

SWT Planning Committee

Thursday, 24th October, 2019,
1.00 pm



Somerset West
and Taunton

Council Chamber - West Somerset
House

Members: Simon Coles (Chair), Roger Habgood (Vice-Chair),
Ian Aldridge, Sue Buller, Ed Firmin, Marcia Hill, Martin Hill,
Mark Lithgow, Chris Morgan, Simon Nicholls, Craig Palmer,
Ray Tully, Brenda Weston, Loretta Whetlor and Gwil Wren

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Planning Committee on Thursday 3 October 2019

(Pages 5 - 10)

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair 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 who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

- | | |
|--|------------------------|
| <p>5. 3/37/17/019</p> <p>Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works on Land south of Doniford Road and Normandy Avenue, Watchet, Taunton</p> | <p>(Pages 11 - 38)</p> |
| <p>6. 10/19/0023</p> <p>Change of use of 3. No agricultural buildings to 1 No. 3 bedroom dwelling (Class C3) and associated works at Pay Farm, Willand Road, Churchstanton</p> | <p>(Pages 39 - 54)</p> |
| <p>7. 38/19/0315/LB</p> <p>Various external alterations to the front elevation of 2 Magdalene Lane, Taunton</p> | <p>(Pages 55 - 60)</p> |
| <p>8. Access to information- Exclusion of the Press and Public</p> <p>During discussion of the following item(s) it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 13 13.02(e) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Planning Committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.</p> <p>Recommend that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the next item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraph 7 respectively of Part 1 of Schedule 12A of the Act, namely information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p> | |
| <p>9. Tonedale Mill S215 Notice</p> | <p>(Pages 61 - 66)</p> |
| <p>10. Appeals and Decisions received</p> <p>Latest appeals and decisions received</p> | <p>(Pages 67 - 74)</p> |

A handwritten signature in black ink, appearing to read "James Hasset". The signature is written in a cursive style with a large initial "J" and "H".

**JAMES HASSETT
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. At the start of the meeting the Chair 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 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised 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 the officer as detailed above.

Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

SWT Planning Committee - 3 October 2019

Present: Councillor Simon Coles (Chair)

Councillors Roger Habgood, Ian Aldridge, Sue Buller, John Hassall (In place of Ed Firmin), Marcia Hill, Mark Lithgow, Chris Morgan, Simon Nicholls, Craig Palmer, Ray Tully, Brenda Weston, Gwil Wren and Loretta Whetlor

Officers: Martin Evans, Tracey Meadows, Rebecca Miller and Andrew Penna

Also Present: Anne Elder, Independent Member of the Audit Governance and Standards Committee

(The meeting commenced at 1.00 pm)

63. **Apologies**

Apologies were received from Councillor Ed Firmin

64. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 12 September circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 12 September be confirmed as a correct record.

Proposed by Councillor Habgood, seconded by Councillor Buller

The **Motion** was carried.

65. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Item No.	Description of Interest	Reason	Action Taken
Cllr L Whetlor	3/37/17/019 3/39/18/009	Personal & Prejudicial interest	Speakers on the application were known to her on application 3/37/17/019. Ward Member for area	Spoke and left the room whilst the applications were debated and voted on

			3/39/18/009, she declared that she had not fettered her discretion.	
Cllr G Wren	Application No. 10/19/0011	Personal interest	Declared that he knew one of the speakers	Spoke and Voted

66. **Public Participation**

Application No	Name	Position	Stance
10/19/0011	A Papworth	Local Resident	Objecting
	N Werner	Local Resident	Objecting
	H Humble	On behalf of Churchstanton Parish Council	Objecting
	S Lock	Applicant	Infavour
3/37/17/019	A Miller	Local Resident	Objecting
	R Farrow	Local Resident	Objecting
	Rev Woods	Local Resident	Objecting
	H Dobson	Local Resident	Objecting
	Cllr P Murphy	Watchet Town Council	Objecting
	L Peeks	Williton Parish Council	Objecting
	C Mitchell	Mitchell Architects	Infavour
M Kendrick	Agent (Grassroots)	Infavour	
3/39/18/009	Z Hobbs	Local Resident	Objecting

67. **10/19/0011**

Erection of dog kennel and log store at Fairfield Stables. Moor Lane, Churchinford

Comments from members of the public included;

- Concerns with the scale and location of the proposal;
- Concerns with the number of dogs on site;
- The kennels should be located elsewhere to lessen the noise impact to the neighbouring property;
- Concerns with the loss of amenity;
- Noise nuisance from barking dogs;
- Concerns with comments from walkers regarding the noise;
- Concerns with young dogs being kennelled;
- Barking dogs could be heard in the village;
- Extra kennels were needed for breeding bitches;

Comments from members included;

- An earth bund was needed for noise reduction;
- Concerns with increased traffic to the site;
- Noise pollution;
- Concerns with the increased noise footprint;
- Concerns with the water course and contamination from the effluent;
- The Kennels should be moved to a different location to mitigate noise;
- Dog numbers were not being increased;
- Concerns that the mobile home would not mitigate the sound of barking dogs on the site;

Councillor Habgood proposed and Councillor Coles seconded a motion to **APPROVE** the application.

The motion failed

Councillor Aldridge proposed and Councillor Nicholls seconded a motion for the application to be **REFUSED**

The motion was carried

Reason

In the absence of detailed information with regard to the justification of the further kennels, within an area of the Blackdown Hills Area of Outstanding Natural Beauty, the applicant has failed to demonstrate the need for the proposal. The development would therefore fail to conserve or enhance the tranquility of the AONB, which would cause harm to the special recreational and amenity value of this designated area contrary to Policies CP8 and DM1 of the Taunton deane Core Strategy, Policy PD5/A of the Blackdown Hills AONB Management Plan and Paragraph 172 of the National Planning Framework.

68. **3/37/17/019**

Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works

Comments from members of the public include;

- Concerns with construction traffic using the private road;
- Increased traffic concerns;
- Concerns with the lack of infrastructure;
- Premature application;
- The brown field site needed to be developed first;
- Concerns with the increased fast traffic on Doniford Road;
- Concerns with increased noise traffic from construction traffic;
- Air quality;

- Concerns that the private road was not up to standard to take increased traffic;
- A site visit was needed to access the impact of the site;
- Application did not conform to Policy SC1;
- Concerns that there were not street lighting or pavements;
- Flooding issues;
- Concerns with the adverse impact on traffic;
- Concerns with the lack of joined up thinking between developers;
- No Master plan;
- Concerns with the lack of consultation with the public;
- The application was outside of the development limits;
- Concerns with the loss of the Wildlife site;
- Development not sustainable;
- Concerns with the loss of greenspace;
- Construction traffic would access the site from an alternative entrance and would not use the private road;
- No objections were received from the statutory consultees;
- This application would fulfil the 5 year land supply as required in the Local Plan;
- The site would offer affordable housing;
- The road would be offered for adoption;

Comments from members included;

- Concerns with increased traffic;
- No social housing proposed;
- The development would put extra strain on the school and doctors;
- Concerns with the access to the site;
- Concerns with the loss of the wildlife habitat site;
- Concerns with the lack of infrastructure on site;
- Concerns with the visual impact of the site;
- Lack of public transport;
- Concerns with the lack of employment in the area;
- Inadequate public consultation;
- Social infrastructure;
- Concerns with the cumulative effect of the development;
- Flooding;
- Concerns with the dangerous roads;

Councillor Aldridge proposed and Councillor Morgan seconded a motion to **DEFER** the application for a Committee site visit.

The **Motion** was carried

69. **3/39/18/009**

Outline planning application (with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access, provision of open space and other associated works on Land to the East of Aller Mead, Doniford road, Williton TA4 4RE

Comments from Members of the public included:

- Flooding issues;
- Concerns with the nature of the culverts;

Councillor Habgood proposed and Councillor Marcia Hill seconded a motion for the approval of the Travel Plan to be approved as per Officer Recommendation.

The **Motion** was carried

70. **49/19/0045**

Variation of Condition 2 (approved plans) of planning permission 49/14/0078 at Oakhampton Park, Ford Road, Wiveliscombe

Comments by Members included:

- Concerns with the materials used;
- Concerns with the impact on the Community;
- The application had been altered significantly from the original approved application;
- Supports Wiveliscombe Town Council response to object to this application;

At this point in the meeting the Chair called for a vote for a half hour extension. This was carried.

Councillor Habgood proposed and Councillor Palmer seconded a motion that the application be approved.

Councillor Lithgow requested that his abstention be recorded.

The **motion** was carried

71. **Latest Appeals and Decisions received**

Resolved that one decision and one appeal had been received which were noted.

(The Meeting ended at 5.44 pm)

Planning Application 3/37/17/019

Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works | Land south of Doniford Road and Normandy Avenue, Watchet.

Update following deferral of the item for a site visit.

Site Visit

- 1 At the Planning Committee meeting on 3rd October, following discussions, Members voted that there were exceptional reasons to defer consideration of the application to allow Members of the Committee to view the site.
- 2 It was requested and agreed that the site visit be arranged for a Monday or Friday between 3pm and 5pm.
- 3 Members of the Planning Committee visited the site between 3pm and 4.30pm on Monday 14th October.
- 4 Members viewed the area of the site which is proposed to be developed, the proposed access on Doniford site and the immediate surroundings. The Chairman requested that Members who were not familiar with the area view the wider road network and the location of the local shops etc.

Further Correspondence (copies are on the Council's website)

- 5 Since the last Committee meeting 2 letters have been received from local residents, which include photographs. The letters refer to local traffic conditions around the site and in particular in Williton. It is considered that these matters are similar to the issues raised by the Town Council and other local residents, which are considered in the 3rd October Report, which is attached to this Update.
- 6 The applicant has submitted a letter, which was also sent directly to Members of the Committee. The letter seeks to respond to a number of issues discussed at the last Committee including drainage and flood risk, ecology, access and highways, infrastructure and planning policy matters.
- 7 It is considered that these matters are covered in the 3rd October Committee Report, attached.

Conclusion and Recommendation

- 8 The Officers recommendation is for conditional approval of the application, the conclusions of the 3rd October Report are:
- The development of the site for housing is acceptable in principle.
 - The site meets the settlement, strategy and locational criteria policies of the adopted Local Plan, having previously been considered in principle to be in accord with the Plan at Examination.
 - The proposal has been carefully assessed having regard to the policies of the adopted Plan.
 - The proposal will not have and adverse landscape, ecological or arboricultural impact, subject to securing the provision of land for ecological mitigation.
 - The highways proposals and traffic implications of the proposals have been carefully considered, including footpaths, cycle routes and routes to schools and other local services and facilities. There is no objection from the highways authority. On the basis of this assessment there is no objection to the proposals in highway terms.
 - Having regard to the policies of the Local Plan and the material considerations considered in this Report it is recommended that Outline Planning Permission be granted subject to a S106 and the conditions set out above.
 - It is considered that this outline proposal is acceptable. It is **recommended** that delegated Authority be granted to the Assistant Director Planning and Environment (or equivalent chief planning officer) to grant planning permission subject to the completion of an appropriate legal agreement to secure:
 - An appropriate mix and tenure of affordable housing at a rate of 35% of the total number of dwellings provided.
 - Provision and maintenance of on-site play and open space (including LEAP)
 - Provision of lands for ecological mitigation within the applicants ownership.
 - Travel Plan, including monitoring costs, and measures set out in the submitted NMU.
- 9 The Proposed conditions are set out in the 3rd October Report. Members should note that proposed condition 2 has been corrected to remove an incorrectly listed plan.

