully and in a timely fashion; conserving and enhancing Bicknoller's character.

We do not believe this application is in line with the primary purpose to conserve and enhance the natural beauty of the AONB and believe it to be contrary to national and local plan policy. As such, we trust this outline application will be refused.

SOMERSET COUNTY HIGHWAYS - I refer to the above-mentioned planning application received on 27 March 2018 and after carrying out a site visit 10th April 2018 have the following observations on the highway and transportation aspects of this proposal:-

The outline application proposes 12 dwellings with all matters reserved except for access. The proposal site lies off the unclassified Church Lane in the southern area of Bicknoller. The speed limit is derestricted. Although observed speeds at the access appeared to be lot less. It is accepted that the proposed visibility splays of 2.4m x 43m in both directions is appropriate from the access. The proposal would generate additional vehicle movements onto the local highway, between 72-96 vehicle movements on a daily basis.

Access

The proposal is for a simple T junction for means of access into the proposed development which in this instance is considered acceptable.

However the Highway Authority still retains concerns with regard to vehicles associated with the proposed development performing a right turn manoeuvre into the site for drivers approaching from the south west given the proximity of the proposed access to the bend and the apparent limited forward visibility available to see oncoming road users, in particular for larger vehicles. This concern was raised by the Highway Authority in a previous, smaller scaled application back in 1979 (application no:3/1/79/003).

No swept path analysis has been provided at this time. Swept path drawings should be provided based on the largest FTA Design Vehicle expected to use the junction at a scale of 1:200 (e.g. 11.4m, 4 axled refuse lorry).

No dimensions have been provided for the entry and exit radii at the junction of the proposed access. Where there is no provision made for large goods vehicles, it is recommended that the minimum circular corner radius at simple junctions should be 10m in a rural area subject to a swept path analysis.

No details have been provided at this time for the proposed access road. Given the size and location of the proposed development a minimum carriageway width of 5m should be provided subject to any comments made by the SCC S38 estate roads engineer.

Carriageway cross section drawings for each chainage across the frontage of the site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway. Cross sections should extend at least 10m beyond the tie-in points on the main carriageway and include the full width of the adoptable highway such as adjacent footways and verges.

Longitudinal or contour drawings haven't been submitted. The approach gradient for the access road to Church Lane should be a maximum 2% uphill gradient over 15m where it connects into the channel line of Church Lane. This will ensure that surface water drains back into the site and not out onto the highway. It will also provide a level section of carriageway for vehicles to pull out safely.

It is noted that an existing wooden pole with overhead power lines located in a position that will conflict with the geometric layout of the proposed development access and its interface with Church Lane. The wooden pole will also partially obstruct the inter-visibility splay for motorists to see when looking left along Church Lane from the proposed development access.

Approach Roads

The approach road to the south of the site from the A358 is predominantly of singular vehicle width with limited passing areas. It is anticipated that this is would be the direction of travel to and from the proposal site, for the majority of the associated vehicles. Consideration has to be taken into account that Church Lane

and the surrounding unclassified highway are perceived as a rural highway for low level vehicular movements. The Highway Authority has concerns over the approach roads and the effect on the local highway network that is likely to occur as a result of the proposed development, given the predominant single width nature of the approach roads. Church Lane in the vicinity of the proposed development access does not currently have any defined footways and pedestrians are required to walk within the carriageway. There is no system of highway lighting along Church Lane in the vicinity of the proposed development access.

Transport Statement

No supporting Transport statement has been submitted in support of the application.

For clarity, the Highway Authority advised the applicant to demonstrate that the approach roads are capable of accommodating associated vehicle movements from the proposed development. It appears this has not been demonstrated by the applicant.

Travel Plan

For clarity, a Measures-only Travel Statement would be required for this proposed development and agreed once the relevant information is received. It is noted that no Travel Plan fee has been stated, a development of this size would require a fee of £700 plus VAT.

Conclusion

It is in the opinion of the Highway Authority, based on the limited information provided and observations made upon a site visit that the Church Lane and the surrounding unclassified approach roads is perceived as a rural country roads for low level vehicular movements which have a limited capacity accommodating vehicle movements.

The Highway Authority would advise that the Local Planning Authority consider the level of associated vehicle increase with the proposed development on the surrounding rural roads and their capacity to accommodate such a proposal. The location of the a proposed access still holds concerns to the Highway Authority as mentioned above and the potential for a hazardous right turn manoeuvre. The Highway Authority would recommend that the applicant submit further information to demonstrate that the approach roads to the site and the proposed access is capable of safely accommodating all vehicles associated with the proposed development in question.

Currently the Highway Authority is minded to recommend refusal for the following reason:

1. The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal.

LOCAL LEAD FLOOD AUTHORITY - This response is in regard to flood risk and land drainage aspects, with information obtained from the following sources:

- Application for Outline Planning
- Village Plan (Ref P-01)
- Site Plan (Ref P-02);
- Proposed Site Layout (Ref P-04);
- Design and Access Statement.

The Applicant proposes the construction of 12 dwellings with associated garages and access roads. The site occupies an area of 0.75ha and is currently used for agricultural purposes. An ordinary watercourse flows along the eastern and northern boundary of the site. The topography of the site slopes down from approximately 72.0m AOD in the east to approximately 66.5m AOD in the west.

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is located within an area at significant risk of surface water flooding. Bicknoller Hill, an area of steep topography, is located to the east of the site. Therefore the site may be at rest from sheet overland flow. The Applicant should assess the surrounding topography, land use, risk of overland flows and risk of flooding from all other potential sources.

We recommend that the following information is provided prior to the Council granting planning permission for this development:

- Flood Risk Assessment for the proposed development
- Drainage Strategy and surface water management plan for the propose development

Should the council be minded to grant permission we recommend that the Applicant submits the information requested above along with the following information within any subsequent reserved matters application:

- Demonstration of how proposed flood risk and resilience measures will be incorporated into the proposed development;
- Demonstration of how proposed measures to ensure no increased risk to people and property elsewhere measures will be incorporated into the proposed development;
- Detailed drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drainage calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Consideration of the risk of water backing up the drainage system from any

proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;

- Assessment of potential failure of above-ground attenuation features, if included, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Demonstration of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water drainage system;
- Demonstration that appropriate access is available to maintain drainage features, including pumping stations.

The Applicant should consider the hierarchical approach to disposal of site-generated surface water and in the first instance consider disposal via infiltration techniques. If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

SERC - No comments received

SOMERSET WILDLIFE TRUST - Regarding the above application, we at Somerset Wildlife Trust are concerned that the proposed development area is part of a Local Wildlife Site (LWS) and is within the boundary of the Quantock Hills Area of Outstanding Natural Beauty. Although LWS is not a statutory designation, the West Somerset Local Plan states under Policy NH6: Nature Conservation and the Protection and Enhancement of Biodiversity that "local sites also form an important part of the overall sum of the natural environment which warrants protection through the planning system." We at Somerset Wildlife Trust are concerned that, should this application be passed, it could pave the way for more planning

applications on LWS's.

RIGHTS OF WAY TEAM - Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (**public footpath WL 1/27**). I have attached a plan for your information.

Please note the following:

1. DIVERSION REQUIRED -

The current proposal will obstruct the **footpath**.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition:

We have no objections if a diversion order is applied for and if a S.38 agreement is in place for the footway road over which the footpath runs. If there is to be no S.38 agreement, then a S.278 will be required.

2. General Comments

Any proposed works must not encroach on to the width of the PROW.

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

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

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

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

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

TREE OFFICER - The main trees that might be affected by the proposed development are along the northern boundary, close to the stream. They are predominantly alders, with some hazel. Their exact positions have not been shown on the submitted plans, but it appears that the house proposed for the north west corner is in direct conflict with a group of alders and hazel, which are on the south side of the stream.

A Tree Preservation Order exists that protected 13 Alders when it was served in 1990. This group was north of the stream, but many of these trees must have been felled to make way for 6 and 7 Parsons Close. A small number of protected trees remains in the south east corner of the TPO group. The trees south of the stream were not included in the TPO.

The trees themselves are multi-stemmed alders, that may have been coppiced previously. They appear to be in reasonably good health, although there are some areas of decay at the base of some of the trees. I would consider that these trees are not of the highest value and importance to the overall character of the village, but do contribute positively to this local area, and are typical species for this streamside location.

In my view, the group of trees in the north west corner should be retained if possible, by amending the layout of the development. I understand that an alternative access via Parsons Close might be considered. If this was proposed, I think that it would mean the loss of two twin-stemmed alders and one (possibly two) hazel. I think that this would be acceptable, so long as there was plenty of replacement planting in other areas of the development, with suitable native species. Overall, I think that fewer houses, with more space between them and the boundary hedges and trees would be better, and this would also allow for more tree planting on the south and east boundaries.

WESSEX WATER - Due to a recent change in personnel we have been unable to provide site specific comments for a number of planning consultations received between the end of March and beginning of April. We are sorry about this and are working hard to get back on track.

As the request for comment on this application is more than 3 weeks old we are not planning to respond unless we are contacted again on current or emerging issues which require our attention.

Please note that advice on obtaining new connections to drainage and water supply networks and other development information can be found on our web site.

Representations Received

18 letters of objection from local residents raising the following concerns

- Design and visual impact of a new estate on the edge of the village – contravenes Village Design Statement
- Unacceptably high density out of character with rest of Bicknoller – inappropriate urbanisation of this part of the village
- Elevated site will be intrusive
- Highway safety, access on blind bend, dangerous already for motorists and people and horse riders, no pavement refuge around bend or on road from bus stop on main road leading into village, passing places are not public areas but part of resident's driveways, not within 30 mph limit as stated, impact of construction traffic
- Adverse effect on AONB and character of area will be harmed
- Impact on economic benefits that an AONB designation brings through tourism
- Adverse effect on local wildlife site, impact on fauna and flora, protected species seen in field
- Will add to light pollution, site clearly visible from hills
- Land is marshy and unsuitable for development, water runoff will be exacerbated
- Residents point to previous refusals and appeals dismissed
- Too much development all in one go contrary to Local Plan which allows only modest 10% growth in each 5 year period of the Plan.
- Impact on local services such as water supply and mains sewer which will not cope

1 letter of objection from Friends of Quantock echoing comments made above

2 letters of qualified support stating more affordable housing would be a good thing but think that number of units is excessive and should be limited to 8 instead with access moved away from acute bend.

