

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

**ERECTION OF A DWELLING AT LAND ADJACENT TO BRADFORD COURT,  
BRADFORD ON TONE, AS AMENDED**

Grid Reference: 317463.122994

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity, the setting of the listed building, character and appearance of the conservation area or highway safety and is therefore considered to be in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas); Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 (The Built Historic Environment) and 49 (Transport Requirements of New Developments); Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Planning Policy Statement 5. Despite being located within an unsustainable location in transport terms the site is, largely, within the identified settlement limit for Bradford on Tone and, given the proposed energy performance and renewable energy credentials of the dwelling, the proposal is considered to be acceptable.

**RECOMMENDED CONDITION(S) (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:

(A1) DrNo 4116/10 (as received 24.08.2011) site and location plans  
(A2) DrNo SPP/1652/2A Planting Proposals  
(A1) DrNo 4117/11 floor plans and elevations

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

3. Prior to the commencement of the development hereby permitted, details of a

strategy to protect wildlife and enhance the site for wildlife shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's submitted report, dated June 2011 and include:

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

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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has been fully implemented.

Reason: To protect wildlife and their habitats from damage in accordance with Policy EN3 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 9.

4. Prior to their installation, samples and/or details of the materials to be used in the construction of the external surfaces and the private drive of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and a sample panel of the proposed external facing material measuring at least 1m x 1m shall have been built on the site for the inspection of the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the setting of the listed building and the character and appearance of the Conservation Area in accordance with Policies S2 and EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to their installation, full details, including sections, profiles mouldings and external finishes of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall, thereafter, be retained as such.

Reason: In the interests of preserving the setting of the listed building and the character and appearance of the Conservation Area in accordance with Policies S2 and EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the

duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. (i) The landscaping/planting scheme shown on the submitted plan SPP/1652/2A hereby permitted shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2 and in the interests of preserving the setting of the listed building and the character and appearance of the Conservation Area in accordance with Policies S2 and EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Prior to the occupation of the dwelling hereby permitted visibility shall be improved at the junction with the public highway to ensure that there is no obstruction to visibility in excess of 900mm above the carriageway level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over a distance of 70m to the west of the access point. Such visibility shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. Prior to the occupation of the dwelling hereby permitted, the renewable energy equipment and apparatus detailed in Appendix 1 of the 'Renewable Energy Systems for Proposed Dwelling to the South of Bradford Court' document dated August 2011, as amended 15.09.2011 and submitted with the application shall be completely installed and operational, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The acceptability of this proposal is finely balanced and is only considered acceptable given the energy performance and renewable energy credentials of the building hereby permitted.

9. The dwelling hereby permitted shall not be occupied until it has been verified by a qualified assessor and submitted in writing to the Local Planning Authority

that a standard of energy efficiency for the dwelling has been achieved that is at least 65% better than that Part L of the Building Regulations 2006 as defined in column 2 of the table on page 7 of the BREAM Code for Sustainable Homes dated December 2006.

Reason: The acceptability of this proposal is finely balanced and is only considered acceptable given the energy performance and renewable energy credentials of the building hereby permitted.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or alterations shall be carried out to the dwelling, no outbuildings shall be erected and no fences, gates, walls or other means of enclosure shall be erected other than those expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In the interests of preserving the setting of the listed building and the character and appearance of the Conservation Area in accordance with Policies S2 and EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

## **PROPOSAL**

This application seeks full planning permission for the erection of a dwelling. The dwelling would be accessed from the drive to Bradford Court and across an existing grassed area. It would utilise an existing field gate in the drive, close to the main Bradford Court building.

The proposed dwelling would be of two-storey design in an 'L' shape plan, with a further projecting gable on the south elevation. The agent has agreed that the dwelling be constructed from brick under a slate roof. It would have an attached double garage. The dwelling would have solar panels (photovoltaic and thermal) on the southern roof slope. A ground source heat pump would be installed in the grounds. The boundary to the curtilage would be formed with a steel post and barn fence, 1m high, to match that along the existing boundary of the drive.

A landscaping scheme of 'parkland' individual tree planting is proposed, together with additional hedging to the northwest corner and northern boundary, adjacent to the boundaries with Ostlers Barn and Ostlers House, and Bradford Court.