Application No:	3/37/17/019
Parish	Watchet
Application Type	Outline Planning Permission
Case Officer:	Andrew Penna
Grid Ref	
Applicant	Grass Roots Planning Limited
Proposal	Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works
Location	Land south of Doniford Road and Normandy Avenue, Watchet, Taunton
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A1) DRNO 000-HYD-XX-XX-DR-TP- 01 REV P PROPOSED ACCESS ARRANGEMENT

(A3) DRNO 150103 L 01 01 LOCATION PLAN

(A1) DRNO 0000-HYD-XX-XX-DR-TP- 02 REV P PROPOSED ACCESS SWEPT PATHS SOUTH

(A0) DRNO 06743-HYD-XX-XX-SK-TP- 0001 REV P 02 SOUTHER ACCESS

ELEVATION

(A1) DRNO 15-04-PL-139 DONIFORD ROAD ENTRANCE: ILLUSTRATIVE CROSS SECTIONS

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

- 3 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 4.5 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 70 metres either side of the access. Such visibility shall be fully provided prior to occupation of any dwelling hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

- 4 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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 shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

- 5 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 for construction vehicles leaving the site.

Reason - In the interests of highway safety

- 6 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

- 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: -

- Detailed drainage layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drainage calculations that demonstrate 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;
- Demonstration of how the first 5mm of rainfall (or 'first flush') will be managed to promote infiltration/evaporation/evapotranspiration, and with focus on the removal of pollutants;
- 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;
- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

- Demonstration that appropriate access is available to maintain drainage features, including pumping stations.
- 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

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.

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 details submitted in accordance with condition 1 of this planning permission shall include Finished Floor Levels of each dwelling and shall be a minimum of 150mm above current ground level in accordance with the recommendations of the Hydrock Flood Risk Assessment.

Reason - To limit the impact of flood risk on the development.

- 9 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 Grass Roots Ecology submitted reports, dated July 2017 and up to date surveys 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 habitat and places of rest for wildlife
4. A Construction Ecological Management Plan (CEMP) and a
5. Landscape and Ecological management plan (LEMP)
6. Details of lighting
7. Arrangements to secure the presence of a licenced dormouse worker to be present to monitor the removal of hedging on site

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 dormice, bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new dormice, 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.

- 10 The planting details submitted pursuant to condition 1 of this permission shall include a phasing programme for the implementation of the landscaping for a period of five years after the completion of each 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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area

- 11 No works shall be undertaken on site until the Local Planning Authority has first approved in writing details of a programme of access which will be afforded to a named archaeologist to observe and record all ground disturbance during construction (such works to include any geological trial pits, foundations and service trenches). The named archaeologist shall thereafter be allowed access in accordance with the details so approved.

Reason: To enable the remains of archaeological interest which may exist within the site to be appropriately recorded.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

- 12 The details submitted in accordance with condition 1 of this planning permission shall include a Travel Plan will be submitted for approval. The approved Travel Plan will then be implemented in accordance with the delivery schedule therein and in any event prior to first occupation.

Reason: In the interests of highway safety and the safety of users of the local highway network.

- 13 The details submitted in accordance with condition 1 of this planning permission shall include full details of the proposed children's play area (LEAP) including the layout of the area and the equipment to be installed.

Reason: To ensure that adequate children's play facilities are provided as part of the development.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application issues were raised. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address the issue and further information was submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Proposal

Outline Planning Application with all matters reserved, except for primary means of access, for the erection of up to 139 dwellings and associated works at Land south of Doniford Road and Normandy Avenue, Watchet, Taunton

Note: the application was amended, following consultations to exclude the access road from the northern part of Doniford Road to Normandy Avenue, across agricultural fields, east of Knights Templar school.

Access is now proposed to be solely from the southern part of Doniford Road, south of Alamein Road.

Whilst access is not a Reserved Matter, the applicants have confirmed that this relates to the primary access points and not internal roads or indicative footpath/cycle links.

The application is submitted with the following supporting documents:

- Transport Assessment
- Interim Travel Plan
- Landscape Visual Impact Assessment
- Flood Risk Assessment
- Agricultural Land Classification Assessment
- Design and Access Statement
- Tree Report
- Planning Statement
- Statement of Community Involvement

- Archaeology Report including geophysical survey
- Ecology Report

Site Description

The site lies on the eastern edge of Watchet, to the south of Doniford Road, between Normandy Avenue and Cherry Tree Way/Alamein Road. It comprises 4 irregularly shaped fields that provide approximately 10 hectares of agricultural land.

A further 5th field which is within the applicants control, lies to the east on more elevated land above the existing housing on Normandy Avenue. This land will be retained and enhanced for ecological purposes as part of the mitigation strategy for the site. The central and southern parts of the site are used for the grazing of horses and are well managed.

The northerly parcels of the site are more overgrown with part of this area comprising a ridge that divides the rest of the site from Doniford Road to the north. Existing residential development lies within close proximity to the north and west on Doniford Road. Houses at Admirals Close and Cherry Tree Way abut the application area along the western boundary.

Residential properties at Normandy Avenue and Alamein Road lie immediately adjacent to the site to the east with vehicular and pedestrian access gained to Cherry Tree Way, via Normandy Avenue.

Relevant Planning History

Proposal Screened for EIA: No EIA required.

No relevant site planning.

A number of applications adjoining the site and in close proximity are referred to in the Report and Consultee responses below:

3/37/17/020 Liddymore Farm, Watchet: Outline application for up to 250 dwellings.

Awaiting completion of S106 Agreement.

3/39/18/009 East of Aller Mead, Williton: Outline application for approximately 90 dwellings. Awaiting completion of S106 Agreement.

3/37/16/003 Land at Doniford Road, Watchet: Variation of Permission 3/37/13/035 to amend the design of housing development. Approved 18 August 2016.

Consultation Responses

(The comments of the Town Council and Williton Parish Council are shown in full below together with Planning Policy comments which are of particular relevance to the consideration of the application; full copies of all consultee comments are available on the Councils website).

Watchet Town Council -

27 November 2017

Land South of Doniford Road and Normandy Avenue, Watchet, Somerset

Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works - The Committee objects to this application. They believe that it does not meet planning policies, and would like to challenge the 'Planning Statement' within the Developers planning report with reference to section 6.1:

- Whether housing is needed in this location.
- Whether the proposed development constitutes sustainable development in respect to the aim of providing housing in the right location, and whether the principle of the development here is acceptable.
- Whether the proposals comply with the policies of the Development plan.

The Committee has concerns over access and whilst they support in principle the need for social housing within Watchet, they do not support houses being built without the appropriate infrastructure being addressed. The Committee reserves the right to make further comment until more comprehensive information is received.

Further comments 27 February 2019

The Committee refers to its previous observations.

They believe that it does not meet planning policy, and would like to challenge the 'Planning Statement' within the Developers planning report with reference to section 6.1:

- Whether housing is needed in this location

Whether the proposed development constitutes sustainable development in respect to the aim of providing housing in the right location, and whether the principle of the development here is acceptable.

Whether the proposals comply with the policies of the Development Plan.

The Committee has concerns over access and whilst they support in principle the need for social housing within Watchet, they do not support Commercial Housing being built without the appropriate infrastructure being addressed.

The Committee has serious concerns for road safety due to obvious increase in journeys on narrow footpath-less lanes. It is believed collisions and pedestrian injuries (or worse) will ensue if this development goes ahead, and they reject the points made in the traffic assessment.

Account should be taken to the amenity of the existing residents who will look onto the development, in terms of human rights and planning policies. There are also serious concerns that flood mitigation measures and prevention may not be practical long term.

The Committee reserves the right to make further comment until more comprehensive information is received.

Williton Parish Council, September 2019

Part of the application lies within the Parish of Williton, namely the land to the south of the first section of Alamein Road up to the access to Liddymore Farm

1. The proposed access points are shown to be on Doniford Road, Williton and Doniford Road, Doniford. On the illustrative plan it shows these two access points linked by a road. This is likely to become a rat run. Also no vehicular access is shown that goes directly into Watchet so residents of the new development will have to get to Watchet either via Doniford or Williton. Both Doniford Roads are well used, in particular the section into Williton which is also well used by pedestrians with or without pushchairs who have to walk in the road as there are no pavements and it is not lit until you reach Aller Mead. This road is not safe and there have been a number of accidents as identified on the website CrashMap

The map above is for accidents in the last 15 years (2004 – 2018). No data for 2019 is shown on the website .As can be seen there was a fatality in 2009, one accident in 2007 on Normandy Avenue and one on Doniford Road, south of the roundabout in 2004. On the section of Doniford Road from near St Peters School to the junction of North Street with Fore Street (next to the Co-op) there were 15 accidents.

Between 1999 – 2003 there were another 5 accidents on the Doniford Road to Williton including a serious accident. On the Doniford Road towards Watchet there was one accident. With an increase in traffic with an additional 139 houses it is likely that there will be more accidents and Doniford Road into Williton will be even more hazardous for pedestrians.

The use of the Williton Doniford Road has long been recognised by residents and the Parish Council as an unsafe route to walk not only to and from the married quarters but to Doniford where some local residents work due to the windy nature of the road without pavements for the majority of the road and not being lit as well as flooding issues. The Parish Council have tried to initiate a footpath from Doniford to Williton inside the field edge to make access easier and safer.

The new development at Aller Mead now has a footpath link for the section next to Doniford Road and it is hoped that the proposed extension to Aller Mead (3/39/18/009) will increase the length of footpath for pedestrians. This will not however include all the section of road to the married quarters or onto Doniford. Should planning permission be granted it is considered that a footpath link should be created that links up with the existing footpath at Aller Mead.

This has also been requested as part of application 3/39/18/009. It should also be noted that the Highway Authority on application 3/39/18/009 has stated: The TA has shown that in the year 2024 without the development, that the A39 Long Street / North Street / Fore Street junction and A358 High Street / Fore Street / Bank Street junction will already be operating at or slightly over capacity, however, evidently traffic generated by the proposed development will worsen the operation of these two junctions.

The TA has not mentioned any mitigation or improvements to lessen the traffic impact on these junctions. The junction capacity assessment results for the A39 Long Street / North Street / Fore Street junction and the operation of the A358 High Street / Fore Street / Bank Street junction are predicted to significantly exceed their theoretical Ratio-of-Flow Capacity (RFC) and will result in increases to the Max PCU Queue on some of the junction arms.

The result of this may lead to 'rat-running' on streets that are unsuitable to significant increases in traffic due to their residential nature and on-street parking. Further information was submitted at the request of the Highway Authority and concluded that: However, the Transport Assessment would indicate that the A39 Long Street / North Street / Fore Street junction and A358 High Street / Fore Street / Bank Street junction will already be operating at or slightly over capacity by the year 2024 without the proposed development.