Planning Policy Context

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

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

Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC4	Affordable Housing
SV1	Development at primary and secondary villages
CC2	Flood Risk Management
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH14	Nationally designated landscape areas

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

TW/1	Trees and Woodland Protection
T/9	Existing Footpaths

Determining issues and considerations

The key issues in this case are

- Policy and principle including affordable dwellings
- Highway safety at the point of access and on the local network
- Impact on local and wider landscape including AONB and protected trees
- Ecology and potential impact on local biodiversity
- Drainage and impact particularly on surface water flooding
- Rights of way, potential for diversion and accommodation within the site.

Policy and principle

Members of the Committee will note the extensive planning history associated with this site as set out above including the appeal decisions. There is however a different Local Plan framework now in place to that which existed previously. In particular the site was judged at the time to be outside the settlement boundary of the village as shown in the earlier Local Plan. The latest adopted Local Plan now categorises Bicknoller as a Primary Village in the settlement hierarchy in Policy SC1. There are no settlement boundaries for these villages. Limited development will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area. Bicknoller has a shop, village hall, public house, and church and modest development would assist in supporting these facilities the Plan says. Of course the

definition of sustainability as set out in the National Planning Policy Framework (2012) includes an environmental impact as well as social and economic. Alongside SC1 Local Plan policy SV1 states that development at primary villages should be designed to form an integral and harmonious addition to the settlement's existing character.

The Policy Manager refers to the reasons why small scale sites and a modest level of growth should be permitted in each plan period. In this current case the applicant has chosen to submit for the maximum growth level permitted all in one location and without any phasing, so as to limit the impact any development would have in one shorter burst rather than being spread out over many years, and so as to maximise the economic and social benefits to the community. Whilst this level of development is clearly contrary to policy that is not to say that if a site came forward that was judged to be suitable in all respects a refusal on policy grounds would be appropriate particularly if there were no other suitable sites for example in that settlement. The Policy Manager does however indicate that small scale developments are preferred. These will be easier to assimilate into the village environment and will spread the impact over a wider area. Estate developments by their very nature and scale will undoubtedly have more of an impact than smaller scale groups of dwellings. Much will depend on the particular character and grain of the settlement, and whether or not there are any other key environmental factors such as if it is located in a sensitive area.

There are other factors that may militate against a particular site coming forward in the way now suggested which are discussed below. The applicant's agent suggests that the site is considered suitable as it was shown in the latest housing land availability survey (SHLAA) and that the level of growth now shown is acceptable being far less than the field could actually accommodate. However, the Policy Manager quite rightly points out that the SHLAA is merely a theoretical exercise and does not in itself say that a particular development on a particular parcel of land will acquire planning permission. Each case must be dealt with on its merits taking all environmental factors into account. In their rebuttal towards the end of the report the applicant's agent points out that the site can accommodate significantly more dwellings according to the SHLAA but again fails to appreciate that the development as proposed could have a detrimental impact on local character even with a lesser density than that indicated in the SHLAA.

The applicants in their Design and Access Statement make reference to a 2016 housing need survey in which the local housing need was assessed as being 1 to 2 dwellings. It is proposed that these would be provided as a portion of the affordable dwelling requirement for the site and would be the 2 dwellings located nearest to Church Lane "for ease of access to the village and public services". Both your officers and the Parish Council however consider this level of provision does not meet the policy requirements.

Officers have carefully considered the impact and scale of this development and its location on the edge of the village. Whilst such an impact may be judged to be unacceptable that is not to say that a smaller development taking up less land and perhaps served differently in access terms would also be unacceptable particularly when one now takes into account the current Local Plan framework.

Highway safety

The views of the Highway Authority are set out above. There are two elements to highway safety on this occasion. First of all the ability of the local access roads to cope with additional development; and secondly the access into the site itself and its impact on highway safety.

Such concerns are echoed to a great extent by the local letters of objection and the Parish Council.. The access proposal shown in illustrative form bearing in mind the outline nature of this application has nevertheless been considered as well as any potential alternatives.

The appeal decisions helpfully discuss both points of access i.e. from Church Lane and from Parsons Close. The access from Church Lane is located on a right angled bend. This bend in the road currently acts as a traffic calming point in that vehicles are forced to drive slowly because of the blind nature of the corner. The applicant's agent considers that by providing an estate road access point at this location it will assist in allowing traffic to negotiate the bend more safely.

The original Planning Inspector who dealt with the 1978 application was not convinced however and considered even with that small scale development access onto Church Lane was not acceptable. The Inspector had this to say about an access for 2 dwellings off Church Lane

Para 8 - The site is situated on an extremely sharp bend, through which there is severely restricted visibility. As a result any access located on the appeal site frontage would involve a potentially hazardous right turn manoeuvre into the site for drivers approaching from the south west.

Para 9 - A waiting bay could be provided but this would not resolve the problem. If a waiting bay were to be located at the extreme northern edge of the site frontage, rearward visibility for the driver of a right turning vehicle would be inadequate. Alternatively with the bay located at the opposite end of the site frontage, it is the forward visibility that would then be restricted to an unacceptable degree. In this context I would point out that the stopping distances of a car quoted in the Highway Code are in respect of an emergency situation in ideal weather conditions.

Para 10 - Accordingly I am inevitably led to the conclusion that, whilst Church Lane could accommodate the extra traffic generated by two dwellings, the proposed access to the appeal site would be a real source of danger to road users".

The Highway Authority are similarly not convinced that with the level of detail currently provided such an access as now shown would be safe. There are other impacts associated with an access onto Church Lane which are referred to below under landscape.

The other concern of the Highway Authority (and local residents) is the impact of such additional traffic generated by a development of 12 dwellings on the local

network. At the present time Church Lane has a junction with the main Taunton to Williton A358 some 160 metres to the south west. The nearest bus stop to the site lies near this junction so it is clearly likely that pedestrians will use this road to access local bus routes. From the main road junction to the application suggested site access there is no pavement for pedestrians and no street lighting. The only way for pedestrians to avoid traffic is by using the private drives of individual houses as a refuge. The speed limit along this stretch of road is unrestricted. A development of the scale envisaged could generate 72-96 vehicle movements which is a significant increase. At the present time the Highway Authority are not convinced the development proposed can be safely accommodated.

Whilst it is not indicated as being part of the current submission again given the outline nature of the application it is necessary to consider if there are any other alternatives means of access to the site. In this case there is an alternative from the Parsons Close cul de sac from the north. This cul de sac serves 5 former local authority bungalows and 2 more modern two storey dwellings granted on appeal in May 1992 on land which was then part of the Bicknoller Inn car park. Parsons Close itself has been designed to meet modern standards of adoptable highways in terms of its width and junction visibility. The Close culminates just to the north of the site on the opposite side of the stream. The current application seeks a bridge across the stream for pedestrians. It could however form a suitable means of vehicular access but such an access raises issues in relation to environmental harm generally and impact on specific TPO trees in particular. Both Planning Inspectors at the time felt such an access from this direction was not acceptable because of the impact on the trees. They did not however raise any highway safety issues with this alternative access. On a without prejudice basis, and subject to consideration of further details, neither has the Highway Authority in discussion with the case officer. The applicant's agent by way of a response says that they discounted this access because the road into Parsons Close does get blocked by parked cars visiting the public house as an overflow from the car park.

To conclude there is clearly a highway safety concern raised by the Highway Authority and echoed by the Parish Council and local residents who know the roads well. At the present time therefore the proposal does not meet the relevant policy test set out in the Local Plan policy SC1 which requires safe and easy pedestrian access and that a development does not generate additional traffic movements over minor roads to and from the national network. The applicant in their letter of response have offered to provide additional details but your officers have declined to accept such details at this stage of the processing of the application as they are not ready to be submitted and will require further consultation with all interested parties.

Landscape

Landscape impact has a number of strands. It is split between a local impact seen close to, and wider impact when viewed from a distance. In addition landscape harm is not just about visual impact but includes the impact on the landscape character of the area. These were matters that also exercised the earlier Planning Inspectors in

their deliberations. The last two Inspectors both felt that a development here on just part of the field would detract from the character and appearance of the area and the setting of the village within the AONB. With this latest application it would now be expected that the development proposal would be accompanied by a landscape and visual impact assessment. No such assessment has been submitted. Officers along with the AONB team have nevertheless been able to form their own view on landscape harm without such an assessment.

The site lies wholly within the Quantock Hills AONB. Policies NH5 and NH14 of the Local Plan are pertinent as is para 115 of the National Planning Policy Framework (2012) which states that in such areas great weight should be given to conserving landscape and scenic beauty. In addition the conservation of wildlife and cultural heritage are important considerations. Proposals should exhibit high standards of design and development should not detract from the statutory purposes of designation as set out in NH14. NH5 also adds weight to this stating that development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area.

The development of the whole of this site will undoubtedly have an adverse impact on the visual appearance and landscape character of the area. The impact when seen from Church Lane and the footpath that runs through the site will be significant and noticeable. The development will adversely impact on the street scene which at the present time has an attractive roadside hedgerow and views of the hills beyond the village. Similarly from the public footpath the loss of rural character will be significant with the whole of the field being developed. The proposed access works now envisaged by the applicant will open up the frontage and will have an urbanising effect unacceptable to the previous Inspectors.