## **SITE DESCRIPTION AND HISTORY**

The site lies in the grounds of Bradford Court at the edge of the village of Bradford on Tone. It is part of a large field, which slopes gently up to the southern face of Bradford Court. The field is surrounded by mature trees and hedgerow planting,

especially on the southern and western boundaries, although the tree screen between the site and Bradford Court is weaker, and it is generally open to the drive on the eastern side.

The main highway into Bradford on Tone runs past the southern site boundary, separated from the site by dense tree planting, which almost entirely screens the site from public view. On the western side of the site are a number of dwellings, including a detached modern house at the southern end of the boundary and Ostlers Barn/Ostlers House at the northern end. The field is currently open to Ostlers House and its private garden off the northwest corner of the site.

There is no planning history for this site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BRADFORD ON TONE PARISH COUNCIL* – Support the granting of permission, making the following comments:

1. The proposed garage of the house is outside the settlement limit.
2. Concerns that the hedge of leylandii fronting the village road may be removed which would expose the new house. If the hedge were to be removed, it should be replaced.
3. This is the only house that West of England propose building. Councillors state there should be no further development within the blue boundary line on the application plans.
4. Access to the proposed property from the Taunton end is on a blind corner.

In respect of the AMENDED PLANS – still support the application but would prefer the dwelling to be of stone with a tiled roof rather than rendered with a slate roof.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is located along Lower Stoford Lane, a classified unnumbered section of highway to which a 30mph speed limit applies. Visibility for vehicles emerging from the sites access, which will be retained, is acceptable in an easterly direction. The visibility in a westerly direction has been compromised by overhanging vegetation and is restricted in nature.

The proposed development site lies partly outside the Development Boundary Limits for Bradford on Tone and is therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (Adopted: April 2000), and Policy S7 of the Taunton Deane Local Plan. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

Recommend a condition to secure visibility at the access.

**HERITAGE** – The application documents make no mention of the Listed Bradford Court. Design statement needs to address the proposals, in the context of the latter and the Conservation Area, in accordance with PPS5. As such, I do not intend to make comment on the principle, at this stage.

In design terms, slate is the predominant roof material for the area but plain clay tiles specified; proposed materials for walls eclectic and too many i.e. brick/stone/render/slate hanging; use of recon ham stone for exposed lintols, plinth band and cills plus brick quoins and slate hanging, not considered characteristic of the area; where is the proposed stone to be sourced? (It is likely that recon stone as illustrated on dwg 4117/11, is proposed. If so, such is not considered appropriate). The precise areas proposed for the different wall materials, is not clear - clarification required.

**LANDSCAPE** – My main concerns are:

- Impact on the character of the conservation area (EN14);
- Impact on tree roots of trees '7' and '6' whose 'root protection areas' are 10.8m and 15m respectively. Given the level changes for the proposed access driveway, the damage to roots is likely to be detrimental and significant.

In respect of the AMENDED PLANS – The revised landscape plans are much better from a landscape point of view, subject to details of planting etc. Now content with the proposal.

**BIODIVERSITY** - The site lies approximately 150 m to the south of the River Tone, a Local wildlife site. It comprises of a species poor grassland field (recently cut at the time of survey) with scattered mature trees associated with Bradford court. A row of leylandii trees border the site to the south. JH Ecology carried out an ecological assessment of the application site in June 2011. Findings were as follows:

**Bats** - The semi mature trees within and bordering the site have potential to support roosting bats. The trees and hedgerows provide potential commuting habitat for bats and the grassland provides potential foraging opportunities for bats. SERC records several bat species (brown long eared, pipistrelle, noctule, whiskered, serotine and brandt's bats) close to the site.

I support the mitigation measures (bat roosting features within the structure of the new dwelling, sensitive lighting,) proposed by the surveyor to minimise any impact on bats

**Badgers** – The grassland provides potential foraging habitat for badgers whilst the hedgerows and leylandii provide limited sett building opportunities.

I support the surveyor's recommendation that any excavations should be covered at night or should include a ramp or another means of escape.

*Otters* – are known to occur along the River Tone. I agree however with the surveyor that it is unlikely that otters will be affected by the development.

*Birds* – Trees and hedgerows along the fringes of the site provide bird nesting opportunities. Any removal of vegetation should take place outside of the bird nesting season.

*Reptiles* – The site generally provides poor habitat for reptiles. Slow worms, however may use adjacent gardens. The earth covered pile of stones on site may provide opportunities for reptiles and should be retained. If this feature is to be removed it should be undertaken by hand outside of the hibernation period (November – February). The River Tone to the north provides a potential commuting corridor for grass snakes.