The proposed development will increase the queue lengths at these points and exacerbate the operation of these junctions. If this is the case on the Aller Mead application surely the additional traffic from the proposed 139 dwellings and the 250 houses from the Liddymore site that has been resolved to approve subject to a S106 but has not yet been approved (as the traffic is likely to use the junctions at the Co-op (A39) and at the mini roundabout (A358) when visiting Williton or wanting to travel to Taunton) will exacerbate the problems mentioned by the Highway Authority further.

This is not acceptable especially as there are often queues within the village especially on Butlins change over days. In addition as there is no direct vehicular link into Watchet, residents will be relying on their cars and as such it is considered that the proposal is not in accordance with policy TR2 of the Local Plan as the site is not seen as sustainable or Policies CF2 and SD1 as the proposal does not maximise the attractiveness for cycling or walking and so is not sustainable. Will there be any vehicular inter connectivity with the married quarters development as the roads are privately owned?

If the proposed development is not able to join up with the married quarters site for vehicles and pedestrians the Parish Council object to this as it does not aid having a healthy community and will mean that the married quarters are isolated.

There is no easy direct pedestrian access into Watchet (or Williton as noted above) as the path from Cherry Tree Way to the school in Watchet is not a public right of way and so presumably pedestrian access by those who have no right to use it could be blocked. The public footpath from near Liddymore Farm (in

particular 28/20) can get wet and so is not seen as a convenient route for the new residents when it is wet. Footpath WL 28/21 does not formally link into the application site to the west of Liddymore Farm and it is considered that it should be to improve the accessibility of the site. Extract from Footpath Map supplied by SCC

2. There are number of applications in or near Watchet that are windfall sites, alongside this application for up to 139 houses, the other Liddymore application (3/37/17/020) for up to 250 houses which has been resolved to approve in January 2018 subject to a S106 and the Paper Mill site application (3/37/19/021) is for up to 400 dwellings, up to 10 No. live/work units, residential care village (including up to 160 No. sheltered apartments and 60 bed retirement home), local centre (up to 1,500 sqm), aparthotel with associated leisure facilities, land for employment within use classes B1 and B2 (up to 8,000 sqm), visitor/interpretation centre, community facilities/function room, public car park. This amounts to 959 dwellings plus a 60 bed care home. It does not appear that the effects of these developments have been taken into account as part of the assessment of this application, in particular traffic and the increase in demand for Doctors and Schools. Will any financial contributions be sought to cover the increase that may be required for these services?

3 .It is noted that the Strategy Group have recently made their comment (which was before the paper mill site application was registered) including the following: With regard to the principle of residential development - along with other sites in the locality, the land in question was promoted by private developers who made representations to the West Somerset Local Plan. Based on the evidence submitted at that time, the Inspector in his report concluded that the development of the site would be acceptable in principle and was needed for housing land supply reasons.

Specifically:

- “Given that the plan strategy and policy SC1 envisage development in close proximity to the contiguous built-up area of Watchet, once WAT9 (Liddymore Farm) has been developed both other sites will meet this criterion. I see no reason why all three of the suggested sites should not come forward. All would be in accordance with the plan strategy and policy SC1 and thus acceptable in principle”. As the Liddymore site has not been developed and after a year of resolving to approve the scheme planning permission still has not been granted, the Parish Council cannot see how policy SC1 is complied with, in particular point 4 and especially point 4A as the proposed development is not well related to existing essential services and social facilities for the reasons given above, 4B - there is no safe and easy pedestrian access to the essential services and social facilities, again for the reasons outlined above and 4C – there will be a significant additional traffic movements over minor roads as noted above. It is considered that Policy OC1 is the relevant policy and that none of the criteria are met.

4. It is well known that the roads at the married quarters are not of an adoptable standard. Mr Ross is well aware of this as when a meeting was held between him

and the Parish Council about a footpath link into Williton from the married quarters he said he was willing to look at the route going across his land provided the Parish Council made the roads up to adoptable standard which could not be done by the Parish Council. This is an issue that probably will never be resolved for the whole estate but in terms of good planning surely the Alamein Road could be made up to adoptable standards by widening the road on the Southern side as it is in the application site together with using the roundabout (and perhaps improving it) so that another new access is not required and will mean that the existing hedgerow can be retained. The hedgerow is an important feature along this road which is hedge lined that should be retained. In addition using the existing roundabout would go some way to removing the Parish Councils objection concerning the proposed development having vehicular links to the married quarters so that the married quarters are not isolated in this respect.

In conclusion, the Parish Council object to the proposal in its current form on the basis of the comments outlined above

- increase in traffic on Doniford Road in particular into Williton as it is narrow, windy with no pavements for part it and no street lights making it hazardous to pedestrians who use the road to access Williton and Doniford
- Over burdening the Co-op junction and the roundabout junctions in Williton by 2024 as concluded by the Highway Authority and this is before the Aller Mead extension is built which could lead to more queues in the village and rat runs through residential streets that already have a lot of on street parking. The proposed developments at the paper mill and the Liddymore permission could also exacerbate the use of these junctions
- Not enough pedestrian connectivity into Williton and Watchet and not enough vehicular access between the proposed development, the Liddymore site (3/17/17/020) and the married quarters as no points of access are shown to the married quarters or the Liddymore site on the outline plans except to both Doniford Roads.
- Premature as the Liddymore site has not been developed and does not have the benefit of planning permission so does not comply with Policy SC1 (as the Inspector noted that the Liddymore site should be developed before this one would meet the criterion of Policy SC1.)
- Loss of the substantial roadside hedge which is an important rural feature of Doniford Road. It is considered that the existing roundabout should be used for the access into the proposed site. The fact that the roundabout does not belong to the applicant does not mean that the roundabout cannot be used if the landowners are happy for it to be used. Has this been looked at as part of the application before it was submitted?
- A footpath/cycle link (not on Doniford Road but in the adjoining fields) is required into Williton as Doniford Road is not a safe road.

Highways Development Control -

Final Comments, July 2019:

- A minor mistake regarding the stated scaling on the submitted access visibility plan should be corrected for clarity;
- Visibility has still not been clarified for Normandy Avenue and Liddymore Farm, although please note my previous comment that the Highway Authority would not object to the current application in regard to this matter *providing* the LPA are comfortable that details of other vehicular, pedestrian and cycle facilities within the development and linking to the existing networks can be considered as part of a future reserved matters application (bearing in mind access is not a reserved matter in the current outline application);
- Visibility for pedestrian (informal) crossings within the site have still not been demonstrated (although my comment above would also apply in this instance);
- Visibility for pedestrians at the Doniford Road junction has not been demonstrated (and this should be clarified at this stage, as access is not a reserved matter and the proposals must show that appropriate visibility is available for pedestrians discharging from the proposed new footway onto the existing live carriageway); and
- While the needs of non-motorised users have now been appropriately assessed, no mitigation measures are proposed and issues such as the poor surfacing of the route remain. It is recommended that a Travel Plan be secured under a S106 agreement which could address cover any necessary improvements. However, an outstanding point is whether the routes shown within the NMU have been confirmed as available for the uses proposed (bearing in mind that these include routes along private roads for which the right of public access is not clear within the application). I would recommend this be confirmed prior to the determination of this application, else it is unclear whether the routes assessed are available in practice for the uses you propose (ie by cyclists and pedestrians to link to the wider network).

A number of conditions are recommended.

Biodiversity and Landscaping Officer -

Biodiversity: No objection subject to conditions and a S106 agreement to secure management of County Wildlife Site and additional land within the applicants ownership.

Landscape: Disagree with conclusions of part of the LVIA with regards to the landscape impact of the 'northern' access and road. (now removed from proposals)

Housing Enabling Officer -

No objection subject to delivery of 35% affordable housing, to be secured through a S106 Agreement.

Open Space -

No objection subject to provision a LEAP on site, to be secured through a S106 Agreement.

Planning Policy -

Thank you re consulting the SWT strategy team on the above proposal.

Since being consulted in 2017, in line with officer requests, we welcome the revised access arrangements to the east onto Doniford Lane. On the information supplied, they avoid the engineering works, impacts to the landscape and the Locally designated Wildlife Site – matters which were identified by the planning policy team when they were first consulted.

With regard to the principle of residential development - along with other sites in the locality, the land in question was promoted by private developers who made representations to the West Somerset Local Plan. Based on the evidence submitted at that time, the Inspector in his report concluded that the development of the site would be acceptable in principle and was needed for housing land supply reasons. Specifically:

- *"Given that the plan strategy and policy SC1 envisage development in close proximity to the contiguous built-up area of Watchet, once WAT9 (Liddymore Farm) has been developed both other sites will meet this criterion. I see no reason why all three of the suggested sites should not come forward. All would be in accordance with the plan strategy and policy SC1 and thus acceptable in principle".*
- *"No insurmountable barriers to development were identified to prevent those sites coming forward. Indeed, all the evidence was to the contrary. Given the strength of the evidence given about the deliverability of each site, it is not clear what additional security will be afforded by allocation in the Plan for those advocating development."*
(Paragraph 109 of the Inspectors Report)
- The application site would contribute towards demonstrating a suitable supply of housing, including the 5-year Housing Land Supply.
(Paragraph 103 of the Inspectors Report).

These sites (including the application site) did not become formal plan allocations due to concerns raised by the West Somerset Council that this may cause further delays in the Examination process and adoption of the Local Plan. Instead West Somerset Council made it clear that they would rely on such windfall proposals to come forward via the development management process under Local Plan policy SC1 and the Inspector confirmed he was happy with this approach (see

Paragraph 109 of the Inspectors Report).

Accordingly, based on the information supplied, the revised proposal would appear to be consistent with the locational requirements as set out in criteria 4 of Policy SC1 of the adopted West Somerset Local Plan (2016). Accordingly, there are no policy objections to this proposal on these grounds.

Please come back to me should you require further information or planning policy advice on this matter.

Tree Officer -

No objection subject to appropriate conditions.

Environment Agency -

No objection.

Avon & Somerset Police -

Very Low crime area; advice on Secured by Design.

SCC - Ecologist -

No objection following receipt of Ecology Report

Somerset County Council - flooding & drainage -

No objection subject to suitable conditions.

Rights of Way Protection Officer -

No objection; note opportunities to link provide links to existing network.

Somerset County Council Education -

No comments received.

Wessex Water Authority -

Infrastructure is available to provide appropriate connections.

SCC - Historic Environment -

No objection following receipt of Archaeological Report, including geophysical survey, subject to appropriate conditions.

Representations Received

21 letters received during initial consultation; 11 letters received following

reconsultation.