When viewed from the high land to the north east of the site the impact of the development will also be clear to see. At the present time the village edge is currently formed by the straggle of houses along Church Lane with interspersed trees providing a blurring of the edges around Parsons Close. A further ribbon of development extends along Trendle Lane with the fields between Trendle Lane and Church Lane generally free from development. The site itself is noticeable from the hills and it is clear that a development which extends to the full site boundaries will introduce an alien and large extension of the village contrary to its current grain and character. That is however not to say that a smaller development perhaps along the lines suggested in the early 1990s would be unacceptable now given the change in Local Plan policy and the encouragement of a modest amount of growth for the village. It should also be remembered at this point that there was a firm boundary in place at the time which is no longer the case. A smaller development which perhaps rounds off the area between Parsons Close and Church Lane with a much smaller land take and less houses coupled with a strong and newly planted area along the eastern and southern boundaries may be acceptable.

The concerns raised by the Quantock Hills AONB team are echoed and shared by your officers. The development as now proposed will have an adverse impact both in visual terms but also in relation to landscape character on this sensitive edge of the

village. It is considered that the proposal is contrary to a range of policies in the Local Plan as well as para 115 of the National Planning Policy Framework (2012). In addition it is considered that because of the environmental harm that would be caused the proposal also does not meet the stringent tests set out on sustainable development in para 7 of the same document. Para 116 of the same document goes on to say that major development should not be allowed in such areas unless they pass the necessary test to show that they are needed for exceptional reasons in the public interest. No such overriding need exists in this case to offset the landscape harm. Whilst the test of what constitutes major development does not necessarily correlate with the government's definition of major development for planning statistics (10 dwellings or more), in proportionate terms given the impact of the development and the scale of the village it is considered that the development is major in both senses.

Impact on trees

The views of the Council's Tree Officer are set out above. It is clear the original TPO dated July 1990 which covered 13 Alder trees on the northern side of the stream forming the site boundary (including the narrow strip of land to the north of the stream) has now been overtaken by development in the area. The introduction of two new dwellings on land formerly part of the Bicknoller Inn car park has reduced the number of protected trees. The official TPO map appears to include the stream so it seems likely that some of the Alder trees on the northern side of the stream are protected. The July 1990 Plan is however out of date and does not show the latest two dwellings to be built on Parsons Close. The Tree Officer considers only a small number of the original 13 trees are now left in the south east corner of the group. The trees south of the stream which include different species and which in the officer's opinion are of better quality are not included but are threatened by the scale of development now envisaged albeit the plan submitted is for illustrative purposes only. These trees are also important when seen from Church Lane.

Whilst the Alder trees contribute positively to the local area they are not of the highest value and importance to the overall character of the village. It is noted that Alder are medium life span trees and these are already elderly in that respect. Overall the view is taken that perhaps a lesser number of dwellings combined with greater tree planting along the eastern and southern boundaries could mitigate against any loss for example if Parsons Close was used as an alternative means of access. The case officer would support such a view and has made similar comments in the landscape assessment above about the value of significant tree planting along the eastern and southern boundaries.

Ecology

The site is included within the boundaries of a locally designated County Wildlife Site. It is designated as such in the current Local Plan. The comments of the Council's landscape and ecology officer are however noted. It is true to say that the

site at the present time has less wildlife value than it once had before it became used for horse grazing and became heavily poached. Nevertheless Local Plan policy NH6 still requires development to be sensitive to conservation, enhancement and protection of local biodiversity. In this case the site has marshy areas which the ecologist says should be partially retained. The hedgerows and trees within the site and on its boundaries also contribute significantly to wildlife value. The site plays an important role in the sum of such sites hence its initial inclusion as part of the County Wildlife Site. The impact of horse grazing over the last few years has undermined its wildlife value but that is not to say that an enhancement and mitigation scheme could not be put forward particularly if not all the site was developed. This suggestion has been put to the applicant. Their response however has been to say that biodiversity can be improved even with a greater number of dwellings and that a detailed strategy can be put forward at reserved matters stage. The developer's ecologist makes suggestions as to how that might happen for example with bird and bat boxes, and a reptile hibernaculum. This however is considered to be insufficient to offset the loss of the whole field to development.

Drainage

The lead local flood authority response is noted above. They consider there is a significant risk to surface water flooding being exacerbated. There is already anecdotal and some photographic evidence submitted by the Parish Council and local objectors that there is a surface water issue here. The field itself is very wet and it is clear that introduction of a large new estate development on the whole site together with the significant areas of hard surface will not assist in surface water attenuation. Similarly large areas of roofing and other non-permeable areas will increase rates of run off contrary to Local Plan policy and government guidance on flood risk. Details with the application are inadequate to show that the proposed development will not exacerbate surface water problems. The views of the lead flood authority indicate that at the present time it would be imprudent to allow this scale of development without further details. Such details should be dealt with now rather than be a condition of outline permission it is considered.

Policy CC2 of the Local Plan requires development proposals to be so located so as to mitigate against and to avoid increased flood risk elsewhere. Any adverse impact from flooding attributable to the development should be resolved. The policy advocates the use of sustainable drainage techniques in so doing. In this case it is again clear that the scale of development extending across the whole site reduces the potential for on-site attenuation. That said a smaller development might achieve both adequate drainage but could also result in a biodiversity enhancement for example from an attenuation pond in the lower section of the site.

Rights of way

The current right of way is at present poorly accessed through a muddy and wet section from Church Lane. The path runs in a south westerly direction and will be

directly impacted by the development of the whole field. The current scale of development will obstruct the footpath and a diversion order will be required prior to any works taking place. The plan is of course illustrative at this stage.

Whilst it is true to say that the footpath would certainly be easier to navigate and walk if the development went ahead given how wet the land is. It is also true that the experience walkers will get if the development goes ahead will change from a rural path entering the village at Church Lane to an abrupt change crossing from the field to the east into a new estate development. This coupled with the obvious change in the character of the area will detract from walkers experience it is considered. Again a lesser development with the footpath protected along its existing route with more planting in the area and a much reduced land take for the houses would create a more acceptable village fringe transition area.

Conclusions

It is considered that the current proposal is contrary to planning policy principles governing the scale and rate of development in the village. The proposal as submitted will give rise to significant landscape harm in both visual and character terms. The development contains insufficient details to demonstrate that the access shown is safe and could be made so without detracting from the visual appearance and character of the area. Neither does the proposal demonstrate that local roads leading to the site are safe from a pedestrian point of view. The proposal as currently planned pays insufficient heed to the need for biodiversity enhancement and has insufficient details in relation to matters of flood risk.

All these matters have been raised with the applicant and her agent. A without prejudice suggestion has been made to them to withdraw the current application and enter into further discussions regarding a much scaled down proposal with some significant area of the site along the eastern and southern boundaries given over to tree planting and other biodiversity improvements with perhaps a revised point of access from Parsons Close. The applicant has however declined to take up that offer and would like the application scale to stay as submitted. They have offered to provide more details regarding the point of access from Church Lane. Similarly they consider that all the other matters referred to such as drainage and biodiversity gain could be dealt with by way of a detailed application following the grant of outline. The full text of their letter of response is available to view on line. Given the SHLAA indication and size of the site they consider that a development of 12 dwellings is below local density and can be satisfactorily accommodated on site without detriment or harm to the local area.

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



Application No 3/01/18/005
Outline Planning Permission with
all matters reserved for the
erection of 12 No. dwellings
Byways, 19 Church Lane,
Bicknoller, TA4 3LW

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

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Easting: 311037
1:1250
Northing: 139200



Scale:

Application No:	3/04/17/008
Parish	Brushford
Application Type	Full Planning Permission
Case Officer:	Karen Wray
Applicant	Mr Hubbold
Proposal	Erection of a 33kV switchroom building (retention of part works already undertaken)
Location	Land at Exebridge Substation, Riphay Barton, Dulverton
Reason for referral to Committee	Scheme amended but not including landscaping and timber cladding as required by Committee resolution.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A0) DRNO PLAN-01 REV 4.0 SWITCHROOM DETAILS
(A1) DRNO PLAN-02 REV 1 SITE LOCATION PLANS
(A2) DRNO PLAN-03 REV 1 LEVELS PLAN

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

- 3 Within one month from the date of this permission, the plinth of the building shall be painted black up to finished floor level and the remainder of the elevations of the building shall be clad in 'Hardie Plank Fibre Cement Cladding', Colour 'Iron Grey' as shown on Drawing No. PLAN-01 Rev 4.0 and shall be maintained thereafter.

Reason: In order to ensure that the new building does not harm the character or appearance of this rural area and to protect the views from the surrounding landscape.

- 4 Within one month of the date of this permission a 1.8m high black powder coated round and notched bale top fence as shown on Drawing No. PLAN-01

Rev 4.0 shall be erected and shall be maintained thereafter.

Reason: In order to ensure that the new building does not harm the character or appearance of this rural area and to protect the views from the surrounding landscape.

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. Although the applicant did not seek to enter into pre-application discussions with the Local Planning Authority, during the consideration of the application certain elements of the proposal were deemed to be unacceptable. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address these issues 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.

Planning Background and proposal

The proposal is to erect a switchroom building as part of upgrading works at the Exebridge substation by Western Power Distribution Ltd (WPD). The building will accommodate new 33kv switchgear equipment, a mess room and store.

The works were commenced by Western Power Distribution (WPD) in the belief that they benefited from permitted development rights by virtue of Part 15, Class B(f) of the Town and Country Planning (General Permitted Development) Order 2015 (GDPO) and that they only had to notify the Local Planning Authority (LPA) of their development. However the correct part of the Order relating to a new building is Part 15, Class B(e). This requires a submission to be made to the LPA to agree the external appearance of the building before development is begun. Given the development has already been begun and is predominantly complete, the applicant can no longer benefit from permitted development rights and therefore full planning permission is required to retain the building. Furthermore the proposed development includes a mess room and as a result is not just a building solely for the protection of plant and machinery as is required to be permitted development within the GDPO.