*Amphibians* – There is no open water on site but there may be garden ponds in the local area. Hedgerows on site provide some shelter and hibernation habitat as does the rock pile, partially covered with earth.

## **Representations**

4 letters of objection have been received raising the following issues:

- The site is within a special landscape feature and conservation area and should be retained in its present state.
- The access is very dangerous, particularly for vehicles turning right into Bradford Court. Any increase in use of this access should therefore be avoided.
- If one property is allowed, how many more would there be.
- A previous application for a similar development (07/2000/014) was refused and dismissed at appeal. There have been no changes in circumstance to warrant a different decision – indeed, the increased traffic over recent years exacerbates the circumstance.
- When Courtland House was built in 1987, I believe that there was a clause which stated there would never be any further development on land belonging to Bradford Court. If this development is permitted, there must be a clause for no further properties to be built on the site. Permitting this development would make it difficult to resist future development, making a complete mockery of the whole meaning and purpose of the conservation area.
- It appears that the site is partly within the settlement area.
- The dwelling would be in line with Courtland House and very close to the boundary.

Two letters of comment have been received raising the following points:

- There is a northwest edge of the site the access to the driveway of Ostlers House and Ostlers Barn should be barred with appropriate fencing and hedging.
- A more natural boundary would continue the western hedge in a straight line to the northern boundary.
- Query whether the statement that there would be no further development within the blue line also applies to extensions to the proposed dwelling.

- The proposed access has significant safety issues due to the 90 degree blind bend.
- Part of the residential accommodation and the entire garage are outside the settlement limit.
- Stringent controls over the materials and overall appearance should be applied to the proposed building, given its location in the curtilage of a listed building. The design and building materials are not sympathetic with the setting.
- No outbuildings associated with the grazing of the surrounding land should be allowed.
- The position of the proposed driveway is well situated and does not affect the privacy of adjacent properties.

In respect of the AMENDED PLANS, 1 letter has been received raising the following points:

- Cannot understand the relocation of the driveway as this destroys the parkland aspect and privacy of Ostlers House and has several other adverse consequences. The occupiers will have a direct view of Ostlers House master bedroom from the drive. At night headlights will shine directly into the main living accommodation and the master bedroom.
- The proposed alteration of the driveway may be more conducive to landscaping but now may be very hazardous to the occupants of Bradford Court as the visibility to the left on exiting the proposed driveway is very poor and could cause an accident. The previous proposal allowed adequate visibility both to the left and right.
- The new line of the drive would take it under two telephone lines which would be at risk from high-sided vehicles.

5 letters of SUPPORT (one from Bradford on Tone, the remainder from Taunton and Wellington) raising the following issues:

- The proposal would have little or no impact on the area.
- It would provide a lovely house set in the trees and park, within the village.
- It would provide a wonderful spacious home and can only benefit the village.
- The concept of a house with minimal energy use is fascinating.
- The site is extremely convenient for the nearby motorway network.
- It would be good to have the opportunity to purchase a state of the art dwelling in such a wonderful setting, rather than in an urban setting overlooked on all sides.
- The ability to work from home with a spacious office would reduce travelling costs.
- The builder should be encouraged and applauded in making what will undoubtedly be a considerable investment in the systems he proposes.
- Too many modern dwellings are squeezed onto small plots on large developments or crammed into infill plots which would not have been allowed a few years ago.
- Installing boilers seems completely wrong when we should be reducing the need and dependence on oil and gas and, as far as possible, electricity. This proposal would raise awareness of the range of products and systems which are available.
- The space available to this house enables ground source heat collection



which is highly efficient

## **PLANNING POLICIES**

EN14 - TDBCPL - Conservation Areas,  
EN12 - TDBCPL - Landscape Character Areas,  
STR1 - Sustainable Development,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S1 - TDBCPL - General Requirements,  
S2 - TDBCPL - Design,  
EN3 - TDBCPL - Local Wildlife and Geological Interests,  
PPS 5 - PPS5 Planning for the Historic Environment,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development, the impact on the setting of the listed building and conservation area, the impact on neighbouring property and highway safety.