Main issues:

- Need for additional housing
- Large numbers of houses permitted in Watchet
- Landscape impact
- Traffic and local road conditions
- Location of the site and proximity of facilities
- Availability of local facilities such as doctors surgery
- Potential for water run-off from the site
- Use of Cherry Tree Way

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
- SC2 - total housing provision
- SC3 — appropriate mix of housing types and tenures
- SC4 - affordable housing
- SC5 — self-containment and sustainability of settlements
- WA1 — general policy covering Watchet
- WA2 - key strategic allocation in Watchet
- TR1 — access to and from West Somerset
- TR2 — reducing balance on private car
- CF1 — maximising access to health, recreation and cultural facilities
- CF2 — planning for healthy communities
- CC2 — flood risk management
- CC5 - water efficiency in developments
- CC6 — water management and safeguarding from flooding
- NH4 - archaeological sites of local significance
- NH5 — landscape character protection
- NH6 — nature conservation and biodiversity
- NH7 - green infrastructure
- NH8 — protection of best and most versatile agricultural land
- NH13 — securing high standards of design

WEST SOMERSET DISTRICT LOCAL PLAN 2006 SAVED POLICIES

TW/1 — trees and woodland protection
TW/2 — hedgerow protection
NC/1 — sites of special scientific interest
W/4 — water resources and development
T/8 — Residential car parking
T/9 — Existing footpath protection
R/5 — Public open space and large developments

Local finance considerations

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£37,498
Somerset County Council	£149,990

6 Year Payment

Somerset West and Taunton	£224,986
Somerset County Council	£899,943

Determining issues and considerations

The following are considered below:

- 1) Background
- 2) Principle and Planning Policy
- 3) Location
- 4) Visual Impact
- 5) Highways and traffic impact
- 6) Pedestrian and Cycle routes
- 7) Ownership matters
- 8) Ecology and trees
- 9) Flood risk
- 10) Design
- 11) S106 matters

1) Background

A pre-application request was made to West Somerset Council in May 2015 seeking advice in relation to a residential development on the application the site which broadly reflected those proposals forming part of this application submission. In response to the proposals at that time, the Council were of the view that the

proposals would be premature.

The applicant submitted Representations to the emerging (at that time) Local Plan making the case for its inclusion in the Plan as a housing allocation. The site was considered as part of the examination. The Local Plan was adopted in 2016.

The current Outline application was received in 2017, initially with an access road linking two parts of Doniford Road. Following assessment of the application during early 2018, the part of the proposal was removed.

Following consultations in late 2017, the applications submitted archaeological and ecology Reports.

Reconsultation took place in December/January 2018/19.

Negotiations to resolve outstanding highways details including routes for cyclists and pedestrians were concluded in summer 2019.

Following an administrative error at the time of registration of the original application, Williton Parish Council were not consulted on the application. The Parish Council were consulted in July 2019 and, their comments, reproduced in full above, were received in September 2019.

2) Principle and Planning Policy

The Inspectors Report, following the Local Plan Examination considered the development of the site to be acceptable in principle given its proximity to the contiguous built-up area of Watchet and in context of neighbouring site allocations and proposals.

It was noted that the application site would be required to contribute to the delivery of the Local Plans housing supply/trajectory, and it's development would be consistent with the Plan's strategy.

This is confirmed in the Council's Strategy comments:

Since being consulted in 2017, in line with officer requests, we welcome the revised access arrangements to the east onto Doniford Lane. On the information supplied, they avoid the engineering works, impacts to the landscape and the Locally designated Wildlife Site – matters which were identified by the planning policy team when they were first consulted.

With regard to the principle of residential development - along with other sites in the locality, the land in question was promoted by private developers who made representations to the West Somerset Local Plan. Based on the evidence submitted at that time, the Inspector in his report concluded that the development of the site would be acceptable in principle and was needed for housing land supply reasons. Specifically:

- *"Given that the plan strategy and policy SC1 envisage development in close*

proximity to the contiguous built-up area of Watchet, once WAT9 (Liddymore Farm) has been developed both other sites will meet this criterion. I see no reason why all three of the suggested sites should not come forward. All would be in accordance with the plan strategy and policy SC1 and thus acceptable in principle”.

- *“No insurmountable barriers to development were identified to prevent those sites coming forward. Indeed, all the evidence was to the contrary. Given the strength of the evidence given about the deliverability of each site, it is not clear what additional security will be afforded by allocation in the Plan for those advocating development.”*
(Paragraph 109 of the Inspectors Report)
- The application site would contribute towards demonstrating a suitable supply of housing, including the 5-year Housing Land Supply.
(Paragraph 103 of the Inspectors Report).

It continues:

These sites (including the application site) did not become formal plan allocations due to concerns raised by the West Somerset Council that this may cause further delays in the Examination process and adoption of the Local Plan. Instead West Somerset Council made it clear that they would rely on such windfall proposals to come forward via the development management process under Local Plan policy SC1 and the Inspector confirmed he was happy with this approach (see Paragraph 109 of the Inspectors Report).

Accordingly, based on the information supplied, the revised proposal would appear to be consistent with the locational requirements as set out in criteria 4 of Policy SC1 of the adopted West Somerset Local Plan (2016). Accordingly, there are no policy objections to this proposal on these grounds.

Comments have been received in relation to the phasing of development in Watchet. There is no phasing policy in the adopted Local Plan. There was no recommendation from the Local Plan Inspector to introduce a phasing policy or amend the strategy or locational policies for Watchet. There are planning approvals (subject in some cases to unsigned S106 Agreements) on the edge of Watchet, in the absence of a phasing policy or requirement, these existing 'commitments', this is not a reason to refuse the development of the application site. The Local Plan housing figures are a minimum, not a maximum. Government policy urges decision makers to significantly boost the supply and delivery of housing.

It is concluded that the development of the site is acceptable in principle and is consistent with the Local Plan Strategy and settlement policies.

3) Location

As noted above the site lies adjacent to the edge of Watchet. The location of the site is consistent with the criteria for development sites in the town set out in the adopted Local Plan.

The lies within close proximity, and comfortable walking distance, of the local primary school (450m), and convenience/food store (850m). The applicant has prepared a Transport Assessment and a Non Motorised User (NMU) Report (March 2019) which assesses in detail the location of the site and its accessibility by non car modes - bus, pedestrians and cyclists. The Report also assesses the safe routes to the primary and Secondary School.

As set out above, there is no policy objection to the location of the site: it is consistent with the locational criteria of the adopted Local Plan policies for Watchet.

SCC, the highway authority have confirmed that there is no objection to the location of the site nor with the submitted TA and NMU.

4) Visual Impact

The submitted LVIA concluded that the submitted application would only have local landscape impact. Consultees agreed with the LVIA in so far as it found that the housing element of the proposals were would not have a significant or harmful visual impact. However, consultees, including the Landscape Officer, considered that the proposed access road, extending south from Doniford Road, and cutting across/up a sloping field was likely to be visually intrusive. As noted below this field is also a Local Wildlife site.

As a result of these objections, (and concerns expressed by SCC Highways about the potential for rat-running), this part of the proposal was removed from the application.

It is considered that the application is acceptable in landscape visual impact terms.

5) Highways and traffic

The submitted TA, Interim Travel Plan and NMU have been carefully assessed by SCC, the Highway Authority. As noted above, subject to the imposition of planning conditions, and securing the works/proposals in the NMU by means of a S106 Agreement, SCC have no objection to the proposals.

The application is submitted in Outline: only the main access onto Doniford Road is to be approved at this stage. There are no objections to this access. The detailed alignment of the internal road network, and the connections to the existing road and footway network is a matter for the Reserved Matters. SCC and the applicants are content with this approach, as set out above.

The Parish Council refer to the opportunity for rat running: by virtue of the deletion of the northern link through the County Wildlife site no such rat running will occur.

The Parish Council also refer to the propensity for more accidents and refer to 'Crashmap' data. If crashmap data is examined for the whole area it also reveals accidents on all key routes; the concentration of accidents in Williton itself is actually far higher than on roads surrounding the site. The TA notes *'it can also be*

concluded that the level of accidents (two in five years) could be considered low for the type and extent of highway network covered.

SCC Highways has raised no safety concerns in respect of the application; this includes an assessment of the speed of traffic on local roads, accident data and the generation of traffic arising from the development.

6) Pedestrian and Cycle Routes

As noted above the application is supported by an NMU. This Report, prepared in response to issues raised by local residents and the County Council, includes a detailed assessment of the location and condition of all the footways and footpaths within, adjoining and in proximity to the application site, as well as those routes proposed to provide linkages to local schools, shops and other local facilities. Improvements are recommended by the NMU/SCC. These can be secured through the Travel Plan and through Reserved Matters.

A number of linkages are proposed to existing residential areas; there is a network of public rights of way around the site and surrounding area. Some of these paths cross fields. They are not relied on by the application in order to provide convenient, safe routes to key local services and facilities.

The application does not require any other permitted/committed development to be delivered in order to secure appropriate pedestrian/cycle links to/from the application site.

The Parish Council make reference to a link to the development on the edge of Williton at Aller Mead. The outline application for that site shows the potential for a new link into the existing PROW network. The land between the Aller Mead site and the application site is not controlled by either applicant. Given that all of the key local facilities identified in the TA and NMU do not require this route it is unreasonable to require it to be delivered.

SCC Public Rights of Way have noted the potential to deliver additional linkages but no requirement to deliver them. The applicants have set out that they would be willing to work with the Councils to deliver such links and are working with the project officer for the Steam Coast Trail who is looking at improved footpath linkages in the area.

7) Ownership Matters

Land ownership, including covenants etc is typically not a matter for the planning application process provided applicants have complied with the legal requirement to serve Notice on owners affected by the development.

In this case some local residents and the County Council have sought clarification on the ability of the applicants to use some local roads which are marked as 'private'.

There are two key points: firstly, whilst these routes are shown as part of routes to local services and facilities in the submitted NMU, there are alternative routes shown

which avoid the 'private' roads. Secondly, the applicants have provided evidence that they have appropriate rights to use these routes, including Title documents.

It is not considered that the issue of the local road network ownership is a matter on which the application can be rejected.

8) Ecology and Trees

The proposal will not impact on trees protected by a TPO. A comprehensive Tree Report has been prepared. Existing trees will be protected; this is part of planning conditions set out above.

The northernmost of the three development parcels is identified as a Local Wildlife Site. The submitted Ecology Report shows this parcel of land to be of less ecological value than the lower slopes of the Site. Nonetheless, the applicants are proposing to provide land in their ownership to offset the loss of the protected area.

This land is shown within the blue line of the application. Subject to the delivery of this off-set ecological mitigation, to be secured through a S106 Agreement, there are no objections to the proposal on ecological grounds.

9) Flood Risk and drainage

The site lies within flood zone 1: low risk. A local watercourse and ditches run through the site. The applicants FRA has considered the potential flood risk associated with this. Whilst there is no evidence to show that there is a risk, the applicants have proposed adding a planning condition setting floor levels well above any theoretical risk associated with these features.

Drainage is shown indicatively as part of the application. The FRA sets out that run off will be attenuated to a better than greenfield level. Further details will be part of Reserved Matters.

There is no EA or Flood Authority objection.

10) Design

The application is submitted in Outline with all matters Reserved with the exception of the main access. Reserved Matters will provide details of the layout and scale of the proposed dwellings together with details of the appearance of the buildings and overall site and landscaping.

A Design and Access Statement has been submitted which provides an assessment of the character and appearance of the local area. It predates the removal of part of the access road described above. Indicative plans are included showing illustratively how the site could be developed. A parameter plan has been submitted. The housing part of the site can in principle accommodate the 139 dwellings (at a density of c32dph) which the applicant has proposed as part of the description of the development.