This planning application was first brought before the planning committee in July 2017 (committee report attached as appendix) with a recommendation to grant conditional approval subject to the receipt of the Local Planning Authority of written

confirmation from the adjacent landowner of their agreement to the planting of a native hedgerow on their land along the southern and eastern outer boundaries of the substation compound by 31st August 2017. Members resolved to grant permission subject to the above landscaping requirement but also subject to the maintenance of the new hedge for the lifetime of the building and the cladding of the building in timber.

The applicant has failed to achieve the permission of the adjacent landowner to carry out the hedgerow planting. The Decision Notice granting permission has not been issued. The building remains in situ but following detailed negotiations with Council Officers, in particular the Council's Landscape Officer, the applicant now proposes alternative measures to mitigate against the landscape impact of the development. The application is therefore being brought back before the Planning Committee for determination given the proposal has been revised from what members previously resolved to conditionally approve.

The external walls of the building were previously to be timber clad (currently they are painted magnolia) but now it is proposed to clad the building in 'Hardie Plank Fibre Cement Cladding', colour 'Iron Grey'. The roof will remain unaltered being of fibre cement slate tiles.

It is also now proposed to paint the external plinth of the building black up to finished floor levels and along the southern and eastern boundaries of the compound along the same boundaries that the hedge should have been planted, erect a 1.8m high black powder coated palisade fence with round top bales in place of the existing stock fence.

Incidental works have been carried out to the access to the substation to enable the delivery of new plant and equipment installed as part of the upgrading works and to ensure site security. This included the widening of the access and the erection of security gates and weldmesh fencing. These works were carried out as permitted development under part 15 Class B (f) of the GDPO.

Site Description

The substation is located approximately 0.9km to the south east of Brushford. It is situated immediately off the eastern side of the B3222.

The substation contains an existing 33KV substation compound with two transformers and associated buzz bars along with the existing plant room. An overhead powerline enters the site from the east and overhead powerlines exit the site towards the south east. The substation is defined by an existing fence and surrounded by agricultural land to the north, east and southern sides. A private access track is adjacent to the northern boundary and provides access to the surrounding fields.

The proposed building is to be located within the south eastern corner of the site.

Consultation Responses

The Parish Council, Council's Landscape Officer and members of the public who previously made representations on the application have been reconsulted on the revised proposals.

Brushford Parish Council - Strongly objects to the proposals contained therein.

The key reason for this objection is that the new proposals for cladding and screening bear no relation to the requirements agreed at the Planning Committee meeting held in July last year.

- Agreement with the landowner to the planting of a native hedgerow by 31st August 201.
- Softening of the southern gable wall with timber cladding (as per the report of the Biodiversity and Landscaping Officer).

More specifically, we would make the following observations:

1. From the new revised application from Western Power of 30 April 2018

a) Cladding of building on all sides with Hardie Plank Fibre Cement Cladding, colour Iron Grey - this is clearly not timber, as recommended and is not of a natural colour.

b) Erection of a 1.8m high black powder coated palisade security fence along the southern and east boundaries - this is solely for security purposes and fails totally to achieve the objective of natural screening.

During the course of last year, the applicant claimed that it was impossible to plant a hedgerow and trees along the perimeter of the property, due to 'underground cables'. Miraculously, this now seems to be no longer problematic as it is planned to erect a 1.8m security fence!

Furthermore, the use of a black powder finish will do little to ameliorate the starkness of the building and will indeed exacerbate the problem.

2. From negotiations with the landowner

As will be seen from email correspondence submitted from the landowner, Mr T Yandle, the sole offer received from Western Power was for a risable rental of £10 a month for a 25 year period. At no time has the landowner made any request for any amount and certainly not for the 'ransom' claimed by western power.

When the landowner's agent requested an update from the applicant, he was met by no response, which is indicative of non - cooperation by the applicant.

We see no reason to believe that this should not be negotiable and that despite the landowner attempting to secure an amicable arrangement the applicant has failed to engage.

3. From the chain of events throughout this application

The Parish Council is of the opinion that throughout the application process, the applicant has actively sought to flout the planning process as evidenced by, but not exclusive to, the following:

- The retrospective planning application.
- The felling of established trees and site screening.
- The latest failure to comply with the requirements agreed at the Planning Committee meeting.

Landscaping Officer - The cladding will go some way to lessen the impact of the building. Although native hedging would be more preferable in this rural landscape, I concede that the proposed fencing with rounded not spiked tops is acceptable.

Representations Received

3 letters of representation have been received. The writers consider that security fencing is not sympathetic to a rural setting: its intended use being on industrial sites, for commercial buildings, high security buildings, at railway stations and power stations. It is also considered that as Western Power removed the original trees screening the site they should carry out replacement planting given the site is located adjacent to a road approaching Exmoor National Park. It is also requested that evidence should be submitted to prove they cannot purchase the land to carry out the planting.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
SC1	Hierarchy of settlements
EC1	Widening and strengthening the local economy
NH13	Securing high standards of design

Determining issues and considerations

The principle of the development remains established regardless of the proposed changes however the visual impact of the development is still the sole reason for objection.

The site has been a substation for many years and was previously screened from public view by a line of trees along the southern and eastern boundaries but these were felled over a year ago for site safety reasons and to lay fibre optic cables. In addition, the access has been altered and weldmesh security gates and fencing erected, a variety of new plant and equipment installed including new transformers and galvanised palisade fencing with spiked tops erected around the 'active' part of the compound. These works in combination have clearly altered the physical appearance of the site in what is a very rural location and this has caused great concern to local residents and the Parish Council. However all of these works have been lawfully carried out without the need for planning permission.

It is recognised that the proposed changes differ from those presented to members previously and to which were considered acceptable however the proposed mitigating measures have resulted following detailed discussions and negotiations with the Council's Landscape Officer. Although the proposed building was to be clad in timber following the examination of cladding samples on site, the Council's Landscape Officer advised the use of the proposed cladding over timber. The cladding would have a wood grain pattern effect and is considered more suitable in minimising the visual impact of the building in the wider landscape. From a distance it would be almost impossible to tell whether the building is clad in timber or the cladding as proposed. Furthermore the proposed cladding is more durable than timber which would maintain its appearance over time.

The external plinth of the building up to finished floor level will also be painted black on all elevations which again will have the effect of reducing the visual massing of the building and the extent of cladding.

It is as a result of the applicant being unsuccessful in achieving the hedgerow planting on the bordering farmland that the 1.8m high black palisade fence has been proposed following negotiations with the Council's Landscape Officer. Such fencing when viewed from a distance would have a similar effect to viewing a hedge as all that would be seen would be a dark barrier around the site. The hedge would not have screened the proposed building in its entirety but would have defined the compound so that the building sat better within the open nature of the surrounding farmland. The proposed fence would achieve the same albeit it is not a natural barrier. Green weldmesh fencing and galvanised spiked top security fencing are already erected on site however in recognition of the more prominent elevations to the south and east, a round and notched bale top fence is proposed which would appear less harsh. A black fence would be less obtrusive than a green coloured fence due to the vast array of green shades available which as a result could stand out more in a rural landscape.

Other matters

The Parish Council and a few members of the public have expressed concern over the retrospective nature of this application however this is not a material planning consideration. The applicant is currently not in breach of any planning conditions as the Decision Notice has not been issued. The matter of financial negotiations with the adjoining landowner likewise is not a planning matter. The applicant has been unable to address the previous resolution of the planning committee and thus is proposing an alternative design solution which is why the application is being brought back before members to determine. WPD now require the application to be determined based upon what is solely achievable within the land they have control over.

As stated, the removal of the boundary trees is not material to considering this application and likewise the installation of new plant and equipment and the new access gates and fencing. Were the application to be refused and enforcement powers sought to remove the building the site would still remain highly visible and in fact more intrusive security fencing could be erected around the site under permitted development rights. More so, the applicant could then submit an application for prior approval under the GDPO for the erection of a similar building to house the switchroom gear and subject to the Local Planning Authority approving solely the external appearance of the building it could be erected as permitted development. Once erected the building could be extended using permitted development rights to contain the mess room. This fall back position is a material planning consideration.

The applicant however has chosen to enter into negotiations with the Local Planning Authority and follow their advice to avoid this route and has come forward with this alternative scheme which can be controlled through planning conditions were permission granted.

Conclusion

The proposed development forms part of the works at the Exebridge substation being undertaken by WPD to improve the security of electricity supply to the local network and is in accordance with their Electricity Distribution Licence obligation to run a coordinated, economic and efficient network. Previously the wider area was served by two unconnected networks that were working independently of one another. This scheme has enabled them to be joined and this will result in the improved continuity of supply in this rural area. The works at Exebridge substation has installed the new apparatus necessary to complete these network improvements. They have also allowed for the introduction of new technologies onto the network, for feedback of micro generation schemes into the grid. The proposed development will therefore clearly support the continued development of the local economy and will also benefit the surrounding community.

The proposed building is on an established substation site in a rural location. A significant amount of works to the site have made the site highly visible but have been lawfully carried out and have no bearing on this application. Were permission to be refused the applicant could still erect the palisade fencing and subject to approving the external appearance of the building erect a similar building on site as

permitted development. The applicant in failing to secure the hedgerow planting has chosen to seek alternative mitigating measures to reduce the visual impact of the building in liaison with Council Officers and in the event of these measures being carried out it is considered that the building can be suitably integrated into the rural landscape. For these reasons it is recommended that conditional planning permission is granted.

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

Application No:	3/04/17/016
Parish	Brushford
Application Type	Full Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	Easting: 292358 Northing: 125784
Applicant	Mr & Mrs Summers
Proposal	Demolition of garage at 1 Pound Close and erection of 13 No. dwellings with associated access, highway works and landscaping
Location	Land to the north of Ellersdown Lane, Brushford
Reason for referral to Committee	The application is considered to be significant and controversial

Recommendation

Recommended decision: Grant planning permission subject to the applicant entering into a legal agreement to secure:

- A financial contribution equivalent to the provision of 35% affordable housing.
- The provision of a commuted sum towards community infrastructure of £5,000 per dwelling.