### Principle

The site is partly within and partly outside the settlement limit of Bradford on Tone. The house has been sited such that all but a sliver of the residential living accommodation is within the settlement limit, although the garage and some of the gardens are outside. The access to the site is entirely outside the settlement limit.

In the past, the location of a site within the settlement limit has been taken to give a presumption in favour of development; outside the limit has been taken to give a presumption against. Your officers initially expressed concern that the inability to site the entire development within the settlement limit was indication that the site was not large enough to accommodate it. However, the applicant has subsequently suggested that he could easily delete the garage in order to provide a 'policy compliant' development. Such an approach, however, is considered somewhat pointless and unnecessary, because the provision or not of a garage would not alter the acceptability or not of the site in principle.

The recently published Taunton Deane Core Strategy sets out spatial development principles for new development. It indicates that no housing allocations will be made in villages such as Bradford on Tone, because residents in these locations tend to be highly dependent on their private cars for access to services. Indeed, Bradford on Tone does not benefit from a school or any significant employment opportunities and has poor public transport links. It is, therefore, generally considered to be an unsustainable location for new development. Although the Core Strategy proposes to retain settlement limits in the villages, this is with the aim of allowing small-scale infilling. The proposed development cannot be considered 'infilling' as it is located at the very edge of the settlement. However, it is considered that the Core Strategy also gives a clear steer that development in this location is unsustainable, and on that basis, your officers consider that there should be a general presumption against the development, in principle.

The applicant has stated that it is his intention that this development is extremely

energy efficient both in terms of the low energy consumption of the building and its ability to generate most of the energy that it will consume on site. His agent has submitted a detailed schedule of equipment that he intends to install. This includes rain water harvesting, solar water heating, solar photovoltaic and ground source heat pump. It is stated that technologies such as ground source heat pumps are not possible on constrained urban sites, so it is only possible to install such features where there is a large, undevelopable area available to the development – such is the case here where the applicant has the large ‘paddock’ area at his disposal. In terms of the energy performance of the building, it is intended that the building would far exceed the current Building Regulations. The actual performance of the technology proposed is still relatively unknown, so the agent has not been prepared to commit to reaching Code for Sustainable Homes level 5. However, he is confident that the energy performance element of Code level 4 would be far exceeded, with at least a 65% improvement over the 2006 Building Regulations (Code level 4 requires a 44% improvement, level 5 a 100% improvement).

The above presents convincing arguments for and against the acceptability of the proposal in principle. On the one hand, Bradford on Tone cannot be considered to be a sustainable location for new development. There is no doubt that a new dwelling in this location would foster an increase in the need to travel by private car, with future occupiers of the site being dependent on the private car for most of their daily needs. The emerging Core Strategy makes this clear in stating that no further allocations are proposed in this location. However, the emerging Core Strategy also indicates that the settlement limit for the village will be retained with the purpose of allowing infill. This is a material consideration and reinforces the presence of the existing settlement limit as defined by the Local Plan. The development, as proposed, cannot be accommodated entirely within the identified settlement limit and this suggests that the development is unacceptable. Again, on the other hand, the applicant has suggested that the garage could be removed so that it did. This, however, would still make no difference to the sustainability of the proposal in transport or location terms.

The energy performance of the dwelling is to be applauded, and the measures proposed are likely to lead to a very energy efficient house indeed. Your officers consider that this could not be given sufficient weight in order to override an general objection in principle, or location outside a defined settlement. To follow such an approach would set a clear precedent that location of development was unimportant provided that a good energy performance was achieved. However, given all of these factors noted above, it is considered that the assessment of the proposal is genuinely balanced. In this case, your officers consider that the high energy performance of the building (which could be secured by appropriate conditions) should tip the balance in favour of the granting of permission. It is, therefore, considered that the proposal is acceptable in principle.

#### Design, visual amenities and conservation issues

The dwelling sits within the historic curtilage of Bradford Court, within the formal parkland setting of the Court, albeit that there is a line of trees dividing the site from the main Court building. Various revisions have been made to the design since the application was originally submitted, such as the use of brick and slate for external finishes, and the removal of various decorative features so that the proposed dwelling would sit comfortably as a stand alone building and does not try to compete with the Listed Court beyond. Subject to final details over the finished materials, the

design is now considered to be appropriate.