The Design and Access Statement refers to the potential to accommodate 3 storey homes on the 'central' parts of the residential area of the site. The acceptability of 3 storey dwellings, having regards to the local landscape and the amenities of nearby homes is a matter which falls to be assessed as part of the Reserved Matters process. 'Scale' for the purposes of Reserved Matters includes height.

11) S106 Matters

As noted in this Report a number of matters are required to be secured by means of a Planning Obligation under S106 of the Planning Act.

These matters are:

- Affordable Housing provision (35%)
- Travel Plan including further details set out by SCC Highways including the NMU;
- Provision of a LEAP and its maintenance;
- Ecological safeguarding and provision of off-set/mitigation area under the applicants control.

Conclusions

The development of the site for housing is acceptable in principle. The site meets the settlement, strategy and locational criteria policies of the adopted Local Plan, having previously been considered in principle to be in accord with the Plan at Examination.

The proposal has been carefully assessed having regard to the policies of the adopted Plan.

The proposal will not have and adverse landscape, ecological or arboricultural impact, subject to securing the provision of land for ecological mitigation.

The highways proposals and traffic implications of the proposals have been carefully considered, including footpaths, cycle routes and routes to schools and other local services and facilities. There is no objection from the highways authority. On the basis of this assessment there is no objection to the proposals in highway terms.

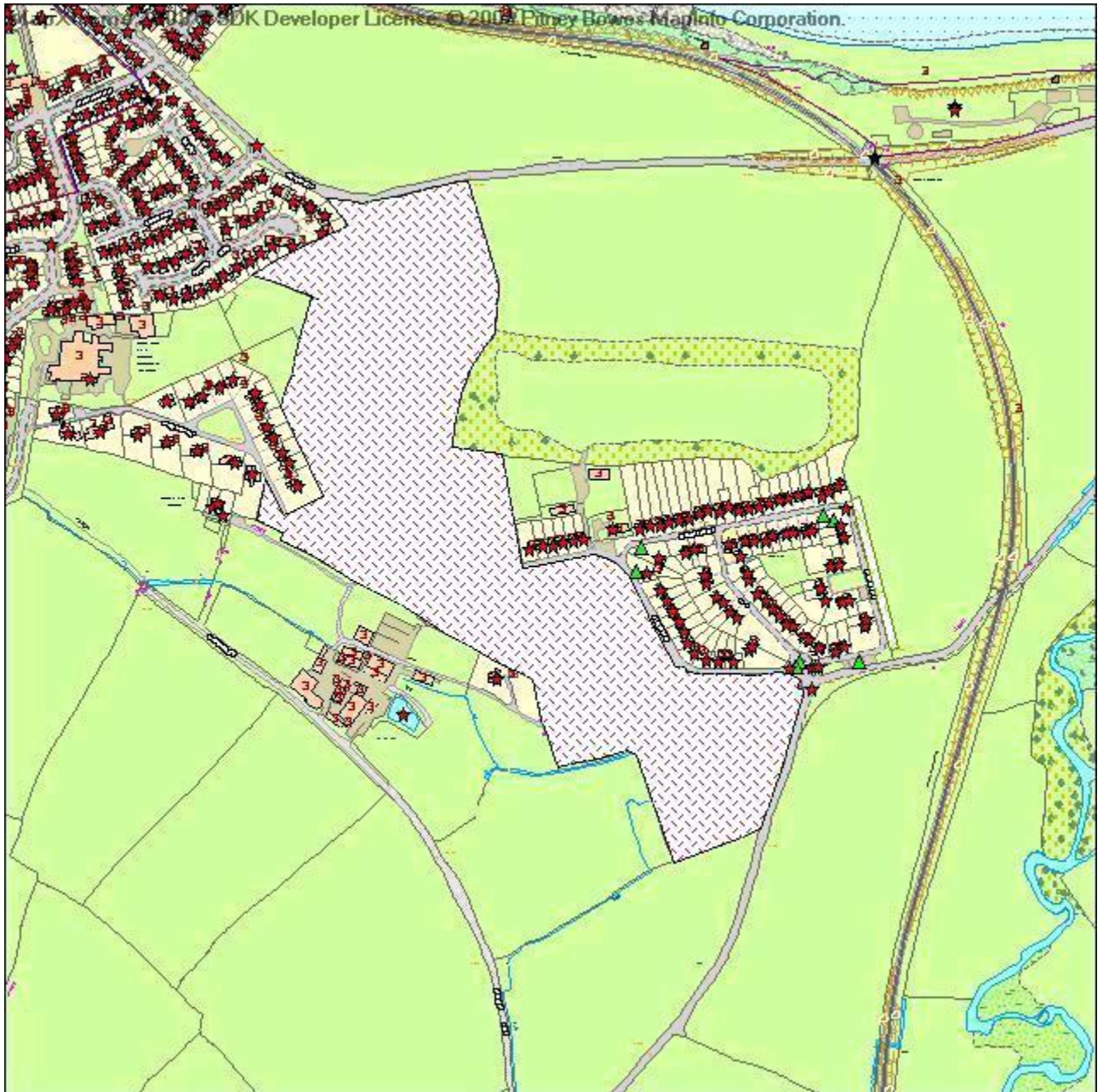
Having regard to the policies of the Local Plan and the material considerations considered in this Report it is recommended that Outline Planning Permission be granted subject to a S106 and the conditions set out above.

It is considered that this outline proposal is acceptable. It is recommend that delegated Authority be granted to the Assistant Director Planning and Environment (or equivalent chief planning officer) to grant planning permission subject to the completion of an appropriate legal agreement to secure:

- An appropriate mix and tenure of affordable housing at a rate of 35% of the total number of dwellings provided.
- Provision and maintenance of on-site play and open space (including LEAP)
- Provision of lands for ecological mitigation within the applicants ownership.

· Travel Plan, including monitoring costs, and measures set out in the submitted NMU.

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



Application No 3/37/17/019
Outline Planning Application with
all matters reserved, except for
means of access, for the erection
of up to 139 dwellings and
associated works

Land south of Doniford Road and
Normandy Avenue, Watchet

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

West Somerset Council
Licence Number: 100023932



This Map is based upon Ordnance Survey material with the
permission of Ordnance Survey on behalf of the controller of
HMSO © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may
lead to
prosecution or civil proceedings.

Easting: 308045
Northing: 142625

Scale: 1:5000

10/19/0023

MR S YOUNG

Change of use of 3. No agricultural buildings to 1 No. 3 bedroom dwelling (Class C3) and associated works at Pay Farm, Willand Road, Churchstanton

Location: PAY FARM, WILLAND ROAD, CHURCHSTANTON, TAUNTON, TA3 7RJ

Grid Reference: Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

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 1683/PL/01d Location and Site Plans
(A2) DrNo 1683/PL/02c Site Plans
(A2) DrNo 1683/PL/03c Site Plans
(A2) DrNo 1683/PL/04b Floor Plans Plot 1 Strip Elevations
(A2) DrNo 1683/S/10A Site Survey
(A2) DrNo 1683/S/11A Buildings Survey
(A2) DrNo 1683/PL/06c Elevations Plot 1
(A2) DrNO 1683/PL/09c Site Sections
(A2) DrNo 683/S/10A Site Survey
(A4) Location Plan

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

3. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available

planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each 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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Pre-Commencement Reason: To ensure that the natural beauty of the surrounding Blackdown Hills Area of Outstanding Natural Beauty is maintained.

4. Prior to the conversion of the buildings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the buildings and the surrounding Blackdown Hills AONB.

5. Works shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition is in the interests of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

6. Works shall not commence until:
 - a) Demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist.
 - b) An improved cavity bat box, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. A photograph showing its installation will be submitted to the Local Planning Authority

- c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

7. Prior to completion, a “lighting design for bats” shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of populations of European and UK protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

8. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds’ nests immediately before vegetation is removed the building is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy.

9. Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within. A scheme showing how this will be implemented should be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The approved scheme will be implemented in full and maintained thereafter.

Reason: In accordance with Government policy for the maintenance of biodiversity as set out in the National Planning Policy Framework (170d).

10. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and left for a minimum period of 48 hours of warm suitable weather

(limited rain and wind, with overnight temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land in the active period. This work may only be undertaken in the active period for reptiles between April and October. Written notification of the date when the operation will be carried out will be submitted to the Local Planning Authority prior to works commencing.

Reason: In the interests of UK protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

11. A Beaumaris Woodstone maxi bat box or similar will be mounted under the apex of the north elevation and maintained thereafter. A photograph showing the installed feature will be submitted to the local planning authority prior to occupation of the building.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be erected on the site other than that expressly authorised by this permission, shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the surrounding Blackdown Hills AONB.

13. The two existing barns to the south of the proposed barn conversion, as shown on plan number 1683/PL/03B, shall be demolished prior to the first occupation of the barn conversion hereby approved.

Reason: To protect the residential amenity of the future residential occupiers of the barn conversion.

Notes to Applicant

1. Any proposed works must not encroach onto the width of the PROW.

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

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.
- Installing any apparatus within or across the 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.

2. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

Planning permission is sought to convert 3 barns into a single 3 bedroom dwelling house, with a new detached double garage. The two attached barns (known as Barn B) will be converted into a two bedroom dwelling. The detached barn (Barn A) in the north east corner will be converted into a master bedroom with ensuite. A new detached open fronted garage will be built to the south of Barn A.

This is a revised application following an earlier application to convert Barns A and B into a dwelling and to replace Barn D with a new dwelling (see planning history below).

Site Description

The application site lies at the end of a long unsurfaced track which leads from the unclassified Willand to Higher Munty road, in Churchstanton. It lies amongst a group of former agricultural buildings within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The application relates to three barns of a traditional design

located in the north east and north west of the site. Immediately to the south are a further 2 barns, one of block construction (Barn C) and the other clad in corrugated iron (Barn D). These two barns have been used for low key storage use. They are located within the red line of the application site but do not form part of the proposal. To the east of the access track lies Paye Barton, a barn conversion which once formed part of Pay Farm. To the south lies a barn within separate ownership which is used to stable horses. Further south, a bungalow known as Pay Farm is in separate ownership.

A plan showing the location of Barns A, B, C and D will be shown in the Committee presentation.

Relevant Planning History

10/18/0027/LE - Certificate of Lawfulness for use of farm buildings as B8 storage. Still under consideration. This relates to Barns C and D to the south of the site.

10/18/0014/LE - Certificate of Lawfulness for use of barn as dwelling. Refused 2018. This relates to Barn A.

10/18/0017 - Conversion of barns into 2 no. dwellings including the erection of single storey link extensions and associated works. Still under consideration. This application relates to the conversion of Barns A and B into a dwelling, incorporating a link extension between the two barns. It also involves the demolition of the corrugated Barn D to the south and its replacement with a new dwelling. Officers have advised the applicant that this application cannot be supported due to the extent of new build. The agent has indicated that this application will be withdrawn if the current application is permitted.

10/02/0015 - Change of use and conversion of agricultural building dwelling. Refused in September 2002.

10/01/0015 - Change of use and conversion of agricultural building dwelling. Refused in September 2001.