Recommended Conditions (if applicable)

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

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

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

(A2) DRNO 0545-R102 PLANNING LAYOUT
(A2) DRNO 0545-R103 STREET SCENES
(A1) DRNO 0545-R104 EXTERNAL WORKS LAYOUT
(A2) DRNO 0545-R105 VEHICLE TRACKING LAYOUT
(A2) DRNO 0545-R106 EXTERNAL DETAILING
(A3) DRNO 0545-R107 ADOPTION PLAN
(A3) DRNO 0545-R108 MATERIALS LAYOUT
(A2) DRNO 0545-R109 GARAGES

(A1) DRNO 0545-R110 SITE SECTIONS
 (A3) DRNO 0545-R111 PHASING PLAN
 (A3) DRNO 0545-R112 STOREY HEIGHT PLAN
 (A2) DRNO 0545-R302 ROAD AND SEWER LONGSECTIONS
 (A2) DRNO 0545-R320 DRAINAGE STRATEGY PLAN
 (A3) DRNO 0545-200 FOG PLOT 1 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-201 2B1 PLOT 10 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-202 2B1 PLOT 12 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-203 3B2 PLOT 11 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-205 3B3 PLOT 4 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-204 3B2 PLOT 13 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-206 4B1 PLOT 6 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-207 4B1 PLOT 8 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-208 4B2 PLOT 2 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-209 4B3-R PLOT 9 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-210 4B3-S PLOT 3 ELEVATIONS AND FLOOR PLANS
 (A3) DRNO 0545-211 4B4 PLOT 5
 (A3) DRNO 0545-R101 SITE LOCATION PLAN
 (A3) DRNO A086435-2-SK01 PROPOSED ACCESS FORWARD VISIBILITY ASSESMENT
 (A3) DRNO A086435-2-SK02 PROPOSED SITE ACCESS AND REALIGNMENT OF ELLERSDOWN LANE

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

- 3 No works shall be undertaken on site unless a sample panel of all external walling materials has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the area

- 4 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of WYG's Ecological Assessment Report submitted report, dated March 2015 and update dated 23 November 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the enhancement of places of rest for bats and nesting birds
4. Arrangements to secure the presence of a licenced dormouse worker to be present on site to monitor the translocation of the hedge

5. long term protection and management of the hedgerow fronting on to Ellersdown Lane

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

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

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

Reason: To safeguard the amenities of the occupiers of the proposed and nearby properties

- 7 No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of

drainage systems during construction of this and any other subsequent phases.

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

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

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

Reason: In the interests of highway safety.

- 9 Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety.

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

Reason: To encourage sustainable modes of travel and reduce reliance on the private motor car

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

Reason: To ensure that the development is served by an adequate road layout and construction

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

Reason: To ensure that the properties are served by a means of access prior to occupation.

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

- 14 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out strictly in accordance with the approved plan.
The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- Wheel washing facilities

Reason: To avoid adverse impact on the local road network during construction

Proposal

This is a full planning application for the erection of 13 dwellings, with vehicle access via an extension to Pounds Close and the existing field access from Ellersdown lane. The site is on the northern side of Brushford and currently comprises an agricultural field that slopes down to Ellersdown Lane.

The application has been submitted for 13 residential units comprising a mix of detached and semi-detached two storey dwellings, including:

- 1 x one-bedroom flat,
- 2 x two-bedroom houses,
- 3 x three-bedroom houses,
- 7 x four-bedroom houses.

The dwellings will be a mix of natural stone and render under slate or pan tile roofs.

Vehicle access would be of the northern side of Ellersdown Lane at the point of the existing field access and the internal road layout includes a 5.4 metre wide road and off street parking for 31 cars in a mix of garages, driveways and parking bays.

The existing road junction between Pounds Close and Ellersdown Lane will be amended and the western arm of Ellersdown lane will be pushed northwards and widened by 1 metre (to the rear of Nos. 13 and 14). Pounds Close will also be widened at this point to the same width as the southern end of the road (5 metres). This would involve the removal of a garage at 1 Pounds Close and would include the construction of a 1.8 metre footway that would extend from the existing footway and into the site.

The application also proposes an affordable housing contribution equivalent to an on-site provision of 4.5 Houses (35%) and a £5,000 (per dwelling) contribution towards community infrastructure in the local area.

Site Description

The site comprises an agricultural field on the northern side of Ellersdown Lane, Brushford. It is 110 metres wide with residential development to the south and west, and open field to the north and east. The land slopes down from north to south and a 3 metre high bank and hedge separates the field from Ellersdown Lane. There is an existing field access in the south east corner of the field and an agricultural track runs along the edge of the field in a northerly direction.

Exmoor National Park boundary is approximately 250 metres to the east on the opposite side of the B3222.

The residential development to the west comprises two detached dwellings that have an outlook over the site and to the south of the site are 4 pairs of semi-detached dwellings which are at a slightly lower level than Ellersdown Lane.

Relevant Planning History

A similar application for 13 dwellings was refused in 2016, but that application differed in that the point of access was at a different part of Ellersdown Lane that required significant road widening and the loss of the roadside hedge. The application was refused for the following reasons:

- 1 The proposed access and associated widening of Ellersdown Lane would require the removal of the roadside bank and hedge which would significantly alter the character and appearance of the lane to its detriment and erode the rural character of the area. The proposal is therefore contrary to the provisions of policies BD/2, LC/3, T/3 and TW/3 of the adopted West Somerset Local Plan (2006) and policies SV1, NH3, and NH10 of the emerging West Somerset Local Plan to 2032.
- 2 The proposed development would result in additional vehicle movements in Ellersdown Lane and the junction with Pounds Close which are likely to result in conflicts that would represent harm to the free flow of traffic and represent a highway safety issue. The proposal is therefore contrary Policy T/3 of the adopted West Somerset Local Plan (2006).

A subsequent Planning Appeal was dismissed in December 2016 (after the adoption of the West Somerset District Local Plan to 2032).

The Inspector agreed that the widening and provision of a footway would change to some extent the character of Ellersdown Lane and that this would have a significant urbanising effect. He concluded that this would not be harmonious with the settlements existing character or make positive contribution to the local environment - in conflict with Policies SV1 and NH10 (renamed to NH13 in final adopted version)

of the local plan to 2032.

However the Inspector did not agree with the second reason for refusal and concluded that the increase in vehicle movements would not be significant and that there were highway safety benefits for existing and proposed residents through the provision a new footway along Pounds Close and Ellersdown lane.

Consultation Responses

Brushford Parish Council –

The Brushford Parish Council had planned to hold a meeting tomorrow, February 1st to discuss application reference 3/04/17/016: Demolition of Garage at 1 Pound Close and Erection of No.13 Dwellings with Associated Access, Highway Works and Landscaping. However, due to conflict of interest issues and non availability, we have not been unable to secure a quorum, and the meeting has therefore been cancelled.

This means that the parish council will not be in a position to offer opinions, comments and observations for this application.

Highways Development Control –

I refer to the above planning application received on 9th January 2018 and following a site visit on January 10th 2018 have the following observations on the highway and transportation aspects of this proposal:-

The application proposes up to residential 13 dwellings, with an associated access and highway works at the above address.

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

Traffic Impact

It is noted by the Highway Authority that the site was subject to a previous application (3/04/15/004) for the same number of dwellings. In terms of traffic impact, the Highway Authority did not consider the previous application as severe in terms of chapter 4 of the National Planning Policy Framework (NPPF). Given that the current application is on a like for like basis in terms of the number of dwellings and subsequently average vehicle movements, this opinion would also apply for the current application in question and therefore there is not considered to be a reason for a recommendation of refusal on traffic impact grounds.

Parking

The optimal parking provision for this site is set out in the adopted Somerset County Council Parking Strategy (SPS). For a residential development in this location (Zone C of the SPS), the optimal car parking provision for each type of dwelling would be:

Dwelling Type	SPS Optimum spaces
1 Bed	2
2 Bed	2.5
3 Bed	3
4 or more Bed	3.5
+ Visitors	0.2/dwelling

Whilst the application states that 26 parking spaces will be allocated, the submitting Planning Layout (Dr No:0545-R102) would propose a greater number than this when considering proposed garages. The applicant will need to clarify the total number of proposed parking spaces including visitor parking.

It is noted that the application does not include reference to the requirement in the SPS to provide cycle, motorcycle parking or suitable facilities for electric vehicle charging, which should also be addressed.

Estate Roads

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

Please note the gradient of the proposed access should not, at any point, be steeper than 1:20 for a distance of 10m from its interaction with Eilersdown Lane.

The applicant should note that permeable paving will not be permitted within the prospective publicly maintained highway and any such areas should be constructed so that they fall away from the prospective public highway such that if they fail to perform in the future then this will not result in the discharge of surface water onto the highway. Soakaways as a means of disposal of highway surface water, will normally not be accepted unless there are very special circumstances, and will only be considered as a final resort after all engineering means to provide a positive drainage system have been explored and found to be unrealistic and will be dependent upon the proven existence of highly permeable strata below the surface.

The Design and Access statement indicates that soakaway tests have been undertaken on site. All results from these tests will need to be submitted to The Highway Authority for checking/approval purposes. Proposed soakaways should be located at least 5.0m away from any structure. They must not be located in a position where the ground blow foundation is likely to be adversely affected. Soakaways must not be constructed within 3.0m of any existing or prospective

public footway/footpath and 5.0m away from any existing or prospective carriageway. Any Attenuation systems should be located outside of the prospective public highway boundary.

Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to The Highway Authority. It is to our understanding that a private body have confirmed that there is sufficient capacity within the existing foul water sewer networks to accommodate the proposed development. The proposed development will connect into the existing foul sewer which runs to the south of the site in Brushford New Road.

