

49/2007/030

MR BENJAMIN JAMES TURNER

ERECTION OF HOLIDAY CHALET AT THE OLD QUARRY, ABBOTSFIELD, WIVELISCOMBE AS AMENDED BY LETTER DATED 16TH JUNE, 2007 WITH UPDATED WILDLIFE SURVEY AND LETTER DATED 21ST JUNE, 2007 WITH ADDITIONAL FINANCIAL APPRAISAL INFORMATION.

307387/127722

FULL

PROPOSAL

The proposal is for a 3 bedroomed log cabin, to be used as a self catering holiday cottage, to be sited in a small disused quarry. The site is accessed from a private drive serving Abbotsfield off the B3227 Wiveliscombe to Bampton road. There was a similar application made in 2005, which was refused on the basis of substandard access, service trenches affecting trees and possible damage from falling trees, and insufficient information in respect of wildlife. The current scheme is accompanied by a detailed marketing report and wildlife survey, and a slight repositioning of the building.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY previous comments apply, recommends refusal. Previous comments:- Objections raised on sustainability issues and that the junction with the B3227 County Route is poorly aligned and visibility to the west is severely restricted. Whilst it is appreciated that the lane is well utilised as a means of access for a number of existing dwellings, I would not want to encourage any increase or intensification in the levels of traffic at this junction. ENGLISH NATURE wild birds to be protected during nest building and rearing stages, no objection.

LANDSCAPE OFFICER the proposals are acceptable in landscape terms. NATURE CONSERVATION AND RESERVES OFFICER more information required on badgers, suggests conditions. On further survey information no objections. CONSERVATION OFFICER no objection to principle ECONOMIC DEVELOPMENT OFFICER (on original) objects on economic grounds, concerned about the number of applications for new holiday let units unless they are part of existing tourist facilities on site. Having seen business plan and further information, is satisfied that there is potential demand, has advisors on the business potential and now considers the proposal acceptable on economic grounds. DRAINAGE OFFICER percolation tests have been carried out, approval from Environment Agency required, condition required, soakaways to standard.

PARISH COUNCIL does not object, comments that the proposal has been altered to include wildlife survey, and repositioning to satisfaction of the Tree Officer, so Parish Council considers principle acceptable, and whilst the Highways may have concerns, the increase of one unit is not considered to be an issue as no accidents have occurred where the drive abuts the main road.

WARD COUNCILLOR (M Whitmarsh) supports; appears suitable for the site, away from houses, the applicant has discussed the proposal with Tree and Wildlife Officers, and Economic Development Officer, and only a small increase in use of the adjacent road.

14 LETTERS OF OBJECTION have been received raising the following issues:- surprise at the Council even considering a new application; site is in a Conservation Area with wildlife, should enhance the character of the Conservation Area; given Abbotsfield is listed this proposal is incongruous; loss of privacy from short term visitors; not a temporary or easily portable; very poor access to main road, with obscured visibility, with a need to swing into the road and unable to see cars coming; there have been no other new buildings since 1961; the access road is private and third parties have no rights; to allow a commercial business when residential building is illogical; there are no views, the site is surrounded by trees, receives little sun; has no amenities and is likely that an application will be made to change it to residential occupation; extra traffic will be encouraged to access Abbotsfield; the drive could be undermined by the extra water/sewerage; difficult access for fire engines; damage to tree roots; further use of concealed entrance; some trees branches and shrubs have been removed, so the site is potentially more dangerous to children using the site; there have been safety issues for many years and local people have campaigned to have the speed limit reduced; the route onto Wiveliscombe is very poor, there is no footpath, dense shade over the road, high banks and this will be a danger to visitors; adverse effect on wildlife such as deer; wear and tear on the drive; the site can be seen from adjacent property, noise and nuisance has occurred from the use of the site as a camp site, similar noise problems will occur if this is allowed; concern about the safety of some of the trees; mud coming onto the road; the current speed limits are not in accordance with DfT Circular; cannot see what has changed since the previous refusal; site used for camping without permission; the area at Abbotsfield is sought as it is secluded, private and for safety reasons, the proposal will detract from these factors; the trenches for services will mean damage to trees; the site is on a corner of the private drive so a danger to children; there will be pressure to infill the area between Wiveliscombe and the site with such as a Country House Hotel; the statements made by the Parish Council and Councillor are mis-informed, the problems with the access is known to the current residents, there have been lots of near misses, the increase in traffic is likely to be much more than stated.