Although the specific design is considered to be acceptable, the main issue is the impact on the setting of the listed building of providing a dwelling within the historic parkland. Certainly, in the evolution of the historic building, it is unlikely that buildings, let alone stand alone dwellings, would ever have existed in this location. The siting of a dwelling in the proposed location has the potential to compromise the setting of the listed building due to the erosion of the open parkland setting and a reduction in the prominence of the Court within its grounds.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to ensure that the setting of the listed building is preserved when deciding whether to grant planning permission. In this instance, the proposed dwelling is situated at the edge of the Bradford Court parkland and it is separated from the Court by the mature line of trees. Certainly, this area of the parkland is visually separate from the Court, and on approach to the Court the drive provides emphasis of the Court rather than the field to the side. The proposed dwelling would be tucked in the far southwest corner as far away from the drive and well separated from the Court. The approach drive would be close to the Court, but the majority of the length would be surfaced with a 'geocell' system, allowing the drive to retain the appearance of a grass track. Further tree planting is proposed within the field that would reinforce the formal parkland setting and further disassociate the new dwelling from the Court. On this basis, it is considered that the setting of the listed building would be preserved.

The site is within the conservation area, which encompasses the historic part of the village and Bradford Court and its grounds. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Special Regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission. Due to the heavy tree line along the road frontage, it is well hidden from public view and therefore has a very limited impact on the appearance of the conservation area. Given the conclusions reached in respect of the setting of the listed building, it is considered that the overall character of the conservation area is also preserved in this case.

### Neighbouring residents

The closest neighbour is Courtland House, off the western site boundary. The proposed dwelling is roughly in line with this neighbour and does not propose any windows facing towards it. On this basis, it is not considered that the dwelling would have any unacceptable impacts on its amenity. The next nearest neighbours are Ostlers House and Ostlers barn off the northwest side, and Bradford Court itself off the northern side. Due to the angles between the properties and the distances involved, these properties would not be overlooked by the dwelling itself.

Concern has been raised by the neighbours at Ostlers House and Barn about the potential for disturbance from cars using the drive. Indeed, the revised plans indicate the drive in a more northerly position than that previously proposed and this has caused concern for the neighbours as they consider it to be more damaging to their amenities than the proposal as originally submitted. The revision to the access siting was made following comments by the Landscape Officer that it would be preferable to use the existing field gate and a route more distant from existing trees.

However, it is true that vehicles using the drive would be facing towards those neighbouring properties for a short length and the concern that headlights could shine into the living and bedroom windows is accepted. This same concern could be true of Bradford Court. As mitigation, the applicant proposes dense evergreen planting in the northwest corner of the site, adjacent to Ostlers House and Barn and reinforcement to the northern boundary with Bradford Court. It is considered that this mitigation goes a long way to addressing the concerns of the neighbouring residents and makes the re-sited access route (which is less damaging on the trees) an acceptable one.

### Highways

The Local Highway Authority has raised no objection to the proposal, provided that enhanced visibility can be provided at the access. The proposed access is via the existing Bradford Court drive onto the outside of a corner on the main road into the eastern side of Bradford on Tone. Due to the alignment of the access, visibility is unobstructed in an easterly direction, although slight improvements are required to the west. The Highway Authority require that a splay is provided 2.4m back from the carriageway edge over a distance of 70m and it would appear that this can be provided merely by trimming back the boundary hedge. A condition should, therefore, be imposed to address this concern.

Some neighbouring residents have raised concern over the proximity of the access to Bradford Court on the basis that visibility between the two private drives would be limited. However, this is a private driveway where speeds will be low and it is not considered that the situation is so unsafe, or detrimental to public highway safety as to warrant refusal of the application.

### Conclusions

The consideration of this application is finely balanced in terms of the principle of the development and the impact on the setting of the listed building. In the case of the listed building, it is considered that the separation, detail of the access arrangements and additional proposed planting will mitigate the slightly uncomfortable siting in relation to the listed building. In terms of the principle, part of the site is outside the settlement limit. It is also considered to be an unsustainable location in transport terms, contrary to Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and the strategic spatial policies of the emerging Core Strategy. However, the fact that a smaller dwelling (or indeed the same dwelling on the same siting but without the garage) could be accommodated within the settlement limit weighs in favour of the application. That the energy performance credentials would far exceed the current building regulations could never be given sufficient weight by itself to outweigh a conflict with the development plan and the fact that the location is unsustainable in transport terms; however in this particular case, given the whole range of conflicting considerations, it is considered to tip the balance in favour of permission.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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