The internal block paved shared surface carriageway should be constructed with a longitudinal gradient no steeper than 1:14 or no flatter than 1:80 in an effort to aid surface water drainage.

The Highway Authority would prefer the footway that is indicated as terminating outside plot 13 be extended further into the site as far as the parking bay serving plot 12. Adoptable hardened 1.0m wide margins, extending between plots 5-7 will be required around the turning arm at the western end of the site.

Parking bays (e.g. Plot 1) that immediately but up against any form of structure (planting, walls or footpaths), should be constructed to a minimum length of 5.5m as measured from the back edge of the prospective public highway boundary. Drives serving garages should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary.

If special highway lighting is required within the site due to the presence of Bats, it is recommended that the applicant contacts the Highway Authority Highway Lighting Team at the earliest opportunity to discuss things further.

Surface water from all private areas, including drives/parking bays, will not be permitted to discharge onto the prospective publicly maintained highway. Private interceptor drainage systems must be provided to prevent this from happening.

The applicant would need to submit a drawing showing the swept path analysis for a 11.4m long 4 axle refuse vehicle into and out of the site for comment.

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

Where private access paths crossover the prospective public highway margins, they should be constructed as per typical footway spec. Paving slabs will not be permitted to be used within the highway boundary.

The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times. The developer will be held responsible for any damage caused to the public highways by construction traffic to/from the site. The existing public highway must not be used as site roads for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

Travel Plan

The applicant hasn't appeared to have submitted a Travel Plan for the application.

For clarity, a Measures-only Travel Statement would be required for this proposed development and agreed once the relevant information is received. It is noted that no Travel Plan fee has been stated, a development of this size would require a fee of £700 plus VAT.

Access

The proposal put forward is for two simple priority junctions creating a slight right/left stagger across Pound Close which would be acceptable to the Highway Authority. It is noted from the drawing provided that Pound Close will be widened to 5m from the southern corner of No.1 Pound Close northwards which is likely to be acceptable.

No dimensions have been provided for the entry and exit radii at the junction of the realigned access. Where there is no provision made for large goods vehicles, it is recommended that the minimum circular corner radius at simple junctions should be 6m in an urban area subject to a swept path analysis. Proposed visibility splays from the realigned access points will also need to be provided.

It is noted from the submitted drawing that a 2m footway will be provided to the northern side of Ellersdown Lane. This is the minimum recommended width in the DfT's Inclusive Mobility. It is also noted from the drawing that the footway to the south of Ellersdown Lane will be 1.8m to tie in with an existing footway. This is the minimum acceptable width although it is acknowledged that this will be an improvement on the existing situation and is likely to be acceptable to the Highway Authority.

It is noted that a footway is to be provided on the western side of Pound Close. However no uncontrolled pedestrian crossing with suitable visibility splays for pedestrians on both landings appear to have been provided to allow mobility impaired pedestrians to cross the bellmouth of Ellersdown Lane safely.

Detailed drawings will need to be submitted at the detailed design stage showing carriageway cross fall and longitudinal sections for each 5m chainage, so the aspects can be determined. Detailed drawings of the extent and type of surfacing should be included with the next submission.

Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards

It is unclear from the submitted drawings whether the proposed works impact upon any existing services and utility apparatus. If any services are to be diverted, lowered or protected as a result of the works the works themselves will have to meet the requirements of both the relevant statutory undertaker and the Highway Authority. The designer must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under section 84 NRSWA 1991.

The designer must submit a comprehensive set of traffic management drawings and sign schedules for approval by the SCC area traffic engineer.

Drainage

The Highway Authority will not be able to adopt a road with soakaways located within it nor will it adopt permeable paved area and as such the access road serving the development will have to remain private.

All soakaways should be located a minimum of 5 metres from any structure or public highway to reduce the potential for any detrimental effect on the stability on the supporting formation. The proposed soakaway under the access road at the entrance to the development will therefore need to be relocated at least 5 metres from the limit of adoption.

Given the gradient at the proposal site the Local Planning Authority should consider whether the development proposals will increase the rate and volume of exceedance flow out onto Ellersdown Lane compared with pre-development. I believe it would be appropriate to install high capacity drainage channels across the access road to reduce the potential for exceedance flow discharging onto the public highway.

Conclusion

The proposal would result in an increase in traffic, however it is not considered to be significant enough warrant an objection on traffic impact grounds. Turning to the internal layout this is considered to be generally acceptable although the number of proposed parking spaces needs to be clarified.

In conclusion the Highway Authority is satisfied that the proposal will not result in a significant increase in traffic whilst the internal layout will be likely to remain private although the applicant should be made aware that APC would apply. Therefore based on the above the Highway Authority raises no objection to the principle of this proposal and if permission were to be granted we would require the following conditions to be attached.

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

2. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

3. 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.

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

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

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

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

7. Plans showing parking area(s) providing for an appropriate number of spaces in line with the Somerset County Council Parking Strategy vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. These areas shall be properly consolidated before the building(s) are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

9. No work shall commence on the development hereby permitted until details of amendments to all associated access roads including pedestrian and vehicle visibility splays have been submitted to and approved in writing by the Local Planning Authority. Such works to the accesses shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before the development is brought into use.

10. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

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

Note

The applicant will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

Somerset County Council - flooding & drainage –

The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has indicated an intention to create a cut off drain to the northern boundary of the site to capture, store and remove runoff from higher ground with runoff generated by the development being captured, stored and removed in soakaways within the site boundary. However, they have not provided details detailed calculations in support of these proposals. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

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

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

South West Water –

I refer to the above and would advise that South West Water has no objection.

Somerset Drainage Board Consortium – no comments received

Biodiversity and Landscaping Officer –

The site is located within West Somerset's Landscape Character assessment – Southern flanks of Exmoor Area.

Hedges are one of the key landscape features within this Character Area.

The proposed development is outside of the village development limit of Brushford which is currently defined to the north by the narrow Ellersdown lane.

The access on this proposal will involve less roadside hedge being removed but it will still result in the removal of part of the hedging defining the two fields to the north of the lane.

The impact on the character of the lane is less than with the previous application but there will still be impact on the landscape character of this attractive rural lane.

There will also be visual impact on nearby residential properties as the new houses will be located on sloping ground higher than the lane and adjoining properties.

The development currently contains no open space as recommended in the Ecology Assessment. Private gardens are proposed backing on to the existing hedgerow. This is not good practice and can lead to future haphazard management of the hedge. I would prefer to see existing hedges on site buffered to protect their ecological value.

The proposed northern boundary of the development could be more robust.

South West Heritage Trust –

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

Housing Enabling Officer –

I would confirm that in June 2016, in relation to the previous application, I had agreed that an off-site contribution in lieu of affordable housing on site would be acceptable and agreed an appropriate figure. This decision was not an indication that there was no housing need in Brushford but was made on the basis that households currently resident in Brushford and assessed in housing need had a need to move elsewhere. I have reviewed the Somerset Homefinder Choice Based Letting system and can confirm that the situation has not changed. Therefore, an off-site contribution would still be appropriate.

Planning at Exmoor National Park –

Thank you for consulting the National Park Authority on this application. I have viewed the documents submitted with the above application and note the amended access and layout. This response concerns only the National Park impacts.

The site is set back from the boundary of the National Park so that in more immediate views from within the National Park there will only be limited impacts. In wider National Park views the housing site will be seen in the context of the existing housing.

Brushford and Dulverton function together in many respects with close connections between the two communities. Providing local needs affordable housing is an important planning requirement for the area and it is vital that the site delivers the required level of affordable housing. It would normally be expected that the affordable housing be built on the site and if this was to be the case it is recommended that the local connection includes both Brushford and Dulverton. The West Somerset Affordable Housing Officer will be able to advise whether the level of need in Brushford is such that the units should be provided on this site or whether it would be preferable that they be provided in an adjoining community. If they are to be provided elsewhere then it will be important that the full affordable housing requirement is transferable to another site.

Providing the affordable housing element of the scheme is safeguarded for the local community, including the wider community of Dulverton, then the National Park Authority does not raise any objection in this case.

Planning Policy - no comments received

Somerset Wildlife Trust –

We have noted the above mentioned Planning Application. The Planning Statement makes a passing reference to Ecology and appears to be incomplete in this respect. Section 2.4, page 10, includes text in pink which implies that the main body of the report needs reviewing in respect of ecology. There are no detailed recommendations for Mitigation and Enhancement, other than a passing reference to a small number of bat and bird boxes and no information to support this proposal, although there is a brief reference to the existing hedgerow. We would have expected to see an Environmental Impact Assessment provided as part of this application as well as detailed proposals for Mitigation and Enhancement. In the circumstances we object to this Application

Housing and Community Project Lead – no comments received

Representations Received

37 Letters of OBJECTION received raising the following issues:

- None of the Housing is affordable
- Residents will be reliant on cars as there are no services in the village
- Surface water runoff and flooding problems already exist from the fields – this will be exacerbated by the development
- The access lane is very poor and an extra 900 vehicle journeys per week is too much disruption in a small village.
- Noise and disturbance from a prolonged building period.
- The site is green field and does not comprise conversion, infilling or previously developed land.
- Contrary to Policy SC1 as it is too many houses to be classed as small scale development.
- Too many house built in a 5 year period.
- It would use up all of the allocation in the local plan.
- There are no essential services in Brushford
- The layout and design does not complement the existing layout of the village as it is high density and more suited to an urban environment.
- Overlooking of neighbouring properties due to changes in levels and the site being on higher ground.
- Lack of bus services and cycle paths linking Brushford with other settlements.
- The housing sizes do not address any local need.