10/01/0005 - Change of use and conversion of agricultural building dwelling. Refused and dismissed on appeal in February 2002.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL -The Parish Council **object** to this application on the following grounds:

Incapacity to convert / Buildings not capable of conversion and would require at least 70% rebuild.

Access is inappropriate and therefore the site is not accessible.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice.

WESSEX WATER - No comment.

SOMERSET WILDLIFE TRUST - Support the findings of the Ecological survey subject to conditions.

COUNTY ECOLOGIST - I would require the following conditions to be applied:

Works shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or

b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interests of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

This should ensure that the barns are checked for bats / roosting potential prior to works commencing. I would not apply the above if the survey was up to date based on its findings. If nothing has changed since 2016 a statement should be submitted as above. However, if bats are found then the licence would be required. This and the following condition would also ensure that the LPA fulfils its legal duty of strict protection of European protected species, which also follows the recommendation in the report:

Works will not commence until:

a) Demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist.

b) An improved cavity bat box, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. A photograph showing its installation will be submitted to the Local Planning Authority. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

Given that no bat activity surveys were carried out I have to assume the presence of light averse species on the site. The following needs to be conditioned:

Prior to completion, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external

lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of populations of European and UK protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

Nesting birds were present in two of the barns to be converted including swallows. Therefore, the following condition will be required. Swallows occupy nests into September. This needs to be conditioned as follows:

No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before vegetation is removed the building is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy

Swallows are loyal to nesting sites and have been in decline since the 1970's across Europe. Provision for a replacement was recommend by Country Contracts and I consider should be installed to ensure no net loss of biodiversity in accordance with Government policy. I recommend that the following be conditioned:

Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within. A scheme showing how this will be implemented should be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The approved scheme will be implemented in full and maintained thereafter.

Reason: In accordance with Government policy for the maintenance of biodiversity as set out in the National Planning Policy Framework (170d)

The report states that that there was abundant potential / favourable reptile (slow worm) habitat was recorded on site. Therefore , the following condition will be required:

Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and left for a minimum period of 48 hours of warm suitable weather (limited rain and wind, with overnight temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land in the active period. This work may only be undertaken in the active period for reptiles between April and October. Written notification of the date when the operation will be carried out will be submitted to the Local Planning Authority prior to works commencing.

Reason: In the interests of UK protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. I would recommend that the following is conditioned.

A Beaumaris Woodstone maxi bat box or similar will be mounted under the apex of the north elevation and maintained thereafter. A photograph showing the installed feature will be submitted to the local planning authority prior to occupation of the building.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs over the access to the site at the present time (public footpath T6/6).

We have no objections to the proposal. A footpath diversion order will be required if any of the garden boundary structures obstruct the footpath.

BLACKDOWN HILLS AONB SERVICE - The Blackdown Hills Area of Outstanding Natural Beauty is primarily an agricultural landscape that has retained a sense of remoteness and remains largely unspoilt by modern development.

It is characterised by expansive views over field patterned landscapes with steep valleys and narrow winding lanes. Pay Farm is located in a quiet out of the way part of the AONB accessed by narrow lanes with a lightly settled character and sense of tranquillity. Consequently, the AONB Partnership believes that any development proposal in a remote location such as this requires very careful consideration as to the potential impact on the natural beauty of the area, and people's enjoyment of its associated special qualities.

The impact of development on the AONB is not simply the visual impact of conversion. The following aspects are of some concern in that regard and would require some careful consideration in respect of conserving and enhancing local character:

- The creation of additional residential development away from recognised settlements.
- The intensification of use and the associated noise, activities and comings and goings of residents and visitors, in particular as related to use of the public right of way.
- The introduction of domestic activity, domestic paraphernalia, vehicles and light spill and creation of garden.
- The construction of a sizeable new building for garaging.

In addition, the application provides no explanation or reassurances as to how one dwelling divided by a courtyard successfully functions, thus raising the question of future pressure for extensions and/or new build links.

Representations Received

Ward Councillor Henley: Objects as the site is in the AONB, poorly served from the road network and constitutes overdevelopment in a rural area.

CPRE SOMERSET - Object. CPRE Somerset strongly believes that this proposal does not demonstrate any exceptional circumstances. Whilst CPRE's core policy is to be pro-development, any development must be in the appropriate place to create beautiful places, this proposal demonstrably not in the appropriate location. The planning documents make no reference to meet the requirements of sequential testing as required by Policy DM2 and therefore CPRE Somerset considers there are no 'exceptional circumstances' to justify residential conversion as required by DM2.

CPRE Somerset considers that the 'split' build design of the dwelling constitutes two residential related buildings, not 1no. residential dwelling, and thus is not of good quality design as it will not function properly as one residential unit. Therefore, CPRE Somerset considers this proposal to be contrary to CP8; 'be appropriate in terms of scale, siting and design', and NPPF para 55.

CPRE Somerset is concerned that this proposal will be detrimental to Dark Night Skies, considering this application is contrary to NPPF (2019) para 180 (c), which states;

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely affect(including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from development. In so doing they should:

(c)limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

At present Paye Farm, Stapley produces <0.25nanoWatts/cm2/sr of light pollution, classed as 'darkest skies' i.e. emanating little or no light pollution. Dark night skies is one of the Special Qualities of the AONB therefore CPRE Somerset requests that should the case officer be minded to approve the application then Taunton Deane BC is mindful of and ensures that appropriate lighting conditions are put in place to conserve the dark night skies of the AONB.

CPRE Somerset requests that should the case officer be minded to approve this development proposal then any external lighting should be downward emitting lighting with clear glazing to reduce light scatter is used. Maximum permitted colour temperature of light sources to be 3000K, light switching to be via Passive Infra-Red (PIR) detectors with daylight sensing.

Six letters of objection have been received and are summarised below. Of these objections, three have come from outside the district (Collumpton, Basingstoke and Vale of Glamorgan):

- The extent of rebuilding proposed is tantamount to a new dwelling;
- The site is in the open countryside and the Blackdown AONB where new dwellings are not permitted;
- The private access lane goes through the middle of Pay Farm with the house on one side and fields on the other, this will cause noise and disturbance;

- The lane is in poor condition and will worsen with the traffic from an additional dwelling;
- It is not known whether a new residential dwelling would benefit from a right of access over the lane;
- The site is not served by waste collection services so all waste/recycling needs to be carried down to the junction with the road. There is limited space on the verge to store waste;
- No sequential test for alternative uses has been carried out under Policy DM2;
- A new occupier of one of the barns walks their 8 horses across the lane to the field opposite;
- Hazard from construction traffic;
- An up-to-date bat survey should be carried out during dusk;
- The detached bedroom is impractical and at some point in the future there will be an application to link it to the main barn;
- There is a planning history relating to this barn with 3 refusals and an appeal dismissed. The barn in question was considered of insufficient merit or historic interest. In addition, the extent of the alterations were considered to constitute a re-build rather than a barn conversion;
- Reference is made to 3 other similar cases refused in the last 2 - 3 years.

Three letters of support have been received, two of these are not from the local area. The proposed conversion is welcomed in terms of bringing old buildings back into use and tidying up the site, to the benefit of the surrounding AONB.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP4 - Housing,
 CP8 - Environment,
 DM1 - General requirements,
 DM2 - Development in the countryside,
 DM4 - Design,
 SD1 - Presumption in favour of sustainable development,
 SP1 - Sustainable development locations,
 D7 - Design quality,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 160sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £20,000.00. With index linking this increases to approximately £26,750.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£1,079
Somerset County Council	£270

6 Year Payment

Somerset West and Taunton	£6,474
Somerset County Council	£1,619

Determining issues and considerations

The Principle of Development

Under Policy SP 1, a number of villages are identified as sustainable locations for development. The village of Churchstanton is not identified as one of these settlements which means that the site has to be considered as lying within open countryside. Policy DM2 allows for the conversion of existing buildings provided that they are of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension. A sequential approach must be followed in the following priority:

- i. Community uses;
- ii. Class B business uses;
- iii. Other employment generating uses;
- iv. Holiday and tourism.

The applicant has submitted an Economic & Commercial Viability Report in support of the application. It concludes that the buildings are not suitable for community use as the site is remote from the village and accessed down a long track. There are already community facilities at Churchstanton primary school and the village halls at Churchinford and Hemyock. The buildings are not suitable for Class B uses such as offices, light industry or storage due to the restricted access down a rough track. The low eaves height will deter commercial occupiers as will the existing poor internet connectivity. Holiday lets are considered to be unviable. For all of the options, the cost of construction would be higher than the capital value of the units.

The application is supported by a structural survey which assesses the condition of the barns and concludes whether they are suitable for conversion. The small barn in the north east corner of the site (Barn A) is single storey and of stone construction with a clay pantiled roof. The front elevation is rendered with doorway openings boarded up. There is some evidence of historic movement so that the tying and

bracing of the roof structure is required. The building is structurally sound and apart from the rebuilding of the front elevation, little change is proposed other than the insertion of windows.

The small barn in the north west corner (Barn B) is of stone construction with a corrugated iron mono-pitch roof. The external stone walls are in a sound condition. It is attached to a larger stone barn with a pitched roof clad in a mix of cladding and sheeting. This barn has been extended at the front at some point so that it projects in front of the smaller attached barn. The front elevation is of blockwork and this section will be rebuilt. It will also be necessary to remove the roof cladding and re-tile with clay pantiles. The existing roof trusses will be realigned and strengthened.

The structural survey demonstrates that the barns are of permanent and substantial construction. The barns are also of a suitable size for a residential conversion without the need for significant alteration or extension. It will be necessary to replace sections of the front blockwork elevations and to re-clad the roof to Barn B. However, the roof structure and profile is retained. These works are not considered to amount to "major rebuilding" under Policy DM2. It is worth noting that if the site was not within the Blackdown Hills AONB, these works would be permitted development (under Q of the GPDO 2015). The building operations would be considered as being reasonably necessary to convert the building into a dwelling.

It is concluded that the proposal meets the requirements of Policy DM2. The works relate to the conversion of existing barns and not to the erection of a new dwelling in the open countryside.

Planning History

Objectors have made reference to the history of planning refusals and the appeal dismissed in 2002. This history relates to Barn B, the two attached barns in the north west part of the site. The barn conversion was refused on the grounds that the building was of insufficient quality and that substantial alterations were required. This included a new roof structure with a different roof profile and an increase in height of the front elevation. The Inspector concluded that the building was of little merit but was in keeping with its surroundings. However, the proposed alterations would make the barn "significantly different in its form and appearance".

The planning policy context at that time was slightly different in that both national and local plan policy supported the conversion of more traditional farm buildings. Hence, the officer at the time concluded that the quality of the barn was poor. There is no such test in the current planning policy context, which supports the conversion of modern and functional farm buildings. Furthermore, the proposed conversion would have resulted in a totally new roof structure and an increase in the height of the building. This is not the case in the current application. A clear distinction can be made between the appeal proposal and the current application.

Objectors have also made reference to three comparable planning applications within the Parish which were refused permission. Officers have looked at these applications and can advise Members that they related to the erection of new dwellings within the open countryside. No comparison can be made to the current proposal which seeks to convert existing buildings into a dwelling. In any event, each application is considered on its own merits.