4 LETTERS OF SUPPORT have been received raising the following issues:- would be a valuable addition to the area; would not disturb residents; a good location for such a building; there has been a decrease in the amount of traffic since the downgrading of the road; the quarry was once part of the pleasure gardens.

POLICY CONTEXT

Taunton Deane Local Plan the following policies are considered especially relevant:- Policy S1 (General Requirements); Policy S2 requires development to be of a good design; Policy S7 requires that outside development limits new buildings will only be allowed, amongst other criteria, that they accord with a specific Development Plan Policy and supports the viability and viability of the rural economy; Policy EC24 requires that proposals for holiday chalets will only be permitted provided that the

proposal would not harm the landscape and be adequately screened and has good access to the main road network; Policy EN3 requires that development does not significantly adversely affect local nature conservation within County Wildlife Sites; Policy EN6 requires the protection of trees and hedgerows, EN8 safeguards groups of trees in and around settlements, Policy EN12 requires that the distinct character and appearance of Landscape Character Areas should be maintained, Policy EN14 requires that proposals affecting Conservation Areas should preserve or enhance their character and appearance; Policy EN16 requires that the setting of listed buildings should not be detrimentally affected.

ASSESSMENT

The site lies outside the settlement limits of Wiveliscombe, however Policy S7 supports the principle of this location where environmental quality is maintained/enhanced. The site is located within a disused quarry cutting and is well screened by mature trees on all boundaries. As the site is within a Conservation Area the trees require consent to be removed and therefore their futures are safeguarded. In terms of screening therefore the proposal accords with Policies S1, S2, S7, EN6, EN12 and EC24 and the visual amenity and Landscape Character Area of the area would not be detrimentally affected. The lack of prominence and separation from the Grade II Listed Abbotsfield means that the proposal would not adversely affect the character and appearance of the Conservation Area nor detrimentally affect the setting of the Listed Building.

The design of the chalet is considered typical for this form of development. In this case, this form of development is considered acceptable within this part of the Conservation Area. The visual amenity of the area would therefore not be detrimentally affected. The chalet is also located sufficient distance away from neighbouring properties not to cause any overlooking or overbearing affects and therefore the residential amenity of the area would not be detrimentally affected. The comments in respect of the potential intrusion of a residential building in the area is not a consideration at this stage as the proposal is for a holiday let only. The comments in respect of the private drive are not planning matters. The other issues raised, apart from the highway matters below, are not grounds for refusal of the application.

The Council's revised interpretation of Policy EC24 is a material consideration. However, it should be noted that this proposal is supported by the Economic Development Officer. However, Policy EC24 requires the development to have good access to the main road network. The existing access to the site is along a private drive that joins with the B3227, a County Route. The County Highway Authority has raised objections to the proposal on the grounds that the access with the B3227 will be dangerous due to poor visibility. Furthermore the Highway Authority has stated that the increased use of substandard access would be prejudicial to highway safety and the site is located within an unsustainable location. In response to the Highway Authority's objections, it is generally accepted that tourism creates its own traffic within these countryside locations where public transport may be limited. This form of development is principally considered acceptable in this countryside location where development may be more reliant on the use of the car due to its promotion of the rural economy and accordance with

parts A, B and D of Policy EC24. The other objections raised by the Highway Authority are not contested by the Local Planning Authority and therefore the proposal conflicts with Policy 49 of the Structure Plan and Policies S1 and part C of EC24.

The earlier reasons for refusal on wildlife and potential damage to trees have been overcome, and the Economic Development Officer is now supportive of the proposal, nonetheless the highways issue is such a major concern that permission should be refused.

RECOMMENDATION

Permission be REFUSED for the reason that the increase in the use of the sub-standard junction of the private lane with the B3227 County Route, such as would be generated by the proposed development, would be prejudicial to road safety and as such is contrary to the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and contrary to Taunton Deane Local Plan Policies S1 and EC24 (C). Furthermore the access to the main B3227 does not incorporate the necessary visibility splays, which are essential in the interests of highway safety.

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

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