- The proposals still result in the loss of historic hedgerow.
- Previous appeals were dismissed on the site.
- The proposal is contrary to the 2011 Parish Plan.
- There are errors in the application regarding bus services.
- The proposals would have an adverse impact on the landscape.
- The proposals would change the character of Ellersdown Lane through loss of hedgerow and additional road signs.
- Changes to the road junction will cause a highway danger and vehicle would not be able to negotiate the turnings.
- Any Section 106 payments are not guaranteed from staying within the village.
- Loss of Farmland.
- Brushford does not have a shop (as claimed in the application).
- Increase in traffic along Ellersdown lane will be a danger to pedestrians.
- There is no mention of street lights in the application.
- Driveway of 14 Nicholas Close exists onto the proposed crossroads.
- Loss of parking through demolition of garage at 1 Pounds Close.
- Loss of 'right of way' for vehicles using Ellersdown Lane and they will now have to stop at the new crossroads.
- Adverse impacts on wildlife and biodiversity.
- Not enough visitor parking.

A petition objecting to the development has also been received with 14 signatures

7 letters of SUPPORT received which make the following points:

- Community infrastructure contributions could be spent on local infrastructure.
- The proposal will create jobs.
- This could be the catalyst to spark further development and bring back some amenities to the village.
- This will provide for affordable housing in the area.
- Larger houses enable local people to progress upwards and free up smaller houses for first time buyers.
- Existing residents manage with the amenities which are located in Brushford.
- The village is made up with all shapes and sizes of housing.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SC5	Self containment of settlements
SV1	Development at primary and secondary villages
TR2	Reducing reliance on the private car
CF1	Maximising access to recreational facilities
CF2	Planning for healthy communities
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH13	Securing high standards of design
ID1	Infrastructure delivery

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

R/6	Public Open Space and Small Developments
T/3	Transport Requirements of New Development
T/8	Residential Car Parking
TW/1	Trees and Woodland Protection
TW/2	Hedgerows
UN/2	Undergrounding of Service Lines and New Development

Determining issues and considerations

Previous application and subsequent appeal

The previous planning application for 13 houses was refused by the Planning Committee in 2016 for the following reasons:

- 1 The proposed access and associated widening of Ellersdown Lane would require the removal of the roadside bank and hedge which would significantly alter the character and appearance of the lane to its detriment and erode the rural character of the area. The proposal is therefore contrary to the provisions of policies BD/2, LC/3, T/3 and TW/3 of the adopted West Somerset Local Plan (2006) and policies SV1, NH3, and NH10 of the emerging West Somerset Local Plan to 2032.
- 2 The proposed development would result in additional vehicle movements in Ellersdown Lane and the junction with Pounds Close which are likely to result in conflicts that would represent harm to the free flow of traffic and represent a highway safety issue. The proposal is therefore contrary Policy T/3 of the adopted West Somerset Local Plan (2006).

At that time, the Local Plan was emerging and had not been adopted, but was a

strong material consideration. By the time that the Planning Inspector made his decision on the appeal, the plan had just been adopted and therefore the Inspector gave it full weight in his decision.

At the Planning Committee, Members expressed concerns regarding the access to the development which required the significant widening of Ellersdown Lane and the removal/relocation of the hedgerow and bank. It was suggested by some Members that it would be more appropriate to use the existing field access and extend Pound Close to create the access to the development. However, the application that was in front of the Planning committee was one that included a central access point and that application was determined. The Planning Committee refused the application for two reasons above and the Planning Inspector agreed with the first – in that the widening of the lane would have a significant urbanising effect on the character and appearance of it. The Inspector did not agree with the second reason for refusal concerning vehicle movements, stating that in the absence of an objection from the County Highway Authority, there was no substantive evidence to demonstrate that the highway impacts would be severe.

This report focusses on the differences of this current application from the one that was refused and considers any material change in circumstances since the appeal decision was received.

Principle of Development

Brushford is identified in the adopted West Somerset Local Plan to 2032 as a secondary village where 'small scale' development will be permitted where it can be demonstrated that it will contribute to the wider sustainability benefits for the area. The plan states that "village based services have shown a tendency to decline over time, with the loss of many local shops, post offices, pubs and petrol filling stations. This is partly a result of greater mobility arising from higher levels of private car ownership and use, and the greater choice offered by services accessible in larger settlements. Development of an appropriate scale in villages can help to secure the range of services and employment opportunities available in the villages."

The plan also states that "a balance must be reached by means of which a modest amount of new development including both affordable and market housing can help to secure the future of these settlements. Such development should be limited according to the size and character of each settlement in order to maintain their vitality. This could be achieved by a mechanism which related consideration of new development proposals to a proportion of existing dwelling numbers within the settlement over a given time period subject to caveats about protection of the character of the settlement."

The plan defines "small scale development" as individual schemes of up to 5 dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period. In effect, this definition suggests that an additional 18 dwellings can be built within or adjoining Brushford up to 2032 and this development should be further limited to 5-6 dwellings in any 5 year period.

However, development schemes of up to (and including) 5 dwellings would not be required to provide any affordable housing under Policy SC4 of the local plan. This application proposes 35% (equivalent to 4.5 dwellings) by way of financial contribution and in accordance with the wishes of the Housing Enabling Officer. This needs to be given positive weight in the planning balance and is something that could not be achieved if this site came forward in smaller packages of 5 dwellings.

During the consideration of the previous application, policy SC1 formed part of the emerging plan and was given weight by the council in the decision making process. By the time that the appeal was determined, the local plan had been adopted and the policy was given full weight. The council did not consider that the non-compliance with requirement for small scale development was a reason to turn down the proposals and positive weight was given to the overall development package. It is considered that there has not been a significant change in circumstances since that decision to conclude that the proposals should be turned down on this policy point alone. The proposed development should be considered against all policies as well as the planning merits and impacts which are discussed below.

Landscape Impact and Character of the Area

This issue formed the main consideration for the previous application and resulted in the first reason for refusal. The previous application involved the removal of a significant amount of hedgerow and bank as part of a major piece of road widening to create a two way carriageway and pedestrian footway on Ellersdown Lane. Both the Planning Committee and the Appeal Inspector found that this would be harmful to the rural character of the lane and that the proposal would not make a positive contribution to the local environment. On this basis the application was refused and subsequently dismissed on appeal.

This current application proposes an access point at a different location on the eastern boundary to the site and would utilise the existing field access point at the northern end of Pounds Close. This new access point does not require the removal of such a significant amount of hedgerow, therefore protecting the character and appearance of Ellersdown Lane. The proposed access does require some element of change to Ellersdown Lane and the boundary hedgerow in order to provide for the slightly off-set crossroads. However there would be limited impact on the character of the lane which will remain as a narrow lane with the existing residential properties on the south and a tall enclosing hedgerow to the north. It is therefore considered that the harm from the previous proposals have now been overcome by this revised application.

The design and appearance of the dwellings remain effectively the same as the previous application to which there was no objection. There has not been a change in circumstances that would warrant a different decision on this point.

Residential amenity

The proposed dwellings that back onto Ellersdown Lane will be 27 metres from the

back of the existing houses at the eastern and western ends of the lane and this distance increases to over 30 metres at the centre of the site. The change in levels means that the new dwellings would look down on the existing houses, but this will be across a public highway where there is already a degree of overlooking. This distance is normally considered to be acceptable and avoid any significant impact in terms of loss of privacy by overlooking. As with the previous application, the existing house to the west of the site (Paddock House) would be 18 metres away from the rear of the dwelling on plot 6 which would have 3 first floor bedroom windows facing the property. This distance is on the limit that is normally considered to be acceptable, but the windows in the first floor bedroom of Paddock House are narrow and this would reduce the extent of any mutual overlooking. The layout of this part of the development remains the same as the previous application (which the council did not object to in terms of residential amenity). On this basis the same conclusion is reached and it is considered that the proposals are acceptable in terms of their impact on residential amenity.

Highway Access and Parking

The highway access is the main change from the previous refusal and it is now proposed to access the site at its eastern end where the existing field gate is located. This is in line with some member suggestions that were made on the previous application.

This results in the same proposal to widen Pounds Close at its northern end (through the removal of the existing garage at No.1) and the extension to the existing pedestrian footway. The junction between Pounds Close and Ellersdown Lane is to be altered with the extended Pounds Close having priority and a staggered crossroads for Ellersdown Lane to define the new right of way. The western arm of Ellersdown Lane would be widened from 2m to 3m. The Highway Authority are satisfied with the new junction arrangements and do not raise any objection on highway safety grounds.

In terms of traffic impact, the Highway Authority did not consider the previous application as severe in terms of chapter 4 of the National Planning Policy Framework (NPPF). Given that the current application is on a like for like basis in terms of the number of dwellings and subsequently average vehicle movements, this opinion would also apply for the current application in question and therefore there is not considered to be a reason for a recommendation of refusal on traffic impact grounds.

Notwithstanding the absence of a highway objection on the previous application, the council refused it on the grounds that the development would result in additional vehicle movements in Ellersdown Lane and the junction with Pounds Close which were likely to result in conflicts that would represent harm to the free flow of traffic and represent a highway safety issue. The Inspector did not agree with the Council on this point and found a lack of evidence to substantiate the claim. He considered that Council's estimate of 900 additional vehicle movements per week would not be significant in highway terms. He also placed positive weight on the creation of the new footway along Pounds Close and found that it would be a highway safety benefit for both existing and future residents. Based on the comments of the County

Highway Authority and the Planning Inspector, it is concluded that there can be no objection on highway safety grounds.

The County Highway Authority question the number of parking spaces proposed for the 13 dwellings. In their consultation response they refer to the application stating that there would be 26 spaces, but consider that with the garages, there would actually be more. They have asked for clarification on this matter. The submitted plans show 33 dedicated spaces (31 allocated to dwellings and 2 visitor spaces). This is over the maximum 2 spaces per dwelling required by saved policy T/8 but below the optimum standard of 43 in the Somerset County Council Parking Strategy. The number of parking spaces is more than the 31 spaces proposed in the previous application, to which there was no Council objection when considered against the same policies. The parking proposals are therefore sufficient, but a planning condition would be required to secure details of cycle, motorcycle parking as well as electric vehicle charging points.