Ecological Impact

An ecological survey was carried out two years ago which identified that there is evidence of nesting birds within the barns. There was no evidence of bats. Objectors have suggested that a further evening bat survey should be carried out. However, the County Ecologist is satisfied that further survey work prior to the commencement of the development can be secured by condition. These conditions will require that the buildings are inspected by a licensed ecologist for the presence of bats and a licence obtained if bats are found. Mitigation measures are also proposed for nesting swallows and potential slow worms on the site. A lighting specification will be required to ensure that there is no disturbance to potential bats. Subject to the satisfactory implementation of these conditions, the ecological impact of the development will be limited.

Visual Impact on the Blackdown Hills AONB

The site is visible from the public footpath to the east but is not prominent from wider views in the surrounding AONB. The existing buildings to be converted are of a traditional stone structure and are grouped around a former farm yard. Whilst they are structurally sound, the corrugated roof cladding and the unkempt nature of the site detracts from the natural beauty of the surrounding AONB. The proposed conversion works will remove the unsightly corrugated iron and sheeting to be replaced with traditional clay tiles. The roof structures and roof profiles to Barn A and the main part of Barn B will be retained. It will be necessary to replace the monopitch on the small attached barn with a pitched roof. This will match the height of the adjoining barn. The rendered block work on the front elevations of the existing barns will be replaced by timber cladding. A new detached open fronted garage will be erected to the south of Barn A, faced in local stone. Whilst this element is new build, it will be sited adjacent to the existing group of buildings and is modest in scale. It is considered that the alterations to the barns are sympathetic to its rural surroundings. The proposal will give a new use to existing buildings and will visually improve the appearance of the application site. The AONB officer has suggested that a condition is imposed to limit any light pollution from external lights.

Highways and Public Right of Way

The site is accessed via a long and narrow track which serves Pay Farm, Paye Barton, an equine unit and the site itself. There is a public right of way (T6/6) which runs along this track, across the vehicular access to the site, then turns north west to the rear of the site. The plans have been revised to show that no part of the built development will encroach onto the right of way. There is therefore no requirement for a formal footpath diversion order to be carried out. Vehicles accessing the proposed barn conversion will drive along this right of way but this is no different from vehicles currently accessing the low key storage use on site. The question over whether the applicant has a right of way over this access track is a separate civil matter. Nevertheless, the applicant and his family have used this track for 20 plus years from when the site was in use as a mushroom farm.

Concerns have been raised about the increase in traffic on the access track which will result in noise and disturbance. It is also claimed that the safety of horses crossing from the barn to the fields opposite will be affected. Officers consider that the creation of a single additional dwelling will not result in a significant increase in traffic to and from the site. It is also worth noting that if the existing barns on site were used for agricultural, industrial or storage purposes, the traffic generated would be likely to be greater with the use of larger vehicles.

With regard to waste collection, it is acknowledged that waste vehicles are not able to use the existing access track. Future occupiers will be required to transport their own waste to the public roadside for collection, in common with the two existing dwellings close to the site. County Highways has raised no objection to the proposal.

Impact on Residential Amenity

There are two existing residential properties in the vicinity of the application site, with Paye Barton situated 25 metres away to the east behind substantial screening. The bungalow at Pay Farm is located 80 metres away to the south. Pay Farm is accessed from a private driveway off the access track, with the access to Paye Barton and the site to the east of Pay Farm. Officers do not consider that the proposed barn conversion will adversely affect the residential amenity of the neighbouring occupiers, who are located some distance away.

Some objectors have questioned the practicality of having the master bedroom in a separate building on the opposite side of the courtyard. Concerns have been expressed that there will be pressure in the future to approve a link extension between the main barn and Barn A. Should such an application be submitted, it will be assessed on its merits against current planning policy.

Officers are concerned that the future occupiers of the barn conversion may be adversely affected by the proximity of the former agricultural buildings on the site. Barn C is located 6 metres away to the south east and Barn D is 1.5 metres away from a proposed bedroom window and door in the south elevation of the new dwelling. The existing low key storage use within these barns could be intensified in the future and this would have a detrimental impact on the future occupiers of the barn conversion. It is therefore considered appropriate to impose a condition requiring the demolition of these barns prior to the occupation of the barn conversion.

Conclusion

It is considered that it has been satisfactorily demonstrated that the barns are structurally sound and capable of conversion with substantial rebuilding or extension. Furthermore, the proposed residential use would have less of an impact on the adjoining occupiers and on highway safety than an industrial/employment or community use. The proposal complies with Policy DM2 and it is recommended that planning permission is granted subject to suitable conditions including the removal of rights for extensions/alterations and outbuildings.

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

Contact Officer: Ms A Penn

38/19/0315/LB

GGFF LTD

Various external alterations to the front elevation of 2 Magdalene Lane, Taunton

Location: 2 MAGDALENE LANE, TAUNTON, TA1 1SE

Grid Reference: 322862.124515

Listed Building Consent: Works

Recommendation

Recommended decision: Refusal

Refusal

1 The proposed alterations will have a significant adverse impact resulting in considerable loss of historic fabric and loss of character to the principal elevation of the listed building, contrary to policies CP8 and of the Core Strategy Policy DM1 (d), Policy D4 (D) and Section 16 of the National Planning Policy Framework..

Proposal

The proposal consists of the enlarging 2 no. of the existing four ground floor window openings and installing larger replacement windows and replacing the existing pair of centrally positioned timber front doors with a single leaf glazed door to No.2 Magdalene Lane.

The applicants have submitted the following supporting information :-

The proposed scheme provides minimal intervention on the principle elevation of the listed building and will have little impact on the neighbouring Street scape due to the neighbouring commercial properties already benefiting from larger glazed openings and commercial looking elevations. The introduction of the larger replacement windows will also ensure the long-term commercial future of No.2 Magdalene Lane and create a space fit for its commercial use, giving it a required retail appearance.

It is well documented that retail premises in town centre locations across the country are struggling to survive and the local owner of No.2 Magdalene Lane wishes to improve the commercial viability and appearance of the premises to ensure a long-term future for the Listed portion of Fine Fabrics. The proposed changes are part of the evolution of change required for town centre premises to remain competitive for the retail environment.

Finally, the proposal aims to enhance and protect the existing fabric of the building and the setting through its quality of design, materials and workmanship.

The first floor of the east elevation onto Magdalene Lane will remain unaltered. No alterations are proposed to the layout of the first floor of the building. Materials

The proposed alterations will adopt a palette of materials currently being used within the existing building. This includes metal (powder coated aluminium) replacement windows & door with label mouldings to window heads and moulded Bath Stone dressings.'

Site Description

The site lies within the town centre and on the western side of Magdalene Lane. The building is part of Fine Fabrics to the north, although historically it relates to No.1 to the south.

The list description is as follows: *Former Almshouses erected in 1845. Gothic 2 storey red brick building with ashlar dressings. Left side comes forward slightly. 3 gables with moulded cappings rise into old tile roof. Large central ashlar stack. Linked weathered hoodmoulds run along the front. Original pointed lights to 1st floor (paired to left) and to ground floor on right. 2 moulded pointed doorways under rectangular dripmoulds. Original double doors. NOTE: Designed by Carver and Giles, erected in 1845-6.*

Relevant Planning History

The most recent planning application, was for 'alterations to the window openings (4no.) on the front elevation under application nos. 38/18/0410 & 38/18/0411/LB and was refused 18th December 2018. The refusal reasons was:

The proposed alterations will have an adverse impact on the historic fabric and character of the listed building and will be contrary to policies CP8 and DM1d of the Core Strategy as well as Section 16 of the Planning (Listed Buildings Areas) Act 1990. In light of paragraph 196 of the NPPF, the public benefit is limited here and is not considered to outweigh the harm to the listed building.

Previous planning applications were 'demolition of two storey rear extension and erection of a larger two storey rear extension' under application nos. 38/18/0175 & 38/18/0176/LB and approved on 3rd August 2018 and for the 'change of use of first floor from storage to retail use' under application no. 38/06/0444 and approved on 21st November 2006 - as listed on Somerset West & Taunton Council's website.

Consultation Responses

none

Representations Received

none

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
D4 - Shopfronts,
CP8 - Environment,

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset.

In particular Paragraph 192 states:

In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

In particular Paragraph 193 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly

exceptional.

In particular Paragraph 196 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policies CP8 and DM1 set out that proposals should not harm Listed Buildings, and the street scene.

Policy D4 states that :- *Proposals for the alteration or construction of shopfronts will be permitted, provided that inter alia :*

D. Where appropriate the scheme preserves and enhances the character and setting of Conservations Areas and Listed Buildings;

It is considered that the proposal will not preserve or enhance the character or setting of the listed building.

In this case it is considered that the proposed changes will cause 'less than significant harm' to the heritage asset within the meaning of the NPPF advice. This is considered to be high end of this category.

A similar proposal was refused consent in 2018. That proposal was to alter all four ground floor window units and to widen the central doorway . This current proposals is to retain the ground floor windows at each end of the elevation and to replace the two other windows and the central door with large glazed units. This will result in the loss of two historic windows and the central doorway together with the stonework around these areas.

The building already has a retail use with an internal link to the building to the north to enhance its usability. A modern two storey extension has also been allowed at the rear of the building to benefit its use. The applicants are making the case for this alteration for reasons associated with commercial viability. However no evidence has been submitted of the consideration of other non retail commercial use that could be compatible with the existing form and appearance of the building.

It is noted that paragraph 19 of the NPPF advises that '*local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality*'. However this proposal is not considered to be consistent with the conservation of the character of this listed building. The historic appraisal submitted with the application also suggests that the building should be regarded as locally listed and not listed as a designated grade 2 listed building for the reason that the building has been much altered internally and at the rear. Factually, this is a listed building and must be treated as such in the consideration of any proposals for works of alteration. It is admitted by the applicant that the works do affect the originally conceived principle elevation.

The proposal will result in significant loss of historic fabric and irreversible change to the character of the this principle public elevation which is special feature in this intimate historic lane where many other building have been much altered and modernised . Those are not listed buildings There is considered to be limited public

benefit from the proposal and the proposed substantial changes to the frontage in my view do not outweigh the high degree of harm.

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

Contact Officer: Paul Dadson

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 9

Document is Restricted

APPEALS RECEIVED October 2019

Site: Ruishton Dog Rescue, Priory Farm Birds Lane, Knapp North Curry

Proposal: Change of use of land and buildings to mixed use residential and dog rescue centre at Priory Farm, Birds Farm Lane, Knapp, North Curry (resubmission of 24/18/0032) (retention of works already undertaken)

Application number: 24/18/0049

Appeal reference: APP/D3315/W/19/32336409

Site: 7 Temple Fields, Watchet, TA23 0JH

Proposal Erection of single storey dwelling and demolition of garage

Application number: 3/37/18/006

Appeal reference: APP/W3330/W/19/3237040



Appeal Decision

Site visit made on 1 October 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/W3330/W/19/3234524

The Barn, The Willows, Curload, Stoke St Gregory, Taunton, Somerset TA3 6JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr N Hector against the decision of Somerset West and Taunton.
 - The application Ref 36/19/0013/CQ, dated 24 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is conversion of Dutch barn to 2 large dwellings, courtyard curtilage and converted building.
-

Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of Dutch barn to 2 large dwellings, courtyard curtilage and converted building at The Barn, The Willows, Curload, Stoke St Gregory, Taunton, Somerset TA3 6JD in accordance with the terms of the application Ref 36/19/0013/CQ, dated 24 April 2019, and the plans submitted with it including DSGN0194_CQ_LB01, DSGN0194_CQ_EXG01, DSGN0194_CQ_EXG02, DSGN0194_CQ_EXG03, DSGN0194_CQ_SP01, DSGN0194_CQ_P01, DSGN0194_CQ_P02, DSGN0194_CQ_P03 and DSGN0194_CQ_P04, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraphs Q(a) and Q(b).