Community Infrastructure

As with the previous application, the applicant proposes a financial contribution to community infrastructure as there is no on-site provision. This would amount to £5,000 per dwelling and total £65,000 to be spent on local community infrastructure and in accordance with Policy ID1 and the Council's Planning Obligations Supplementary Planning Document. This would need to be secured through a legal agreement made under Section 106 of the Town and Country Planning Act.

Biodiversity

The site is currently pasture and is of little ecological importance. However, the existing bank and hedgerow along Ellersdown Lane is of much greater value and it is the potential habitat for dormice. A phase 1 habitat assessment has been carried out (although not published on the council's portal due to it identifying the location of protected species off-site) and it is recommended that the small section of hedgerow is translocated where the site access is proposed. It is also considered necessary to ensure that the existing hedgerow is protected by appropriate buffering and to ensure that it is protected in the long term. This could be secured by a planning condition.

Drainage

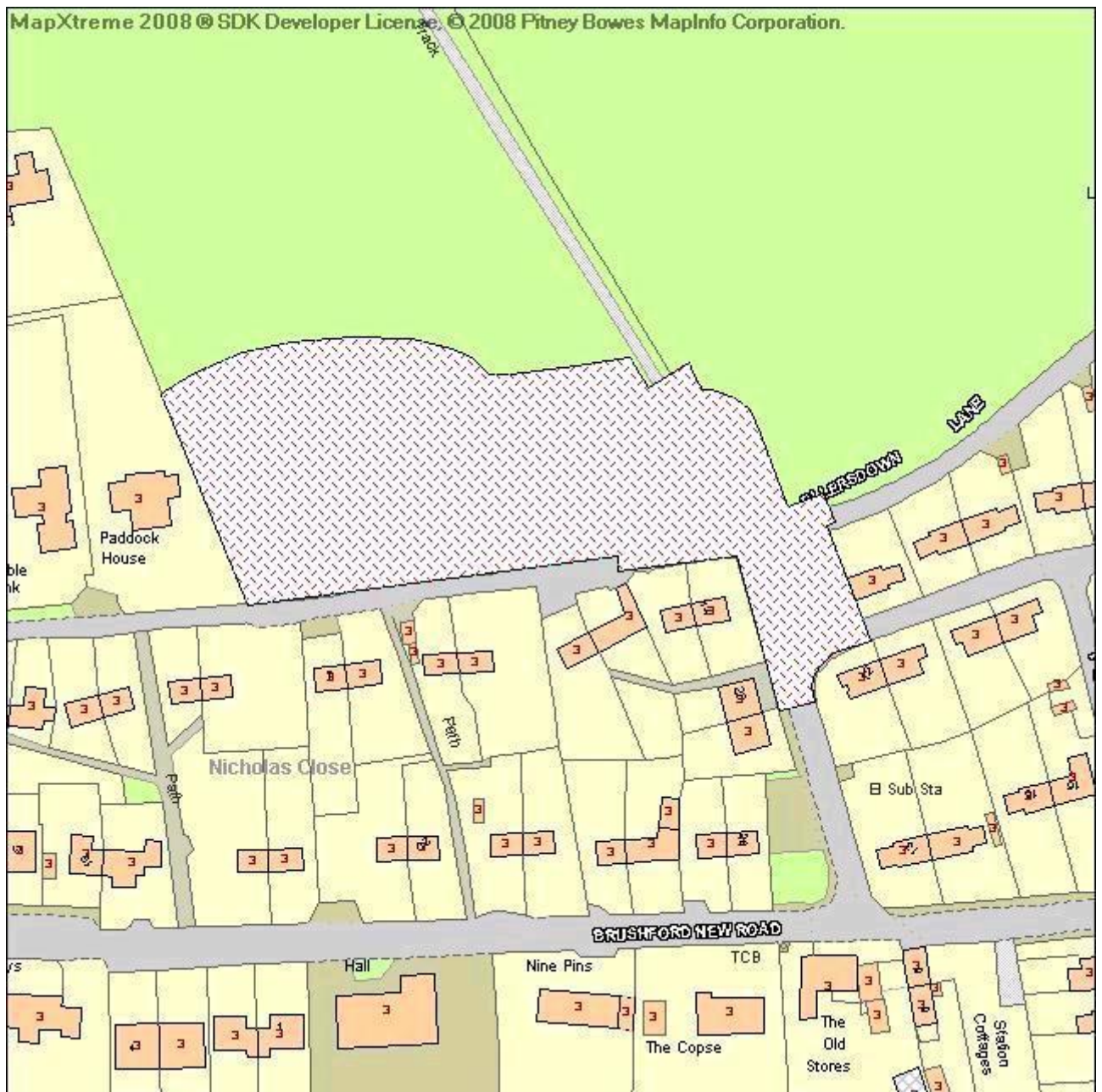
The Local Lead Flood Authority have considered the application and have no objection to the proposals, They have recommended a planning condition to secure details of a surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development.

Conclusion

The proposed development has overcome the reasons for refusal and subsequent appeal decision by relocation the proposed access and not requiring the removal of the roadside hedge and bank along the northern side of Ellersdown Lane. There has

not been any material change in planning policy since the appeal decision was made and although the development does not fully comply with Policy SC1 of the West Somerset Local Plan to 2032 in that it is for more than 5 dwellings, there are material considerations that need to be taken into account such as the delivery of affordable housing contributions. The proposal also makes for adequate provision of community infrastructure contributions and the design and layout is appropriate to the area. It is therefore 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:	3/21/18/027
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 296584 Northing: 145642
Applicant	Mr Alistair Cook
Proposal	Erection of single storey rear extension (retention of works already undertaken)
Location	33 Paganel Road, Minehead, TA24 5EU
Reason for referral to Committee	Contrary to Town Council recommendation.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

(A4) Location Plan

(A4) Site Plan

(A4) Proposed Side Elevation received on 23 April 2018

(A4) Proposed Rear Elevation received on 23 April 2018

(A4) Proposed Floor Plan

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

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no window/dormer windows shall be installed in the east elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

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. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

Proposal

Approval is sought for the retention of a rear extension on the southern (rear) elevation. It is 6m long and 6.7m wide with a flat roof to a height of 3.2m, topped with a lantern rooflight which takes the total height to 3.8m. It is rendered with sections of cedar cladding and glazing on the west (side) elevation and bi-folding doors on the south elevation.

Site Description

33 Paganel Road is a 1930s rendered semi-detached property under a clay tiled hipped roof, which is located on a corner plot in a residential area within the south of Minehead.

Relevant Planning History

HPN/21/17/003 - Rear single storey extension with flat roof. The extension will extend 6m from the rear of the dwelling, with a height of 3m as specified by the following submitted details: application form, site plan, proposed floor plan and elevations - prior approval not required on 11 October 2017. This extension was built, but not within permitted development eaves height limits and with an added material - cladding - not in evidence on the existing dwellinghouse. An application for planning permission was thus sought and submitted.

Consultation Responses

Minehead Town Council - The Committee is extremely concerned that these works have gone ahead without prior approval; the design is very poor and out of keeping with the area. If this had come to Committee it is highly unlikely it would have been agreed.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
MD1	Minehead Development

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

BD/3	Conversions, Alterations and, Extensions
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Determining issues and considerations

The determining factors for consideration in the determination of this application are the affect on the amenities of neighbours, the appearance of the dwelling and the affect on the street scene.

The extension sits next to the boundary with the adjoining neighbour, no. 31. There is a fence of approximately 2m in height between the properties which screens much of the extension, with about 1.2m of the extension protruding above the fence.

There are no windows in the east elevation so there is no overlooking of the neighbour. Being directly next to the boundary there could be the appearance of mass and a feeling of overbearing, but this is alleviated by the pale buff colour of the render which helps to soften the impact on the neighbour. There will be some overshadowing and loss of light caused by the extension from mid afternoon onwards for much of the year with an impact from about noon in December. However, as this will mainly only affect the dining room which sits at the back of no. 31, rather than a more habitable room, the overshadowing and loss of light is considered acceptable. In addition, no objections or comments were raised by the neighbour under the larger household extension proposal or within the consultation period of the planning application.

The rear of the extension faces the side of the garage Close, which sits between 33 Paganel Road and 1 Paganel Close thereby preventing any overlooking from the bi-folding doors in the south elevation.

The scale of the extension is larger than the majority of rear extensions in this area in that the extension is the width of the rear elevation and the roof design is contrary to the tiled roof rear gables usual to this style of properties. However, the flat roof with lantern rooflight is becoming an increasingly common feature to rear extensions, particularly to those constructed under permitted development rights, and the simplistic nature of the design can be an attractive addition to the rear. The cedar cladding also helps to break up the expanse of render and provides interest. It is noted too that the tan colour of the cedar cladding is not too dissimilar from the red clay tiles of the main dwelling, which together with the render, helps to link the traditional with the contemporary.

The extension, being to the rear, does not affect the frontage and the street scene of Paganel Road, however, as the dwelling is on a corner plot the extension can be seen from the side road (Paganel Close), a cul-de-sac. There is a wall of about 1m in height along the side of the dwelling with a fence on top of about 1m. This fence is unauthorised and the enforcement team have been notified of its existence, however, it is considered that due to the varied style of dwellings in Paganel Close (two-storey houses and bungalows) the visibility of the extension without the fence would not adversely affect the street scene significantly enough to warrant refusal of the application.

The development is thus considered acceptable and in accordance with policies SC1 and MD1 of the West Somerset Local Plan to 2032 and policy BD/3 of the West Somerset District Local Plan (2006). It is recommended for conditional approval.

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



Application No 3/21/18/027
 Erection of single storey rear extension (retention of works already undertaken)
 33 Paganel Road, Minehead, TA24 5EU

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



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