Procedural Matters

2. Although the description of development suggests that the application relates only to a change of use, it is clear from the appeal documents that the development includes both a change of use and building operations, as referred to in paragraphs Q(a) and Q(b) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). I have determined the appeal on this basis.
3. The Council considers that the development accords with the requirements set out in Paragraph Q.1 of Schedule 2, Part 3, Class Q of the GPDO. There is no evidence before me to the contrary.
4. Paragraph W(10) of Schedule 2, Part 3 of the GPDO indicates that when determining an application, regard must be had to the National Planning Policy Framework 2019 (Framework) so far as relevant to the subject matter of the

prior approval, as if the application were a planning application. I have determined the appeal on this basis.

Main Issues

5. Paragraph Q.2 of Schedule 2, Part 3 of the GPDO sets out that where the development proposed is under Class Q(a) together with development under Class Q(b), development is permitted subject to an application to the local planning authority for a determination as to whether their prior approval is required in relation to the matters sets out in paragraphs Q.2(1)(a) to (f).
6. With respect to the matters identified by the Council, the main issues are:
 - Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural to residential use, with particular regard to access, highways, economic benefits of nearby commercial uses, and noise disturbance to future occupiers of the dwellings; and
 - Flooding risks on the site.

Reasons

Impractical or undesirable

7. Impractical or undesirable are not defined in the regulations. However, Planning Practice Guidance (PPG) sets out that: local planning authorities should apply a reasonable ordinary dictionary meaning in making any judgment; impractical reflects that the location and siting would not be sensible or realistic; and undesirable reflects that it would be harmful or objectionable.
8. The appeal site includes an agricultural barn and an access track. Running across the site, the track joins with Curload Road to the north-west and Collickshire Lane/Stanmoor Mead Drove on the other side of the site. It provides vehicular access to the site and the B1/B8 commercial units located to the south-east. It is also used by others, including local residents using it as an alternative route to the highway and by agricultural vehicles using the Drove.
9. The appellant has indicated that the track would continue to provide vehicular access to the B1/B8 commercial units approved under planning permission 36/2005/022, as well as for the proposed dwellings. The appeal proposal would therefore not prevent the commercial units from operating and providing economic benefits as per the approved, existing situation.
10. The evidence before me indicates that the track is owned by the appellant and forms a private access. Use of the track by others could therefore be restricted at any time, irrespective of the appeal proposal. Should this occur, the alternative would involve use of the public highway and the junction between Curload Road and Collickshire Lane/Stanmoor Mead Drove. It is not a large junction and it has relatively limited visibility from some positions. However, I observed on my site visit that Curload Road is restricted to 30 miles per hour, there is relatively good visibility when approaching the junction from both directions on Curload Road and there is a reasonable turning area at the junction. It would therefore not be particularly impractical or unsafe for vehicles to use this junction instead of the track. Furthermore, I observed on my site visit that where the track meets the Lane/Drove, there is limited

turning space available for vehicles heading to or coming from the north-east due to existing boundary treatment and the width of the Lane/Drove. Accordingly, some vehicles going to or coming from that direction are likely to use the highway junction in any event and irrespective of the appeal proposal.

11. Use of the track for vehicles serving the nearby B1/B8 units could result in some noise and disturbance to future occupiers of the development. However, access to the B1/B8 site is somewhat restricted, the surrounding highway network generally involves narrow rural roads, and the submitted evidence indicates that the number of B1/B8 units served by the track is relatively limited. Accordingly, it seems to me that the size and number of vehicles using the existing track to access the B1/B8 units would not be particularly significant, including with respect to the distribution use. Those units' operating hours are also restricted by a condition of permission 36/2005/022. Furthermore, the new dwellings would be partly screened from the track by the proposed outbuildings and a large tree, which I observed on my site visit is located between the side of the proposed dwellings and the track. Noise disturbance from vehicles using the track would therefore not be unacceptable.
12. For the above reasons, I conclude that the location or siting of the building would not make it otherwise impractical or undesirable for the building to change from agricultural to residential use, with particular regard to access, highways, economic benefits of nearby commercial uses, and noise disturbance to future occupiers of the dwellings. From the evidence before me, I find that the appeal proposal would also be consistent with the provisions of the Framework in relation to developments functioning well and adding to the overall quality of the area, not just for the short term but over the lifetime of the development.

Flooding

13. The Framework sets out that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments. In relation to flood risk, minor development is defined in the PPG as, amongst other aspects, development that does not increase the size of the building, for example, alterations to the external appearance.
14. The appeal proposal involves a change of use and would not increase the size of the building. The sequential and exception tests are therefore not required. However, situated within Flood Zone 3, the site is located in Stanmoor which has a high risk of flooding, and the PPG defines dwellings as 'more vulnerable'. Accordingly, a site-specific flood risk assessment (FRA) is required and the Framework indicates that development in such areas should only be allowed in certain circumstances.
15. Although the submitted FRA is relatively concise, further details are provided in the appellant's appeal statement. Together, these documents identify flood risk at the site and in the surrounding area, set out possible sources of flooding, including from nearby rivers and the Stanmoor Main Drain adjacent to the site, and confirm that Stanmoor is not an active floodplain. Historical flooding events are also detailed, existing flood defences serving the surrounding area are identified and considered in relation to climate change, and details on land levels and the gravity drainage of water in the adjacent drain are provided. The FRA sets out that the proposed finished floor level will be 225mm higher than

the existing, all electrical sockets and outlets will be a minimum of 450mm above the finished floor level, and refuge could be provided on the proposed first-floor. The development would also reduce roof- and surface-water run-off which is currently discharged straight onto the ground. This would be achieved by a reduction in the amount of roof area, installation of rainwater collection tanks and soakaways, and returning the garden area to permeable ground.

16. From the evidence before me, it seems to me that the appeal proposal would reduce surface water run-off by incorporating sustainable drainage, would not increase the risk of flooding in the surrounding area, and would be sufficiently flood resilient and resistant. With the site continuing to have two access points, there would be sufficient access and escape routes, and residual risk could be safely managed by, for example, the first-floors providing a refuge area. I also note that the Environment Agency were consulted but did not object.
17. For the above reasons, I conclude that the flooding risks on the site do not indicate that the proposed development would be unacceptable, nor undesirable in this location. I find that it would also be consistent with the provisions of the Framework in relation to planning and flood risk, including specifically with regard to allowing development in areas at risk of flooding.

Conclusion and Conditions

18. For the above reasons, the appeal is allowed.
19. Any planning permission granted for the change of use of agricultural buildings to dwellinghouses under Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO is subject to the condition Q.2(3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. Paragraph W(13) of Part 3 of Schedule 2 of the GPDO also allows the granting of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The Council has suggested that the plans should be conditioned. However, as I have listed the submitted plans in my decision above, it is not necessary to include a condition listing them separately. A condition requiring surfacing of the track, as suggested by the appellant, is unnecessary in this case because I have found that use of the track as it currently exists would not give rise to unacceptable noise disturbance to future occupiers of the development.

Tobias Gethin

INSPECTOR



Appeal Decision

Site visit made on 10 September 2019

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/W3330/Z/19/3231135

Approved coffee shop with drive-thru facility, Westpark 26, Wellington TA21 9AD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Costa Ltd against the decision of Somerset West and Taunton Council.
 - The application Ref 43/19/0033/A, dated 5 April 2019, was refused by notice dated 11 June 2019.
 - The advertisement proposed is described as 1 x pole sign.
-

Decision

1. The appeal is dismissed.

Main Issue

2. Consideration of advertisements is limited to matters of amenity and public safety. The Council has raised no objections related to public safety. The main issue is therefore the effect of the advertisement on amenity.

Reasons

3. The proposed sign would serve a coffee shop, which, at time of my visit, was under construction. The coffee shop is located at the edge of a business park, close to a large roundabout which lies on the road linking the M5 with Wellington.
4. The general locality features street lights, and a number of substantial existing signs, including those at a filling station and pub/hotel to the north and south of the site respectively. In each case these signs have a reasonably close physical and visual relationship with the buildings they serve, and are, for the most part, viewed against those buildings, or against adjacent vegetation. This reduces their degree of visual prominence within the general setting.
5. The proposed pole sign would stand in an open space some distance from the coffee shop. It would be of similar height to adjacent street lights, but given the presence of the sign at high level, dissimilar in appearance. Viewed from the north, travelling towards Wellington, and indeed approaching the coffee shop from the roundabout, the height of the pole sign, combined with rising levels, would give it an unusually high degree of visual prominence. This would be further accentuated by the fact that the sign would be viewed against the sky, and would be illuminated.

6. I note that the pole sign would be less prominent viewed from other directions. I have also taken into account the functional character of the business park. However, the undue prominence of the sign viewed from the north would nonetheless cause it to appear visually obtrusive. Furthermore, given the somewhat weak spatial relationship between the pole sign and the coffee shop, it would additionally be perceived as visual clutter.
7. The appellant states that a 4.6 metre non-illuminated version of the sign could be installed with the benefit of deemed consent. It is clear however that a non-illuminated sign almost half the height of that for which express consent has been sought, would have a far more modest visual presence. As such the effects on amenity would differ significantly.
8. I accept that the sign is purposely prominent, that its function is to draw the attention of drivers on adjacent roads during both the day and night, and that it is part of a package of advertising generally deployed at Costa drive-thru sites. I further note that the parties dispute the extent to which the sign is necessary in this context. The business need or requirement for the sign is however a consideration which falls outside the limited matters of amenity and public safety, upon which control over advertisements is exercised. I have not therefore considered these matters further.
9. Two appeal decisions within which Costa signage was allowed elsewhere, have been drawn to my attention by the appellant. One of the appeals related to a sign apparently similar to that within the current appeal. Both sites are however located elsewhere in the country, one in Scotland. Whilst I have limited details of the character of the locations in question, it is highly unlikely that in either case this identically matched that of the current appeal site. Furthermore, given that the assessment of effects on amenity are necessarily site-specific, these decisions cannot be considered to provide justification for the proposed signage.
10. For the reasons outlined above I conclude that the advertisement would cause unacceptable harm to amenity. I have taken into account Policy D2 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 (the DMP), which states that development which would harm the visual qualities of routes into and out of Wellington will not be permitted; and Policy D3 of the DMP, part (c) of which states that adverts signs will not be permitted where they are unduly prominent or create visual clutter when viewed with any existing signs; and so are material in this case. In view of my findings and my conclusion above, the proposed advertisement conflicts with these policies.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR