

SWT Planning Committee

Thursday, 23rd July, 2020,
1.00 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh.

Webcasting - Virtual Meeting

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Sue Buller, Dixie Darch, Roger Habgood, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

Minutes of the previous meeting to follow.

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.

Temporary measures during the Coronavirus Pandemic

Due to the Government guidance on measures to reduce the

transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

- | | |
|--|------------------------|
| <p>5. 3/32/19/023</p> <p>Outline application with some matters reserved except for access for the erection of up to 35 No. dwellings at Land south of, High Street, Stogursey</p> | <p>(Pages 5 - 28)</p> |
| <p>6. 3/32/20/004</p> <p>Outline application with some matters reserved, except for access and scale, for the erection of 5 No. dwellings at Tanyard Farm, 16 Castle Street, Stogursey, TA5 1TG</p> | <p>(Pages 29 - 44)</p> |
| <p>7. 3/32/20/009</p> <p>Erection of a residential development comprising of 27 No. dwellings, relocation of children's play area and associated works (resubmission of 3/32/19/019) at Land at Paddons Farm, Stogursey, Bridgwater, TA5 1BG</p> | <p>(Pages 45 - 70)</p> |
| <p>8. 3/21/20/033</p> <p>Erection of 1 No. single storey dwelling with garage undercroft and associated site works (resubmission of 3/21/19/085) at Hillside barn, Moor Road, Minehead, TA24 5RT</p> | <p>(Pages 71 - 80)</p> |
| <p>9. 3/32/20/011</p> <p>Erection of a single storey extension to the side and rear at 14 Town Close, Stogursey, TA5 1RN</p> | <p>(Pages 81 - 86)</p> |
| <p>10. Latest appeals and decisions received</p> | <p>(Pages 87 - 92)</p> |



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 and webcast. 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

Application No:	3/32/19/023
Parish	Stogursey
Application Type	Outline Planning Permission
Case Officer:	Jeremy Guise
Grid Ref	
Applicant	Woodhead
Proposal	Outline application with some matters reserved except for access for the erection of up to 35 No. dwellings
Location	Land south of, High Street, Stogursey
Reason for referral to Committee	

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposal would result in an excessive spatial concentration of new housing in the village, contrary to Policy SC1 of the adopted West Somerset Local Plan 2032 , which seeks to restrict new housing development in Stogursey to limited development only.
- 2 The design and layout of the proposed development is considered to be poor, and does not relate well to the existing settlement pattern. It would not produce development of the highest standard and as such would be contrary to Policy NH13 Securing high standards of design of the Adopted West Somerset Local Plan to 2032, and Paragraphs 124 - 131 of the National Planning Policy Framework.
- 3 The proposal would be visually intrusive and harmful to the setting of Stogursey Castle, a scheduled Ancient Monument. As such the proposal would be contrary to Policy NH2, Management of Heritage Assets, of the adopted West Somerset Local Plan to 2032 and the provisions of paragraphs 193-194 and paragraph 196 of the NPPF.
- 4 The proposal would result in a designated amenity area being replaced with a 'T' junction access and suburban road layout that is unsympathetic to the historic core of the village. It would represent a poor design that would adversely affect the character of the Stogursey Conservation Area; and, as such, be contrary to Policy NH2, Management of Heritage Assets, and Policy NH13, Securing High Design Standards, of the adopted West Somerset Local Plan to 2032, saved Policy R/7 of the Somerset Local Plan 2006 and the provisions of paragraphs 193-194 and paragraph 196 of the NPPF.

- 5 The proposal generates a requirement that 35% of the development (14) dwellings be affordable. In the absence of a Section 106 or other legal agreement to secure their delivery the proposal is contrary to Policy SC4 Affordable Housing of the Adopted West Somerset Local Plan to 2032.
- 6 The proposal generates a requirement for children's play space equipped and casual. In the absence of a mechanism, such as a Section 106 legal agreement, or similar, the proposal is contrary to Policies CF1, Maximising Access to Healthy Sport, Recreation and Cultural Facilities, and Policy ID1, Infrastructure Delivery, of the adopted Somerset Local Plan 2032.
- 7 Insufficient evidence has been provided to demonstrate to the satisfaction of the Local Planning Authority that safe access can be provided to the site. In the absence of this information the proposal is considered to be contrary to Policy NH13, Securing high standards of design of the adopted West Somerset Local Plan to 2032.
- 8 Insufficient evidence has been provided to demonstrate to the satisfaction of the Local Planning Authority that adequate surface water drainage can be provided to the site. In the absence of this information the proposal is considered to be contrary to Policy CC2, Flood Risk Management, of the adopted West Somerset Local Plan to 2032.

Informative notes to applicant

- 1 Note that refusal reasons 5,6, 7 and 8 may be capable of being overcome with a Section 106 legal agreement, or similar, and the supply of further information.

2 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. The proposal was considered to be unacceptable in principle because it was contrary to [the strategic policies within the Development Plan / policies within the National Planning Policy Framework] and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

The application was considered not to represent sustainable development [and the development would not improve the economic, social or

environmental conditions of the area].

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

Proposal

The proposal seeks outline planning permission for up to 35 houses arranged in a series of cul-de-sacs accessed off the High Street in Stogursey. Access is to be determined at this outline stage, leaving appearance, landscaping, layout and scale to be considered at reserved matters stage, should outline permission be granted.

An illustrative layout plan shows an access road off the High Street leading to shared surfaces houses built on higher land than the older houses to the east, giving an appearance closer to the detached houses to the west. An attenuation pond 1,000sqm is shown in the southern eastern corner, with swales for surface water through the centre and southern part of the site and a foul water pumping station in the south east corner.

Since submission the applicants have reduced the numbers of proposed dwellings to 35 (1.7 dwellings per hectare) provided further information about dwelling sizes and, in response to consultation comments, submitted: a (Highways) Technical Note 1 (showing entrance access details); a Travel Plan; an updated flood risk assessment; an amended indicative site plan and a response to the Conservation and Landscape officer comments that:-

- Complains that there is no evidence that the council has undertaken a Conservation Area Appraisal has been undertaken in Stogursey since the conservation area was designated in 1975
- Points out that Stogursey Castle is 250m from the nearest proposed dwelling in the development and that the nearest existing dwelling is 70m. The distance and landscape buffer, intervening trees and hedgerows mean that the development would have no significant adverse impact.
- Development has been allowed in close proximity to Stogursey Castle. 12 dwellings at 6 Castle street under ref. 3/32/14/004

The applicant has also been keen to emphasise the public benefits arising from the proposal:

- The proposal will make a significant contribution towards the delivery of affordable housing in the village
- The indicative site plan, submitted 15th October 2019, reduced the number of proposed house to 35 and provided information about the housing mix
- The proposal will provide public access to open space either abutting the High Street or within the site.
- The proposal will provide a safe accessible footpath from the site to the school playing fields to the west and visitor parking that can be used by parents
- Suggests that the open space could accommodate a children's play area

Site Description

The application site is an irregular shaped field (approximately 3.1 ha) located to the south of High Street /Tower Hill, Stogursey. Known to some as Glebe field, it is privately owned 'amenity' land, accessed from the High Street, adjacent to The Rectory, where it becomes Tower Hill.

Topographically the northernmost part of the site, that fronts the High Street, is approximately 2m higher than surrounding village which itself sits on a ridge within the Quantock Vale. Beyond this frontage feature, levels falls away to the south, following the general pattern in the area. Stogursey Brook. There is a difference in levels of approximately 10m between the northern and southern boundaries of the site.

The land is currently used for agriculture and falls into Agricultural Land use Classification category 3 (which includes the good / moderate category 'Best and most versatile '). A stone boundary wall, approximately 1m in height, separates the site from the High Street, which at this point projects as a convex bend, but elsewhere boundaries are marked by established hedges, interspersed with trees.

The site extends to the south west, behind the rear gardens of four detached houses fronting High Street /Tower Hill. It shares its' western boundary with playing fields belonging to Stogursey Church of England Primary school, whose grade II listed building is located diagonally opposite to north west. Open countryside abuts the southern boundary of the site, with the Quantock Hills forming a backdrop in the distance. There are several public footpaths to the south of the site. The closet runs alongside the Western boundary and the primary school where it splits. The western route (ref. WL23/33) heads south west, away from the application site, towards Pophams Park. The eastern route (ref. WL 23/2) extends along the rear of the primary school playing field, touches the site at its south westernmost extremity and heads south, south east where it joins another route (ref. WL23/1) that runs from Castle Street around the south eastern (far) side of Stogursey castle. The site is visible from all three routes, but is most prominent from route Ref. WL 23/2 which provides views of the site against the backdrop of the village. The ruins of Stogursey Castle, a grade II* listed building and Scheduled Ancient Monument, are located to the south east. They are separated from the site by a field and partly screened by established hedges and trees.

The eastern boundary is closest to the village centre and has a more urban character. No. 25 High Street is a semi -detached house located adjacent to the north eastern boundary. It forms part of the High Street which continues to the east and the centre of the village. Two modern bungalows and a court of lock-up garages are located on lower ground, to its' rear (south). St Andrews Well, a natural Spring, rises close to them and flows into Stogursey Brook. Opposite the site's High Street frontage, is a terrace of small, two storey, cottages, Nos 46-62 High Street. These are similar to others in the medieval core of the village fronting St Andrew's Road and Castle Street. Most of the more recent post-war development has occurred on the northern side of the village around Town Close and Burgage Road.

Stogursey is one of the larger villages in West Somerset. It has a range of village facilities which includes a convenience store, a public house, a place of worship, a

village hall and a primary school. It is also relatively remote. Bridgwater is 8 miles away, to the east via the A39, and Taunton 11 miles to the south east, on the southern side of the Quantock Hills. As the closest village to Hinkley Point nuclear power station, it is located within the safeguarding zone for evacuation in the event of a serious accident. It is also currently the site of Europe's largest construction site, Hinkley C, resulting in considerable increase in traffic volumes in recent years and pressure for new residential development.

Relevant Planning History

None on this site. Relevant planning history for nearby sites is set out below.

Land adjoining 16 Castle Street

Ref. 3/32/14/004 Demolition of existing bungalow and redundant agricultural buildings and construction of 12 new dwellings, associated parking and turning and improvements to existing vehicular entrance
Conditional planning permission, subject to a section 106 legal agreement,
06/07/2016

Paddons Farm

Ref. 3/32/06/003 Erection of 55 dwellings and associated works Approval 05.07.06

Ref.3/32/07/008 Erection of 59 dwellings & associated works as amended Approval 26.04.07

Ref. NMA/32/17/002 Non-material amendment to application 3/32/07/008 The addition of a condition listing the approved plans' Conditional approval (extant conditions apply) 08.08.17

Ref. 3/32/17/012 Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey. Refused Appeal dismissed 17.10.18

Ref. 3/32/18/042 Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.(Resubmission of 3/32/17/012) Refused 07.03.19

Ref. 3/32/19/009 Erection of a residential development comprising of 27 dwellings, relocation of children's play area and associated works, Paddons Farm Stogursey Refused 05/12/2019 Appealref.APP/W3330/W/20/3245966 dismissed by the Planning Inspectorate 24.06.2020

Ref. 3/32/20/009 Erection of a residential development comprising of 27 dwellings, relocation of children's play area and associated works (resubmission of 3/32/19/009): Paddons Farm Stogursey Undetermined

Land off Shurton Lane

Ref. 3/32/19/011 Outline application with all matters reserved except for access for a residential development of up to 70 No. dwellings, Land off Shurton Lane

Stogursey Refused 20/12/2019 on the grounds that it was contrary to West Somerset Policy SC1, to low density and lacked a noise survey. The decision has been appealed and is currently with the Planning Inspectorate for consideration. Planning Inspectorate ref. APP/W3330/W/3243508

Ref. 3/32/20/003 Outline application with all matters reserved except for access for a residential development of up to 32 No. dwellings, (resubmission of 3/32/19/011) Land off Shurton Lane Stogursey. Undecided

Consultation Responses

Stogursey Parish Council -

- [The proposal] would represent a major change in the village Increase in traffic congestion, movements and danger to other road users. The village has very limited public transport links, lacks local employment and has only 2.5 doctors' surgery
- Questions the sustainability of the development: 160 houses proposed
- Questions whether the drainage stage is robust enough impact on the Castle
- Overbearing development that would have a detrimental impact on the health and wellbeing of immediate neighbours, and to the community as a whole.
 - Provision of dropped and tactile pavements on the opposite side of the proposed entrance to the site would displace already limited on street parking
 - Potential hazard to people attempting to cross the road from traffic using the space to allow vehicles coming from the opposite direction to pass.
 - Concern that water runoff will significantly exacerbate the existing and well documents flooding problem in Castle Street

Additional Concerns raised by Stogursey Parish Council 14/11/2019

-The proposed siting of the dropped pavements and tactile pavements on the opposite side of the entrance to the site would firstly restrict parking in a road that already has issues with enough parking spaces for the houses on the road and; secondly traffic could use the 'free' spaces where the dropped pavements were placed as pull-ins for passing traffic coming in the opposite direction. This is a potential hazard between someone attempting to cross the road and traffic pulling in.

The Parish Council are still concerned that water run off proposals will significantly exacerbate the existing and well documents flooding problem in Castle street.

HISTORIC ENGLAND – Objection (Summary of views). The proposals comprise an outline application for up to 35 dwellings on land that in part lies within the Stogursey Conservation Area, as well as being within the setting of designated heritage assets including the nationally important scheduled monument of Stogursey Castle. Historic England has concerns regarding the application on heritage grounds due to the harm caused by the extent and form of the proposed development to the significance of the

ancient monument in particular....We consider that were development to extend down to the southern boundary of the proposed development site this would represent a significant visual intrusion into views out from the monument. We consider this visual intrusion would be harmful and would question if this can be considered justified in such an otherwise relatively unspoilt landscape with limited development beyond the southern extent of historic settlement as compared to that to the north. Consequently, in the event that significant alterations are not made to the proposals to address these concerns we advise that your authority should treat this as a letter of objection.

Adverse impact upon the setting of heritage assets
loss of undeveloped rural character
visually intrusive new development
Unsympathetic to the historic pattern of settlement
Contrary to paragraphs 184,190,192,193194 and 196 of the National Planning Policy Framework (NPPF)

Office of Nuclear Regulation (ONR) - Does not advise against this development. Somerset County Council have provided assurance that each proposed development can be accommodated within the site emergency planning arrangements

THE SOUTH WEST HERITAGE TRUST - Seeks further information on potential archaeological remains prior to determination. The site has the potential for prehistoric, Roman and Medieval archaeology. The application provides insufficient information to access this potential. Requires field evaluation, with possible trenching depending on the geophysical work.

Highways Development Control - Whilst there is no objection to the principle of the development proposed in terms of traffic impact the current detail is limited and as such the Highway Authority require clarity on the following as below demonstrated on suitably scaled topographical drawings where appropriate to the satisfaction of the Highway Authority prior to any conditions being recommended. Failure to do so may result in a recommendation for refusal on grounds of insufficient information.

- Demonstrate achievable visibility splays from the proposed access in both directions (to the nearside carriageway edge without any encroachment on third party land).
- Confirm the dimensions of the proposed widening of the High Street all along the site frontage .
- Clarify the location of the proposed pedestrian crossing points along the site frontage and foot way to the north of the High Street, demonstrating pedestrian visibility spays and tactile paving.
- Provide swept path analysis showing all directions of movement for the largest associated vehicle associated with the proposal (likely to be 11.4m refuse vehicle)

The additional information provided since has been assessed by the Highway Authority.

Drawing number Plan TN1-1 Rev B states that vehicular visibility from the proposed access in both directions can be lawfully achieved and fully within the landowners control. This needs to be clarified through a revised redline

plan demonstrating the extend of the applicants ownership for avoidance of doubt.

Should the applicant need to ascertain the extent of the existing public highway boundary, the contact email is RoadRecords@somerset.gov.uk. The applicant has provided additional detail regarding the extent of widening along parts of the site frontage and proposed pedestrian crossing points. However, due to existing on street parking along the northern side of the High Street visibility from the proposed pedestrian crossings to the north are obscured and not considered safe. As such the applicant will need to provide a suitable pedestrian build out arrangement to ensure appropriate pedestrian splays can be achieved.

Further comments 11.06.2020 -The additional information provided since has been assessed by the Highway Authority.

Drawing number Plan TN1-1 Rev B states that vehicular visibility from the proposed access in both directions can be lawfully achieved and fully within the landowners control. This needs to be clarified through a revised redline plan demonstrating the extend of the applicants ownership for avoidance of doubt.

Should the applicant need to ascertain the extent of the existing public highway boundary, the contact email is RoadRecords@somerset.gov.uk. The applicant has provided additional detail regarding the extent of widening along parts of the site frontage and proposed pedestrian crossing points. However, due to existing on street parking along the northern side of the High Street visibility from the proposed pedestrian crossings to the north are obscured and not considered safe. As such the applicant will need to provide a suitable pedestrian build out arrangement to ensure appropriate pedestrian splays can be achieved. In this instance the applicant may wish would remove the proposed pedestrian crossing point to the west of the site and reduce the proposed adjoining footway along the frontage.

It is noted from the supporting drawings provided that the exit radius from the access is much greater than the entry radii creating an excessively wide bellmouth. It would appear from the swept path drawings that the exit radius can be tightened up. This would allow the uncontrolled crossing with the development/proposed internal layout to be moved closer to the desire line and bell mouth of the access.

The supporting Travel Plan Statement (TPS) in its current format is not suitable and requires revisiting. Whilst not having a suitable TPS to date is not a reason to recommend refusal, it is necessary that a TPS is appropriately secured to include a suitable trigger point in its delivery. With the above in mind, whilst the access and all forms of highway works could be secured through a Grampian Condition (which would require a S278 legal agreement) the applicant needs to firstly confirm through a redline plan the full extent of their landownership to ensure all forms of appropriately visibility for this proposal site can be achieved prior to a recommendation from the Highway Authority being provided.

SOMERSET ECOLOGY SERVICES - No objection to the proposal, but seeks conditions.

The application site lies within Band A of the Bat Consultation Zone for the Exmoor and Quantocks Oak Woodlands SAC which is designated for its barbastelle bat feature. However, the proposed development is unlikely to have a significant effect on Barbastelle bats and therefore do not proposed to carry out a Habitats Regulation Assessment for the application provided the following conditions are applied :-

- Submission of and approval of a lighting design for bats
- Submission and approval of a Landscape and Ecological Management Plan (LEMP)
- Restriction on timing of work to hedgerows and shrubs to protect nesting birds
- Hand cutting of vegetation to minimise risk of harming / killing reptiles.
- The inclusion of bat, swift and bee features in houses to promote biodiversity.

COMMENTS FROM ENABLING SPECIALIST – AFFORDABLE HOUSING -

A minimum of 35% of all new housing should be in the form of affordable units. Based on a development scheme size of 40 homes this would mean that 14 affordable homes would be required.

The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development.

The Housing Needs Survey for Stogursey completed in Nov 2018 along with recent figures from Homefinder indicate a need for predominantly 1 and 2 bedroom rented properties with a smaller requirement for 3 and 4 rented bedroom properties. Homefinder. Therefore, the required housing mix for the affordable homes should would reflect this identified need. On this basis the following mix is required

- 45% 1b2p
- 30% 2b4p
- 20% 3b 5/6p
- 5% 4b6p

Any shared ownership should be in the form of 2b4p and 3b5/6p houses. The affordable homes should be integral to the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

Due to the size and location of the scheme there would be a requirement for a local connection clause in relation to the affordable housing.

The affordable housing scheme must be submitted to and approved in writing by the Development Enabling Specialist at Somerset West and Taunton Council. Early engagement to agree the affordable housing provision is recommended.

The developer should seek to provide the Housing Association tied units from West Somerset and Taunton's preferred affordable housing development partners list.

COMMENTS FROM ENABLING SPECIALIST – PUBLIC OPEN SPACE (POS) -

West Somerset Local Plan POLICY CF1 requires the appropriate provision of formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development.

The Council recommends the following standard of provision:

(A) children's play space: 20 square metres per family dwelling (a dwelling with 2 or more bedrooms) to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;

(B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;

For a development of 40 dwellings of which 22 would be 2bed + the amount of space required is calculated at 1,430 square meters.

Any commuted sum for offsite children's play contribution should be calculated as £3263.00 per each 2 bed + dwelling. The contribution will be index linked and spent on additional play equipment.

Play areas are both non-equipped, casual play spaces, and equipped, LEAPS and NEAPS. On site play areas should be centrally located and overlooked by front facing dwellings to promote natural surveillance.

For equipped areas:

LEAPs for children under 6 should be included and be a minimum of 400 square meters with at least 5 types of equipment, covering all play disciplines of swinging, sliding, rocking, spinning, balancing and climbing. Equipment must be on appropriate surfaces, and signage, seating and litter bins should be provided. The equipment should come with a minimum 15 year guarantee. The play areas need to be within 400 meters walking distance of their home and be accessible and useable 365 days of the year. NEAPs should be provided for children primarily between the ages of 6-12. NEAPs must be at least 1,000 square metres in size, and preferably at least 2,000 square metres, excluding any buffer zone needed to prevent noise problems. There should be a minimum of 8 types of play equipment providing challenge and enjoyment. There should also be a 'kickabout' area or provision for wheeled play opportunities (such as for skateboards, roller skating or bicycles). NEAPs should be suitably located, preferably within a 500 metre radius of all dwellings. The inclusion of a LEAP within a NEAP is supported.

All areas of child play space (casual areas, LEAPS and NEAPS) must be located and designed so as not to cause noise problems to nearby dwellings, in accordance with relevant environmental health standards. Buffer zones, perhaps including roads, buildings and landscaping, are likely to be needed.

Where public open space is to be provided as part of a development, conditions will be imposed requiring the developer to arrange for its future maintenance. The developer may negotiate a commuted sum to discharge this liability to the Local Authority District or Parish Council.

SWT Placemaking Specialist - Whilst I appreciate that this is outline, given

the sensitivities and constraints, I strongly object to the proposed layout since it would not relate to the character of Stogursey, would not relate to the topography of the site and would represent anywhere suburban development.

The layout does not reflect the linear east-west character of Stogursey. The grain of the proposed development does not reflect the irregularity of the plots of the existing settlement and the proposed development is highways led with no variation or hierarchy in the movement network.

There is very little continuity in the proposed streetscenes, buildings do not effectively turn corners and there are no focal points or key groupings. The house typologies would not form good townscape and streetscapes and would not create effective placemaking. All street scene would be dominated by on-plot vehicular parking and no on-street parking is shown which is typical of the existing settlement.

The proposed landscaping scheme would not relate to the character of the local landscape and would be alien and out of keeping.

The proposed elevations of the house types do not relate to the local vernacular building types and lack any roofscape interest.

Given the topography of the site and the setting of the heritage assets I strongly consider that only the principle of frontage development is acceptable.

I would strongly encourage the applicant to carry out a local vernacular study to inform the design. Any proposed layout will need to be subject to Design Review Panel to ensure the highest quality.

Somerset County Council Education - The proposal would generate the following requirements for Stogursey Primary and Haygrove School in Sedgemoor DC area

40x 0.005 = 2.00 (early years)

40x 0.32 =12.8 (13 primary)

40x 0.14 =5.6 (6 secondary)

The primary school has capacity at present, and although Haygrove School does have significant pupil pressure currently, the expansions due at Bridgwater schools are likely to increase the pupil capacity at Haygrove in the future. Therefore we will not require education contributions on this occasion.

Tree Officer - Tree Specialist – No objection. The impact upon the existing trees appears to be minimal, boundary hedges are to be retained and there is plenty of scope for new planting. Conditions recommended to protect trees and hedges during construction and to secure a good scheme of new tree planting are recommended.

LANDSCAPE - Landscape

Stogursey sits on a point of highest ground (approximately 40m AOD) at the southern end of subtle ridge between the north and southern water courses

of Bayley's Brook and Stogursey Brook. The majority of development within the village occurs to the north of the High Street and Church Street. Whilst development has extended south along Castle Street, typically development on the south side of the High Street has retained a tight relationship to the Street scene, occupying the higher, flatter ground.

Beyond the area of higher ground adjacent to the High Street the site markedly falls away to the south, opening up to expansive, undeveloped countryside as well as providing an open setting to the scheduled Monument of Stogursey Castle. In terms of settlement character development on this site would create a wedge of development (much of which would occupy uncharacteristic lower ground) protruding south of the characteristic linear settlement morphology along the High Street. Creating a splayed entrance into the High Street would also change the tight gently winding nature of the High Street at this point – affecting the sense of scale and character.

With the above in mind, development in this location would not appear to sustain or enhance the open landscape setting of Stogursey Castle which is a key part of the village identity. The development would therefore seem at odds with Policy NH1 Historic Environment. Development of the site would also not appear to respect the pattern of development typically defining the south side of the High Street. Non response to the settlement character directly relates to landscape character and as such seems at odds with Policy NH5 landscape Character Protection.

CONSERVATION OFFICER - The proposal seeks outline planning permission for 40 houses [Now 35] arranged in a series of cul-de-sac accessed off the High Street.

I support the former conservation officers comments on the adverse impact on the setting of Stogursey Castle and impact on the Conservation Area. I concur with his views disagreeing with the conclusions of the Heritage Statement regarding negligible impact.

Owing to differences in levels between the High Street and most of the site frontage and the position of the proposed entrance on a convex curve, the access is likely to involve a large amount of excavation both to achieve the gradient into the site and sight lines at the entrance. The current outline application should be refused due to the following:

- Adverse impact upon the street scene
- Form of development incompatible with the village character and conservation area
- Detrimental impact upon the setting of the scheduled monument.

The village has developed as many have done with a long linear form being a single street or road through the village and at times infill has occurred along the street or it has lengthened. Stogursey does have side streets off the main street at Castle Street and Back Street. The site lies on the western

edge of the High Street and it would form another infill of linear development if agreed. The site levels are currently higher than the adjoining sites and there would be a significant lowering of the site to achieve development which would impact on the conservation area. It has a natural stone wall fronting the High Street and judging from the interlocking stone it may be a Victorian wall or from a later period. The higher levels of land can be seen above the wall from the High Street. There is a direct site line from the Conservation Area to the castle and bridge and from the castle to the site. The conservation area does not have an appraisal however I would consider this to be an important open view.

The proposed development would dominate the southern flanks of the village and bring an urban form of development to the conservation area which is contrary to the manner in which the High Street has developed with its linear form. It would be contrary to the character of the village and when viewed from the Castle and bridge contrary to the view of the village with its linear layout.

Any form of development on this site should follow the historic pattern that has been long established being the linear form of houses fronting directly onto the street but maintaining a view of the scheduled monument. There would be a loss of open space and that would have a detrimental impact as it is the last open space within the village. This could only be countered by development that is of very good design in a linear form that preserves or enhances the character of the village.

Environmental Health Team - Recommend a condition requiring that the foul water scheme is adopted by Wessex Water

DESIGNING OUT CRIME OFFICER (AVON & SOMERSET POLICE) :- No objections. States that this is a very low crime area. Offers comments relating to:-

- Layout of roads and footpaths:- Notes that proposed vehicle and pedestrian routes are open and direct allowing good resident surveillance. Suggests features to reinforce and support single vehicular entrance, / exit arrangements and defensible space
- Orientation of dwellings:- Approves dwellings overlooking streets and public spaces
- Dwelling boundaries:- Seeks clear delineation between public and private space. Open frontages and robust fences and/or walls for exposed side and rear gardens with local gates.
- Public Open Space :- Communal areas need good surveillance, especially play areas. Concern regarding the location of the parking 'Residential Open Space' on the north west corner as it does not appear to be well overlooked.
- Car parking:- Supports the mix of on-plot garages and parking spaces.
- Landscaping :- Should not impede natural surveillance
- Street lighting:- to comply with BS5489:2013
- Physical Security of dwellings: Seeks compliance with Secured by Design (SBD) 'SBD Handbook 2019@'

Lead Local Flood Authority- We have reviewed the revised FRA (IMA, 14th October 2019) submitted in response

to our previous comments on this application site. Some time has clearly passed, but this does appear to be the latest version. Importantly the updated plans show the land drainage channels within the site boundary that the developer wishes to connect into – then suggest these flow eastwards towards the watercourse offsite. It is critical however **that prior to permission being granted** the developer demonstrates connectivity of these land drainage channels to those suggested offsite, as this is not clear. The pictures submitted show the area and channels to be very overgrown – the capacity and condition of these channels is also therefore very important to ascertain. The LPA must ensure that any third party agreements are in place should they be necessary.

The difficulty in terms of all outline planning applications is that little detail is provided as to the layout of the development, which pushes consideration of matters such as exceedance routing into post-planning. The site is steep and exceedance flows would be rapid. Layouts must be designed to ensure that people and property are not at risk, within the development and that flood risk elsewhere is not exacerbated. We previously raised concerns over the swale and pond arrangement, the purpose of the swale being to convey and control known flow routes through the southern part of the site. To contain flows swale depths are in the order of 500mm. The swale could channelize these flow routes, so its eventual design will be important to demonstrate it will not increase risk elsewhere. In addition, preventing these flows from entering the pond feature will be important and the FRA suggests how this would be achieved. Given the depth of the swale and location, maintaining the pond using any machinery could be difficult (i.e. they would need to cross the swale somehow) so some further thought required in detailed design. We suggest ongoing discussions with Wessex Water around adoption.

It is disappointing that the developer has not committed to the use of source control features, and the LPA should seek these as whilst layouts are not finalised there is plenty of scope to incorporate such features. The risk of leaving this til later in planning has the effect of SuDS being essentially retrofitted into a predefined layout, rather than SuDS and other environmental considerations informing the process. Managing smaller events within the site, rather than piping all flows directly to the pond reduces blockage risk and burden on the drainage system and has benefits for water quality.

Representations Received

Neighbours have been notified of the application and Site Notices have been posted. This has resulted in 60 letters of representation including one from the Somerset branch of Council for the Preservation of Rural England (CPRE) and the Landmark Trust, owners of Stogursey Castle and Mill Cottage. All raise objection to the proposal, except one letter which comments on the application.

Comment on the application

The ecological mitigation measures are quite limited. More needs to be done to create wildlife friendly development such as wildlife corridors, permeable boundaries and swift boxes.

The grounds of objection can be summarised as follows:-

CPRE grounds of objection

- Object to the proposal on the grounds that it is detrimental to the setting of Stogursey Castle, a scheduled ancient monument, due to its close proximity. The development site can be clearly seen from the Public Right of Way running along the east of the castle environ, and from the Castles to Coast PROW running west and south of the proposed site. The proposed development is likely to dominate the southern flanks of the village and therefore would be detrimental to the setting of the Scheduled Monument and contrary to Policy NH1 of the West Somerset Local Plan.
- Development site is clearly visible from distant PROW and prominent viewpoint of Pinnacle Hill, Quantock Hills to the south of Nether Stowey, such is the prominence of the southern flank of the ridge.
- If minded to approve, suggest that the southern boundary of the site should not exceed the limits of the development boundary line of existing adjacent buildings to the east.
- Complains that the development pressures experienced in Stogursey in recent years are not sustainable and potentially detrimental to social cohesion due to traffic volumes.
- Insists on clarification as to whether this site is Best and More Versatile (agricultural) land (BVL) before a decision is made seems to protect BVL in accordance with NPPF para 70 provisions as a non-renewable resource vital for food security.

Grounds of objection from the public

Sustainable development

- This is a Greenfield site outside the settlement boundary. Development of any kind is totally unacceptable. Stogursey has accommodated new residential development in recent years. More residential properties are not required.
- Against turning our village into a built up city. Better sites elsewhere in Nether Stowey and Cannington, brownfield sites
- Larger houses are included these are not needed. The need for smaller, single storey, houses / social housing. Large houses of 3/4 bedrooms are not affordable to local people and other developments such as Paddons struggled to sell the houses. The number of houses proposed exceeds the total number for Stogursey as a primary village in the local plan.

Traffic

- The access is not safe and the traffic report inaccurate. The siting of this development and its entrance / exit point on an outward bend will make travelling through the village by whatever means more dangerous
- The traffic count undertaken during atypical Easter week period (in 2019).
- There is not enough space for vehicles to park. There is currently insufficient car parking spaces on the High Street The proposal would exacerbate this.
- The provision of 137 car parking spaces indicates car dependency. Public transport is poor. The bus services referenced comprise a school bus and HCP Community bus use to Bridgwater and Minehead
- Dependence on private transport will do nothing to adapt to climate change

- and move to a low carbon economy
- Too many houses puts too many cars in tight lanes 80+ additional cars will cause gridlock at both ends of the village. The village cannot accommodate 40 plus dwellings and 80 or more vehicles in addition to Hinkley traffic and farm vehicles. There are near misses and damaged cars with the current volume of traffic.

Flood Risk

- There is a long history of flooding from Stogursey Brook that this application would exacerbate. The land is known to flood every winter / on a regular basis. The proposed development would increase the speed of the run-off. Groundwater would go into water course. Water is likely to be displaced into the stream and flood elsewhere. Exacerbate the problems downstream in Castle Street around Stogursey Mill and . Mill Cottage

Impact on the conservation area, setting of listed buildings and archaeology

- The northern part of the site falls within the Stogursey conservation area. As part of the site is in a conservation area a full planning application should be submitted.
- The analysis in the applicants Historic Environment Assessment does not support the conclusion. The southern aspect of Stogursey will be negatively changed and impacted by the proposed development
- Stogursey Castle is a grade II* listed building and Scheduled ancient monument. The only public place to view the castle and surrounding areas is from the gateway to the field. The proposal would have a negative impact on the vista of beautiful historic buildings.
- The proposal takes away village amenity, Glebe field. The field should remain a village asset. Unique views to the south from the High Street to and from Quantocks AONB are open to all, so no one owns them, they should be retained as a village and local amenity.
- Object to the removal of the traditionally built limestone wall and its replacement with a 2m wide strip of land will have adverse impact on the conservation area change in the historic character of the High Street forever
- A suburban housing estate does not enhance the character of the village. Would damage the integrity of the medieval village
- The whole field is of archaeological interest

Nature conservation

- Would damage wildlife habitats especially bats
- Nesting kingfishers disturbed
- The landscape statement submitted by the developers simply ignores the existence of the hedgerow

Other

- This unwanted proposal has upset the village population
- Critical of the developer's consultation event
- Stogursey is within the 3.5km (2.2 mile) radius of Hinkley Point and is within the evacuation zone should there be a significant incident at Hinkley Point
- Impact of the noise and dust will have on children at the local school
- Noise and light pollution

- No provision for children's play
- We have a right to a view
- Village amenities will not support further houses. No capacity at school, doctors etc.

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

Policy SD1 Presumption in favour of sustainable development
 Policy SC1 Hierarchy of settlements
 Limited development in primary villages such as Stogursey
 Policy SC2 Housing provision
 Policy SC3 Appropriate mix of housing types and tenures
 Policy SC4 Affordable Housing
 Policy SC5 Self Containment of settlements (Williton)
 Policy SV1 Development in primary and secondary villages
 Policy OC1 Open countryside development
 Policy TR1 - Access to and from West Somerset
 Policy TR2 Reducing reliance on the private car
 Policy CF1 - Maximising access to health, sport, recreation and cultural activities
 Policy CC2 Flood Risk Management
 Policy CC5 Water Efficiency
 Policy NH1 Historic Environment
 Policy NH2 Management of Heritage Assets
 Policy NH3 Areas of High archaeological importance*
 Policy NH6 Nature conservation and the protection and enhancement of biodiversity
 Policy NH7 Green infrastructure
 Policy NH8 Protection of best and most versatile agricultural land *
 Policy NH13 Securing high standards of design
 Policy NH14 Nationally Designated Landscape Areas
 Policy ID1 Infrastructure delivery
 Policy NH10 Development in the proximity of Hinkley Point Nuclear Power Station

11 Areas of High Archaeological Potential
 AH/3 Areas of High Archaeological Potential

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

TW/2 Hedgerows

R/7 Amenity Open Space

R/8 Allotments

R/12 Informal Recreation Facilities

T/8 Residential Car parking

T/9 Existing Footpaths

UN/2 Undergrounding of Service Lines & New Development

11 Areas of High Archaeological Potential

AH/3 Areas of High Archaeological Potential

Determining issues and considerations

The principle of residential development - housing requirements in Stogursey

Policy SC1, Hierarchy of Settlements, of the West Somerset Local Plan classifies Stogursey as a primary village where:-

'2. Limited development in the primary villages: ... Stogursey, ... will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area.'

In the supporting text it defines what 'limited' means in this context. It states:-

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

Primary Villages (showing dwelling numbers at the start of the plan period): ... Stogursey (388), ... These are the larger villages with a shop and some built community facilities which are not significantly constrained by poor access from the County Highway Network.

In its amended form the proposal is for 35 dwellings. This would exceed the Policy SC1 limit of 'up to ten dwellings' resulting in a concentration of new development. The provision to restrict individual schemes to no more than 10 dwellings, allows small sites, replacement to a higher density and infill developments and, in tandem with the temporal constraints, prevents the development of new housing estates, which can be more difficult to integrate into existing village communities. The proposal, thus, does not represent 'limited' development and a case can be made for refusal, contrary to Policy SC1.

The applicants have indicated that whilst they would prefer not to be constrained by a phasing plan, but that they would accept this temporal constraint in order to secure permission. They are also proposing to provide 35% of the development (12.25 dwellings) as affordable – secured via a Section 106, or similar legal agreement. This would accord with Policy SC4, Affordable Housing, of the adopted West Somerset Local Plan 2032; and contribute towards the wider sustainability benefits

for the area.

On balance it is not considered that the advantage of securing 12 new affordable homes for the village, outweighs the harm of allowing a new housing estate in this location. It is therefore recommended that the application be refused on the grounds that it would result in an excessive spatial concentration of new housing contrary to Policy SC1 of the adopted West Somerset Local Plan 2032, which seeks to restrict new housing development in Stogursey to limited development only.

The proposal generates a requirement for children's play space equipped and casual. In the absence of a mechanism, such as a Section 106 legal agreement, or similar, the proposal is contrary to Policies CF1, Maximising Access to Healthy Sport, Recreation and Cultural Facilities, and Policy ID1, Infrastructure Delivery, of the adopted Somerset Local Plan 2032.

The design and appearance of the proposed development.

Policy SV1 Development in primary and secondary villages requires new development to

- *be designed to form an integral harmonious addition to the settlement's existing character*
- *help maintain or enhance their existing level of service provision, and also help to create balanced communities at a level appropriate to their role and function'*

The application has been submitted in outline with only access to be determined at this stage, and the accompanying plans are only illustrative. However, it is not considered that that it would provide satisfactory basis for designing a reserved matters scheme whose layout and appearance would integrate well with the village. The closest houses to the High Street would be set considerably further back into the site than the existing and would appear to be located on higher land. By failing to adhere to the internal building line and being higher than the existing properties the proposed development would not respect the character of the Stogursey Conservation Area.

Whilst the loss of the gap and the public view is not, in itself, considered by officers to be sufficient to justify refusal it does weigh in the balance against approving this application, particularly given the impact of the access. The protection of private views, from the housing, is not a reasonable ground for refusal.

The northern part of the site, adjacent to the High Street, is designated as amenity in saved West Somerset Local Plan 2006 (Policy R/7). The land is privately owned and there is no public right of access to it. The informal arrangement that the landowners have with the primary school to provide a pedestrian route to the playing field does not alter this status. This means that the primary function that this amenity space provides is visual. It provides a gap in the built frontage that allows a public view, as well as a private view from the houses opposite, southwards across the countryside towards the Quantock Hills. The hedge on top of the stone boundary wall limits the views to glimpses in most places. In the opposite direction, looking from south to north, the proposed development would subsume the amenity designation, be more prominent on the skyline and middle distance views when seen from public footpaths.

Flooding

The site is located in zone 1 and is therefore not at risk from fluvial or surface water or tidal sources. Concerns have been expressed by Lead Local Flood Authority and some local residents about localised flooding from surface water run off - particularly surface water flowpath along the south of the site. The developer has not, to date, demonstrated connectivity to the existing land drainage channels. In the absence of this information the proposal is contrary to Policy CC2, Flood Risk Management. This forms a further refusal reason, albeit one that can be overcome.

Impact upon the historical environment

The importance of Stogursey's historic environment is recognised both in the listing /scheduling of individual buildings and monuments, and in the designation of the central core of the village as a conservation area. It is considered that the proposed development would have a harmful impact upon the open setting of Stogursey Castle and the village conservation area.

Policy NH1 Historic Environment of the West Somerset Local Plan 2032 states:-

'Proposals for development should sustain and/or enhance the historic rural urban and coastal heritage of the district whilst contributing appropriately to the regeneration of the district's communities, particularly those elements which contribute to the areas distinctive character and sense of place:

1. Proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can have to the delivery of wider social, cultural, economic and environmental objectives.

2. Elements of the historic environment which contribute towards the unique identity of areas and help create a sense of place will be sustained and, where appropriate, enhanced.'

Stogursey Castle is located on the southern edge of the village and is surrounded on all sides, except the north east corner, by agricultural land. This gives it an open setting which allows the remains of the castle's original Motte and Bailey to be appreciated in an environment with some resemblance to its' original context. Castle Street, to the north east, provides a near continuous built link to the village centre. However, this follows the historic pattern. Thus, modern residential development of Brownfield sites off Castle Street, such as land adjoining 16 Castle Street, sits within the established village settlement in a way that is respectful of its historic context.

The development of the southern part of this application site would result in the loss of some of the open setting of the Castle, and whilst the existing tree and hedge screening would soften the impact of the new development to an extent, it is considered that it would still be visually intrusive and harmful to the setting of the Ancient Monument. The amount of harm could be reduced somewhat if the pattern of development proposed were amended to be more sympathetic to the burgage plots of the medieval town. Instead of the proposed suburban style cul-de-sacs, streets with terraces of small houses with long rear gardens would better fit the character of the area. But the reduction in harm would not be sufficient to satisfy the requirements of Policy NH1 or the provisions of paragraphs 193-194 and

paragraph 196 of the NPPF, and amendments have not been sought.

The northern part of the site, adjacent to the High Street is located within the Stogursey conservation area. It forms an important break in an otherwise continuous frontage of built development along western approach to the centre of the village. This is recognised as such in by its designation as amenity area. The proposal largely avoids building houses in this area, but as the only feasible access point for the development of 35 houses, it would be transformed by the engineering operations necessary to provide vehicular access at this point. The kerbs, sightlines, excavations and road markings associated with the new junction would have a harmful impact upon the character of the conservation area.

The impact upon the local road network and proposed parking provision

The site has only one common boundary with the highway network where it joins the High Street to the north. There is a field entry to the north east of the High Street, adjacent to The Rectory, but it is not suitable for the volume of traffic movements associated with the development of 35 new houses. The northern part of the site is within the Stogursey conservation area. The only part of the application to be considered in detail, at this outline stage, is the access which effects this part of the site.

The applicants propose a new vehicular and pedestrian access to a cul-de-sac in the centre of the High Street frontage. This would necessitate the demolition of the current stone boundary wall to achieve acceptable sight lines at the junction. SCC Highways are seeking further technical details in relation to the proposed access. Whilst it is believed that there is sufficient space for the applicants to provide a safe access that meets the technical specifications required by the Highway Authority, and a Grampian condition could be imposed if ownership was confirmed, the applicants have not, to date, provided it. The absence of this information provides a further refusal reason, albeit one that can be overcome.

The main issue is the impact that introducing a road junction would have upon the character of this part of the conservation area. With the necessary minimum carriageway width for two way traffic, sight lines, pavements, tactile strips, and sweep paths the junction would introduce a heavily engineered feature into the townscape at this point. The introduction of this junction would be an intrusive feature that would cause harm to the character of the conservation area.

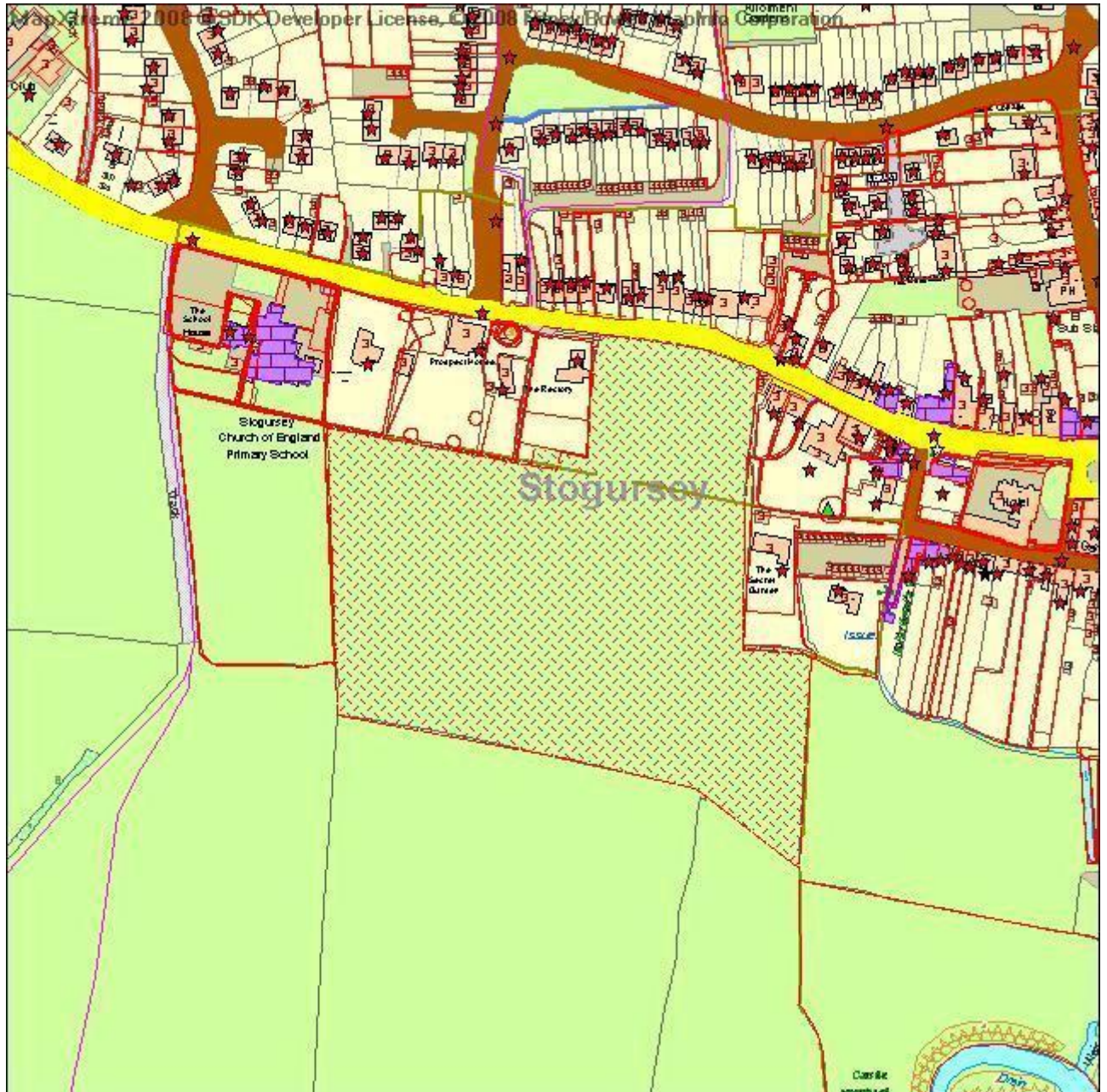
The level of vehicular movements associated with the development would not exceed the capacity of local road network, but as a larger development than that provided for by policy SV1 and the development, would be reliant on the private car and contrary to Policy TR2, reducing reliance on the private car.

Infrastructure capacity

In the event that the application were to be recommended for approval a Section 106, or similar legal agreement would be required to secure the affordable housing. In the absence of such agreement forms a further refusal reason, albeit one that the applicant's could overcome.

Conclusion

Allowing 35 dwellings to be built in this field would exceed the provisions of Policy SC1, which seeks to limit development in this village. Add to this significant concerns: that it would have an adverse impact upon the open setting of Stogursey Castle; that the design does not integrate well with the historic street plan of the village; and that the entrance junction would detrimentally change the attractive 'gap' in the High Street frontage currently designated as 'amenity' - and it is apparent why this application is recommended for refusal.



Application No:	<u>3/32/20/004</u>
Parish	Stogursey
Application Type	Outline Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 320340 Northing: 142770
Applicant	Mr Cooze
Proposal	Outline application with some matters reserved, except for access and scale, for the erection of 5 No. dwellings
Location	Tanyard Farm, 16 Castle Street, Stogursey, TA5 1TG
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) appearance and (c) 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 two 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:

(A3) DrNo QD-001 Location Plan
 (A2) DrNo QD-007 Proposed Access Plan
 (A4) DrNo QD-008 Proposed Access to Development

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

- 3 Prior to any construction works above damp-proof-course level, works for the drainage and management of surface water shall be provided on the site to

serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form. Prior to the occupation of dwellings hereby permitted, the developer shall provide the Local Planning Authority with details and written confirmation of rights to connect the development to the mains sewerage system from the relevant utility company, and if this is not possible shall provide details of an alternative means of disposing of and treating foul water and sewerage. After receipt of details and/or confirmation of the proposed foul water and sewerage connection, disposal and/or treatment system, and subsequent approval in writing from the Local Planning Authority, the works shall be implemented in accordance with approved details, prior to the occupation of any of the dwellings hereby approved. The approved foul water disposal and/or treatment scheme shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

4 Programme of Works in Accordance with a Written Scheme of Investigation (POW)

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme

Reason: To ensure the preservation of archaeological remains.

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

5 As part of the details required by condition 1 of this permission for any subsequent reserved matters application, these shall include a Heritage Statement assessing the proposed reserved matters design in the context of heritage constraints and impacts at, and around, the site, including reference to local historic features notably Listed Buildings, the Conservation Area, and Stogursey Castle, a Scheduled Ancient Monument. This Heritage Statement shall be submitted to the Local Planning Authority with any subsequent reserved matters application and should follow, and be in conformity with, the guidance for Heritage Statements provided by Historic England.

Reason: In the interest of safeguarding the designated heritage assets and historic character of the area.

6 No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance

with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: In the interests of disseminating information gathered from archaeological investigation and the preservation of archaeological finds and heritage data with relevant organisations and bodies.

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

Reason: In the interests of highway safety

Pre-commencement reason: To ensure that in early phases of the development mud and other forms of debris are not deposited onto the public highway

- 8 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number QD-006 A, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: To ensure there is a safe and suitable means of accessing the site

- 9 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before any construction of the development hereby permitted, above damp-proof-course level, and thereafter maintained at all times

Reason: In the interests of highway safety and to ensure adequate provision of surface water drainage and management, and to prevent surface water flowing onto the highway.

- 10 The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture 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 and approved in writing by the Local Planning Authority. Such provision shall be thereafter be retained and maintained as per

the approved details.

Reason: To ensure the adequate provision of estate roads and associated infrastructure

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

Reason: To ensure adequate and safe access for vehicles and pedestrians to the public highway.

- 12 The Development hereby permitted shall not be commenced above damp-proof-course level until the parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with current policy standards. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To prevent on-street parking and ensure adequate off-street parking is provided for the dwellings hereby permitted

- 13 The maximum vehicle visibility splays currently provided at the access shall not be encroached upon, and shall be retained in perpetuity.

Reason: To ensure the retention of safe access and good visibility splays at the site

- 14 Five roosts suitable for crevice dwelling bat species will be provided within the design of the buildings. The location of roosts entrances and details of construction will be set out in the design. A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme and maintained for the exclusive use of bats thereafter

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy NH4 of the West Somerset Local Plan

- 15 Prior to occupation, 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 bats 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 protected species and in accordance with policy NH4 of the West Somerset

- 16 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared commences 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. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy NH4 of the West Somerset Local Plan

- 17 A bee brick built will be into each wall about 1 metre above ground level on the east elevations of Plots 4 and 5. Photographs of the installed features will be submitted to the Local Planning Authority prior to the first occupation of any 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

- 18 As part of the details required by condition 1 of this permission for any subsequent reserved matters application, these shall include a topographic survey indicating existing site levels measured against a fixed datum point and a proposed levels plan with spot levels and finished floor levels shown, and including any necessary site sections and/or cross sections.

Reason: In the interests of good planning and in the interests of amenity.

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/concerns were raised by a statutory consultee in respect of heritage, layout and scale. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address these issues and an amended description of the proposed development 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 application with some matters reserved, except for access and scale, for the erection of 5 No. dwellings

Site Description

The site is a relatively level area of former agricultural land located to an adjacent bungalow and which had previously included an agricultural building that has now been demolished. It is on the edge of Stogursey along Castle Street, which is narrow and terminates a short distance past the site. There is an existing access to the site. It is set with the Stogursey Conservation Area, and is located in close proximity to listed buildings, and Stogursey Castle, a Scheduled Ancient Monument

Relevant Planning History

3/32/76/029 - demolition of buildings in a Conservation Area and residential development (two dwellings) - granted - 20/06/1977

3/32/80/009 - Renewal of permission for demolition of buildings in a Conservation Area and residential development of two dwellings (3/32/76/029) - granted - 23/07/1980

3/32/14/004 - Demolition of existing bungalow and redundant agricultural building and construction of 12 new dwellings, associated parking and turning and improvements to existing vehicular entrance - granted - 06/07/2016

3/32/17/009 - Installation of one dormer and partial demolition of boundary wall to accommodate a pedestrian gate (Tanyard bungalow) - granted - 22/12/2017

3/32/19/038 - demolition of building in dangerous condition (land adjoining Tanyard Bungalow) - 14/01/2020

Consultation Responses

Stogursey Parish Council - Stogursey Parish Council consider that development of this site would make use of a redundant piece of land and make a sustainable contribution of new housing in Stogursey. The parish council would support the building of 5 dwellings that are sympathetic to the current style and design of

properties in the area.

However, the Parish Council wish to highlight their concerns that the proposed site closely neighbours a Flood Zone 3 area and recommend a survey on possible ways of mitigating flooding not only on the site but in the immediate vicinity as this is a Conservation area. The parish council would like to be assured that the flooding issue will be addressed.

Highways Development Control -

A development of 4 units will not generate a large level of traffic. As an existing farm which could already realise a number of heavy vehicles using the existing access, the proposal is unlikely to be onerous in highway terms.

In the event of permission being granted, conditions are recommended for:

1. dust/mud on roads;
2. Access;
3. Surface water;
4. Estate roads;
5. Footpath/carriageway consolidation;
6. parking spaces;
7. Visibility

Historic England -

Historic England have noted that the site is located within Stogursey conservation area and is adjacent to the approach to Stogursey Castle, which is a scheduled monument of very high significance that is designated as both a Scheduled Monument and a grade II* listed building. As a centre of administration and feudal control, the castle also had a contextual relationship with the grade I listed Church of St Andrew, formerly a Benedictine Priory church. The Priory was located south of the church, focussed on what is now Priory Farm and where structures remain including the grade II listed Dovecot and potentially some of the surviving barns. Stogursey is an area of particular heritage interest, and is designated as a conservation area which retains its historic layout and a considerable number of historic buildings. The application site appears to have formerly been a tannery and sits at the edge of the village on the approach to the castle at the point of transition between the village and the open country side.

The scheme should be based on a thorough understanding of the character and appearance of the conservation area as well as the contribution made by the site to the setting of the scheduled monument (Para 189, NPPF). These have not been adequately addressed in the accompanying heritage statement which should acknowledge the role of the site as part of the transition between the village core and the wider countryside. It should also consider the site in views out from the monument and the contribution it makes to our understanding of the monument's significance.

Consideration should be given to providing a more contextual response to the layout of the proposed buildings, which at present appear to have a more suburban character. Historic examples of clusters of buildings could form the basis of a scheme, such as farm complexes or houses with associated outbuildings (Para 192(c), NPPF).

The NPPF notes that the council need to take account of the desirability for new development to make a positive contribution to local character and distinctiveness (Para 192 (c)). The scale of the units and layout of the development has not been clearly and convincingly justified as required under the NPPF (Para 194).

Recommendation

Historic England has concerns regarding the application on heritage grounds, as it has not been shown that a sensitive scheme can be brought forward on the site with the consistent size of units proposed (Para 190, NPPF).

response to revised information:

The proposed layout and scale of development at the Tanyard site will have an adverse impact on the Storgursey Conservation Area and the setting of the scheduled Storgursey Castle. Steps should be taken to identify a contextual response to the layout of development, which also addresses the proposed uniformity of the individual units.

Historic England welcomes the submission of a heritage statement and further justification regarding the design approach.

The proposed design has evolved from a previous scheme, which proposed a smaller in size (2 bed) but higher number of units on the site. In respect of the previous scheme, the rationale for a layout reflecting a small terraced row of cottages, would be an appropriate response to the surrounding village context. The proposed scale of the individual units does not lend itself to creating a discrete row of vernacular terraced cottages, as previously proposed and are likely to form an incongruous feature on the edge of the conservation area as well as a conspicuous element on the approach to the scheduled monument.

Historic England consider an alternative approach to delivering the development on the site should be sought. Alternative configurations should be considered that follow traditional development patterns including a farmstead arrangement or a principal house with ancillary buildings.

In the view of Historic England it would be easier to achieve a sensitive development if the size of the units were varied mixing large and small to offer greater variety within the scale and massing of the development

Recommendation

Historic England has concerns regarding the application on heritage grounds and recommend that the council take input from their conservation specialist and work with the applicants to identify a more contextual layout for the proposed development of Tanyard's site, to ensure that the proposed development responds to the character and appearance of the conservation area as well as positively contributing to the setting of the scheduled monument.

SCC - Ecologist - It is noted that prior to this application there has been the potential destruction of a bat roost and this should have been done under a European protected species licence or a class licence to be legal. As a condition of a licence this would need to be replaced within the development to comply with the provisions of the Habitats Regulations 2017. The status of the bat roost, if present,

is unknown. As the Quantock Ecology report stated that the barn was of low suitability it is required that the bat roosts be integrated into the structures of the proposed dwellings. A condition is required setting out how five roosts suitable for crevice dwelling bat species will be provided within the design of the buildings. The location of roosts entrances and details of construction will be set out in the design. A second condition for lighting design for bats, third for clearance of vegetation, and fourth for bee bricks are also recommended/required

Wessex Water Authority - Does not object but noted various points.

The planning application indicates that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The current planning submission indicates that rainwater (also referred to as "surface water") will be disposed of via existing water course and pond/lake. According to Wessex Water's records there are no recorded public sewers or water mains within the red line boundary of the development site. It is important that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. Submitted documentation indicates that surface water will be disposed of via existing water course and pond/lake and this strategy is acceptable to Wessex Water, providing that discharge rates and flood risk measures are in place and agreed with the Environment Agency. There must be no surface water connections to the foul sewer network.

Landscape - no comments received

Conservation Officer - I understand that the applicant is withdrawing Drg No Q6/006A proposed layout and is willing to work with officers to produce an acceptable scheme for reserved matters. I consider this to be an acceptable way forward.

Development enabling team SWT- West Somerset Local Plan POLICY CF1 requires the appropriate provision of formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development. The West Somerset Council Play Providers Audit (2008) found that there are distinct gaps in the amount of designated play spaces in West Somerset. This development will increase local need for play space and should achieve improvements on local existing play areas through an offsite contribution. The commuted sum for offsite children's play contribution should be calculated as £3328.00 per each 2 bed + dwelling which is a total of £16,640. The contribution will be index linked and spent on additional play equipment that is within close proximity to the site.

South West Heritage Trust - The site lies within the Stogursey Area of High Archaeological Potential. The applicant has submitted an archaeological desk-based assessment which has been superseded by a 2013 archaeological trial trench evaluation that identified the presence of medieval activity (including a structure). It is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199) to be secured by the use of planning conditions, attached to any permission granted: 1. Programme of Works in Accordance with a Written Scheme of Investigation (POW) as a prior to commencement condition; 2. dissemination of results of archaeological findings, including relevant financial contribution

SWT Placemaking - Proposed redevelopment should include No.16 Castle Street

which has a negative impact on the Conservation Area. The layout plan shows development to rear of the site, with open boundaries and exposure to the countryside beyond. The layout should take account of heritage constraints at the site with a buffer preferably including an orchard to the back of the site. The raised footpath adjacent to the site and open triangle of land to the front of the site should be referenced in a revised scheme. The applicant should include a study of the local vernacular and note that the layout/design will need to be subject to the Design Review Panel

Revised response (verbal): agreed that subject to removal of initial indicative drawing the application is acceptable at outline stage provided that the developer works with the LPA to ensure good design prior to submission of RM and submits design to DRP

Environmental Health Team - no comments received

Representations Received

Two neutral comments were received, the issues highlighted were that the application should take account of flooding and surface water management, ecology, the possible impacts on the Conservation Area, potential for asbestos and the public right of way

One letter of objection was received noting significant (and existing) problems with flooding, ecology and commenting on the inadequacies of the access.

Two of the letters contained photographs which provide graphic testimony to the extent of the flooding issues at the site

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

AH/3	Areas of High Archaeological Potential
11	Areas of High Archaeological Potential
AH/3	Areas of High Archaeological Potential
11	Areas of High Archaeological Potential
NH1	Historic Environment
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages

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

AH/3	Areas of High Archaeological Potential
11	Areas of High Archaeological Potential
AH/3	Areas of High Archaeological Potential
11	Areas of High Archaeological Potential
NH1	Historic Environment
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages

Local finance considerations

the application will be liable to pay a commuted sum in respect of children's play and sports provision. The commuted sum for offsite children's play contribution should be calculated as £3328.00 per each 2 bed + dwelling which is a total of £16,640.

Determining issues and considerations

Main issues are the principle of development, revisions to the proposal, access and parking, design and the reserved matters, amenity, heritage, ecology, flood risks and drainage, ground contamination, financial contributions and conditions

Introduction

The application is in outline form and is for the development of five dwellings with all matters reserved except for access and scale. The original proposal has been amended to remove reference to layout as submitted plans showing a potential layout were only intended to be illustrative and not necessarily part of the final reserved matters application, if outline permission was granted. The site is on the edge of the settlement of Stogursey and has been the subject of several applications in the past including one (3/32/14/004) for 12no. dwellings and removal of the existing bungalow at the site, this was granted consent in 2016 and is a material consideration in regards to the current application. This application differs in that it has an amended site plan and does not include removal of the existing bungalow.

Principle of development

The site is within (and/or within 50m of) the existing built settlement limits to Stogursey, which is recognised as a primary village in policy SC1 of the adopted WSC Local Plan to 2032. Limited development is allowed in primary villages if the site is well related to existing services within the settlement and has good pedestrian access to them, respects the historic environment, does not generate significant traffic numbers and would not cause harm to the amenity of neighbours. As the

application is outline in form much of the discussion and judgement about these issues has to be placed within the context of a second, reserved matters application, if permission is granted. However so far as is possible within an outline application the issues cited are discussed below. In terms of compliance with policy requirements for residential development in specified locations which are considered to be sustainable the application is considered to be acceptable 'in principle', subject to the evaluation of other criteria cited above.

Access and parking

The main detail provided within this application concerns access and scale. In terms of scale no definitive drawings or statements have been provided giving information about scale other than drawings showing the existing access, existing dwelling and adjacent stonewall in terms of both existing and proposed plans. The proposed access is pre-existing and has previously been in regular use in association with the earlier agricultural use of the land. The County highways officer has not objected to the proposal and noted that at the scale of development proposed the traffic impacts would not be onerous. The site is considered to be large enough to accommodate a layout and design incorporating sufficient off-street parking for the number of dwellings proposed. In regards to pedestrian access to the site and to the centre of Stogursey and its shops and services, there is some pavement provision within the village which although comprehensive throughout the settlement does offer pedestrian access along mainly lit pavements or relatively lightly trafficked 30mph speed-limit roads. Accordingly in terms of access, traffic, pedestrian usage and parking the proposal is considered acceptable. There is a pedestrian footpath adjacent to the site which includes/is crossed over by the existing access. It is not considered that the proposal would have a significant impact on usage of this path.

Design

The application has been revised to remove references to layout within the proposed outline and leave these design issues to the potential reserved matters stage. Comments from the SWT Placemaking specialist and Historic England were made prior to this revision and were directly addressing the proposed layout plan which was not supported, and considered to be suburban in character and inappropriate within the heritage context of the site.

However as the application has been subject to amendments it is considered that so far as an outline application is considered the site is capable of producing a layout and design which would meet relevant policy requirements and there are insufficient grounds to warrant a recommendation of refusal in terms of design or layout. It should be noted that the Placemaking specialist advised that significant revisions to the initially proposed layout would be required and that the layout design should follow the Design Guide principles of context appraisal, site appraisal and design concept, taking into account heritage constraints at the site, and that the layout and design must be subject to the Design Review Panel before a reserved matters application could be supported. The objection from the Placemaking specialist and concerns raised by Historic England are noted but given the revisions to the

proposal to remove reference to layout it is considered that as an outline application there are insufficient grounds to warrant a refusal in terms of design and layout although it is clear that any subsequent reserved matters application would need to make significant changes to the layout initially proposed as part of this application. Further responses from Historic England have raised concerns with the indicative drawing and noted that comments from the LPA's conservation officer should guide approaches to the development. The LPA Conservation Officer has noted that with the removal of the indicative drawing the development is acceptable at the outline stage.

Amenity

In regards to amenity the site is at least 14 metres from dwellings on the opposite side of the road and the proposal is not considered to represent any significant risks to amenity in its' current outline form. At the detailed design stage accompanying any subsequent reserved matters application attention will need to be paid to issues of amenity in regards to the design, siting and orientation of dwellings.

Heritage

The site is in a particularly sensitive location in relation to heritage being in close proximity to a scheduled ancient monument, listed buildings and set within the Stogursey Conservation Area. There are also archaeological issues within the site. Although submitted documentation includes an archaeological report there was no Heritage Statement submitted as part of the accompanying documentation. Whilst this application, in its' amended form, is considered acceptable, any subsequent reserved matters application must include a detailed and thorough Heritage Statement from a suitably qualified professional or consultant, which will be required by a condition attached to any permission granted, and further conditions are also required for archaeology including a Written Scheme of Investigation, Programme of Works and dissemination of findings.

It is acknowledged that the earlier permission at the site 3/32/14/004 achieved a design which minimised impacts on the heritage features and character of the surrounding area so it is certainly possible to design a scheme which would be acceptable from a heritage perspective. As the initial layout design and reference has been removed from this application the proposal is considered acceptable but any subsequent reserved matters application must address heritage in a robust and thorough manner including reference to the local vernacular in its design and avoiding suburbanising features.

A former tannery building in brick and stone, possibly of Victorian provenance, was granted consent for demolition under reference 3/32/19/038. Fabric reclaimed from this demolition should have been kept on site should be re-used within the design of any subsequent reserved matters application, with clear indications and/or annotations as where and how it will be re-used.

A heritage statement has now been submitted as part of revisions to the application.

This has been available to Historic England and the LPA's conservation officer. Whilst concerns have been raised no direct objections have been received. Comments made by Historic England, and the Conservation indicate that a layout and design with closer affinities to the consented scheme 3/32/14/004 of terraced houses, or to a farmstead arrangement would fit better with the existing aesthetics and styles of the Conservation Area. The applicant has acknowledged that significant changes would be needed to the initial indicative layout drawing and confirmed a willingness to take a fresh approach to the reserved matters design. It is therefore considered that at an outline stage no significant harm can be established and that the LPA would retain control of design at any subsequent reserved matters application stage, so heritage considerations whilst of paramount importance, do not represent a reason to refuse the application.

Ecology

The demolition of the former tannery building could have destroyed bat roosts and although this appears to have been done during winter with limited potential for roosting the demolition should have been completed under a European protected species licence or a class licence to be lawful. The County ecologist has further commented that as a "...condition of a licence this would need to be replaced within the development to comply with the provisions of the Habitats Regulations 2017", and requested conditions for bat roosts/roofing details, lighting design for bats, bee bricks and others. Subject to the imposition of conditions suggested by the County ecologist the proposal is considered acceptable from an ecological perspective.

Flood risks and drainage

The site is in Flood Zone 1 although there may be a very small sliver of land to the south-east which is Zone 2 but this area slopes downwards away from the main area of the site. It is therefore considered that the site is suitable for residential development from the perspective of flood risks. Land in close proximity to the site is in Zones 2 and 3 and there have been flooding events in recent times. Submitted documentation has not included a drainage strategy or similar, but has indicated on the application form that surface water will be collected in a pond and further discharged to a nearby watercourse, whilst no further details have been provided this is acceptable provided that conditions are attached to any permission granted requiring full details of the drainage and surface water management proposals.

The application also states that foul water will be disposed of via a mains sewer and/or septic tank. Wessex Water have stated that connection to the foul mains sewer is acceptable but that surface water must not enter the foul sewer network, and that disposal to the watercourse must have Environment Agency agreement. Additionally comments from the County highways officer required a condition to ensure surface water does not flow onto the highway, and it is considered that, subject to conditions for a drainage strategy, details and implementation, the proposal is acceptable, at the current outline stage.

Ground contamination

The site has previously been considered to have some potential for ground contaminants however as part of application 3/32/14/004 ground investigation reports were submitted which provided assurance of safety at the site. No objections or conditions were required when that application was approved in 2016 and it is considered unlikely that uses of the land since this date would have created additional contamination issues.

Other matters

The parish council have supported the application but commented that final designs must be in-keeping with the local area and heritage, and that flood risks and water management must be addressed. Two letters with comments were received and one letter of objection, with issues raised being flood risks, ecology, traffic and pedestrian impacts, and heritage. These issues are discussed above. An additional matter raised was in regards to the potential for asbestos to be present at the site. This would subject to separate legislation and part of the Building Control regulatory regime.

Financial contributions would be required for children's play provisions amounting to a total of £16,640, as detailed above. Whilst this a material consideration it is accorded very limited weight in the evaluation of the proposed development.

Conclusion

The site has a relatively recent consent for 12no.dwellings which does not appear to have been implemented but is a material consideration in terms of the current application. This proposal reduces the number of dwellings to five and is an outline rather than full application. Although there are clear deficiencies in terms the submitted documentation, notably in regards to heritage and drainage these are not considered to provided significant reasons to refuse the application as final details, and appropriate supporting documentation will be required at the reserved matters stage. Therefore subject to conditions cited above the application is recommended for approval subject to agreement for a section 106 to facilitate play contributions offsite.

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

Application No:	<u>3/32/20/009</u>
Parish	Stogursey
Application Type	Full Planning Permission
Case Officer:	Jeremy Guise
Grid Ref	
Applicant	Mr Alford
Proposal	Erection of a residential development comprising of 27 No. dwellings, relocation of childrens play area and associated works (resubmission of 3/32/19/019)
Location	Land at Paddons Farm, Stogursey, Bridgwater, TA5 1BG
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo: 06.05.084DS01 Rev PO1 Drainage Strategy Plan

(A2) DrNo: 06.05.084DS02 Rev PO1 Drainage Strategy Plan of Site Sewer Works

(A1) DrNo: 06.05.084103 Rev PO1 Long and Cross Sections Road 2

(A1) DrNo: 06.05.084105 Rev PO1 Long Section Road 1

(A1) DrNo: 06.05.084109 Rev PO1 Long Sections Main Road and Lane 1

(A1) DrNo: 06.05.084110 Rev PO1 Cross Sections Road 1 - Sheet 1 of 2

(A1) DrNo: 06.05.084111 Rev PO1 Cross Sections Road 1 - Sheet 2 of 2

(A1) DrNo: 06.05.084112 Rev PO1 Cross Sections Main Road - Sheet 1 of 2

(A1) DrNo: 06.05.084112 Rev PO1 Cross Sections Main Road - Sheet 2 of 2

(A1) DrNo: 06.05.084120 Rev PO1 Section 278 Plan

(A1) DrNo: 06.05.084123 Rev PO1 Section 38 Layout

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

- 3 Unless otherwise agreed in writing by the Local Planning Authority, the estate road, footpaths, junctions, visibility splays, individual accesses, including the pedestrian access and link between the site and Lime Street, street lighting installations and highway surface water drainage shall be completed to at least base course level prior to the commencement of any other works on site and shall be provided finished and ready for use in all respects in accordance with the approved plans to current County Highway Authority adoptable standards prior to the first occupation of any part of the development hereby permitted.
Reason: In the interests of highway safety.
- 4 The existing children's play area is to remain open, usable and well maintained to a standard acceptable to the Council until such time as the replacement children's play area has been completed (in accordance with a specification to be firstly submitted to and agreed in writing with the Local Planning Authority) and is open and ready for use and shall thereafter be retained in the approved form.
Reason: To ensure proper provision and maintenance of open space facilities to serve the area.
- 5 (i) An updated landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. 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.
- 6 If, during the course of the works hereby granted consent, any items of archaeological or historic interest are uncovered, the Local Planning Authority shall be notified immediately. The Local Planning Authority, or a person nominated by them, shall be allowed access to the site at all reasonable times for the purpose of recording such items or features prior to their disturbance, removal or covering up.
Reason: The Local Planning Authority wishes to ensure that any items of archaeological interest are properly recorded for posterity.
- 7 Prior to the first occupation of the buildings (approved under 3/32/20/009), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with updated details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.
Reason: To prevent discharge into nearby water courses. To ensure the adequate provision of drainage infrastructure.

- 8 Measures to minimise the impact on ground and surface waters shall be carried out strictly in accordance with the hereby approved Method Statement to the time scale and programme of works detailed therein.
Reason: Previous activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site, and thus may present a threat to the quality of controlled waters of Stogursey Brook, especially as a result of the proposed development and the additional work is required to ensure the development will not cause pollution of Controlled Waters.
- 9 Prior to any further construction of the development (following approval of application 3/32/20/009), hereby permitted, updated 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 completed in accordance with the approved details and thereafter maintained as such.
Reason: In the interests of the visual amenity and character of the area.
- 10 All materials to be used in boundary treatments and means of enclosure to the development and gardens abutting the open landscaped areas on the site shall be carried out strictly in accordance with this permission and prior to occupation of the development.
Reason: To ensure that the appearance is in harmony with the traditional character of development in the area in the interests of visual amenity.
- 11 The protection and enhancement of the existing woodland and badger foraging habitat along the Stogursey Brook shall be maintained in accordance with the submitted scheme (and any amended scheme approved by the Local Planning Authority thereafter) for the management and landscaping of this area and the open ground associated with same. The area of land identified for potential burial ground provision shall be maintained as species rich grassland, in accordance with a detailed scheme for same which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site.
Reason: In the interests of biodiversity and to enhance the character and quality of the area.
- 12 The stone features shown on the drawings shall be in local natural stone laid in a traditional manner with flush or recessed pointing with lime based mortar. Prior to the features being constructed, representative samples of the stone to be used and a one metre square sample panel shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the stonework will be in harmony with the traditional character of development in the area in the interests of visual amenity
- 13 The applicant shall ensure that all vehicles leaving the construction site are in such condition as not to emit dust or deposit mud, slurry or other debris on the

highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.

Reason: To safeguard the general amenities of neighbouring dwellings.

- 14 No development shall commence unless a Construction Environmental Management Plan (updated following approval under 3/32/19/019) has been submitted 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.

Reason: To safeguard the general amenities of neighbouring dwellings.

- 15 Unless otherwise agreed in writing by the Local Planning Authority, activities on the site, other than ancillary, temporary site office uses hereby approved or internal maintenance work to same, no demolition/construction work, or operation of vehicles, plant, machinery or equipment shall be carried out on site, except within the following times and days:-

- i. between the hours of 0800 and 1800 Monday to Friday inclusively;
- ii between the hours of 0800 and 1300 on Saturdays;
- iii. and there shall be no working on Sundays or Public Holidays.

Reason: To safeguard the aural and general amenities of neighbouring dwellings.

- 16 The development shall be carried out in accordance with the submitted FRA and the following mitigation measures it details:

Finished floor levels shall be set no lower than 27.35 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the schemes timing /phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future

occupants

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of 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. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Proposal

Planning permission is sought for the erection of a residential development comprising of 27 dwellings, relocation of children's play area and associated works. This represents a net increase of 7 dwellings upon previous approvals.

The relocated play area is shown in a position to the north east of the existing, part of which is sought by the developers for inclusion in the plots for a pair of additional houses - dwellings N1 and N2, their gardens and 4 parking spaces in a tandem arrangement in the front. The new play area would re-use the existing ramp in the north west corner adjacent to the pedestrian link into Audries Close, provide a new retaining wall along eastern boundary and 4 pieces of new equipment.

All the new houses, across the development would be two storey (Three x 3 bedrooomed houses have already been completed up to DPC level of the 24 houses 1x2 bed apartments over a garage, 8x2 bed houses and 15 x 3 bedroom houses). The new 2 bedroom houses would have 2 parking spaces each and the 3 bedroom houses either one garage and one parking space or two parking spaces

The application is accompanied by a suite of supporting documents

- Flood risk assessment
- Design and access statement
- Ecological report
- Planning Statement Transport Statement Planning Statement

The application is accompanied with a Planning Statement which states Paragraph 4.4:-

'It is proposed that the existing play area will be relocated and the existing equipment will be replaced. In a further attempt to address the Planning Committee's objections to the location of the play area within the previous proposals, this new application seeks to provide the new play area adjoining the western boundary of the site in a similar location to the existing play area. It would be overlooked by two new dwellings to the south of it which are required to make the proposed development commercially viable. There will be two points of access into the play area, one of which includes the retention of the existing ramp to provide inclusive access suitable for pushchairs and wheelchair users. There will be an inclusive roundabout and ramp in the play area for all user groups together with there is a swing with one flat seat and one cradle seat, a multi-use castle climber and springer.'

Since submission the applicants have provided further drainage details - currently being assessed by LLFA.

Site Description

Paddons Farm, is situated within the village of Stogursey adjacent to its eastern boundary. The site has been partially constructed and built out with 39 homes that are now occupied. Associated infrastructure including highways, drainage, landscaping and children's play area have already been delivered on site.

The site is bounded by existing residential areas to the west, off St. Audries Close and Park View. St. Andrew's Church and burial ground lie to the south with farmland and open countryside to the north and east. Stogursey Brook runs through the site to the east and south of the houses, bounding the areas of public open space. The stream is partially screened with overhanging trees and foliage.

There is one main vehicular access in to the site from the road known as Paddons Farm, which connects on to a T-junction with Church Street to the west and Priory Hill to the east. There is also a pedestrian link in to the site from Park View as well as a pedestrian footbridge via a stepped access path over the brook to the south of the site.

The site falls within the built-up area of Stogursey, within the Stogursey Conservation Area and was originally allocated for residential development under retained Policy H/1 of the previous West Somerset Local Plan (2006).

Relevant Planning History

- Ref. 3/32/06/003 Erection of 55 dwellings and associated works Approval 05.07.06
- Ref.3/32/07/008 Erection of 59 dwellings & associated works as amended Approval 26.04.07
- Ref. NMA/32/17/002 Non-material amendment to application 3/32/07/008 The addition of a condition listing the approved plans' Conditional approval (extant conditions apply) 08.08.17

- Ref. 3/32/17/012 Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey. Refused Appeal dismissed 17.10.18
- Ref. 3/32/18/042 Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.(Resubmission of 3/32/17/012) Refused 07.03.19
- Ref. 3/32/19/009 Erection of a residential development comprising of 27 dwellings, relocation of children's play area and associated works. Refused 05/12/2019 for the following reasons:-
 - 1) *The proposed revisions to the plans previously approved under Application Ref. 3/32/07/008 including the addition of seven dwellings, would result in an unacceptably cramped form of development, compromising the site's functionality, reducing its overall quality and negatively impacting upon the local character and setting of the conservation area. As such the proposal is contrary to Policies NH1 and NH13 of the West Somerset Local Plan to 2032 and Policy T/8 of the Retained Saved Policies of the West Somerset Local Plan (2026).*

2) *The revised layout results in inadequate and poorly sited parking provision and the reduction and loss of amenity space. The repositioning of the LEAP is particularly of concern because it would result in a play area that is 'unsuitable for children's play because it is less convenient, less accessible (particularly for disabled persons) less usable and a less attractive area being in a shaded and sloping position close to the stream. The proposal is therefore contrary to Policy CF1 of the adopted West Somerset Local Plan to 2032 and Policies R/5 and R/7 of the Retained Saved Policies of the West Somerset Local Plan (adopted in 2006).*

This decision was appealed Planning Inspectorate ref. APP/W3330/W/20/3245966. The appeal was dismissed by the Planning Inspector DATE, on the grounds that the relocated play area was unsafe. Paragraphs 16 and 17 of the Planning Inspector's decision letter are most relevant. They state:-

Paras 16 and 17 of the appeal decision (reproduced as appendix 1) are relevant
'16 However, in respect of the safety of children, a significant portion of the proposed replacement facility would be located close to or directly under the canopy of mature trees which are substantial in terms of their height and spread. Whilst I note the submissions of the main parties with regards to the shading that these trees would provide, falling debris from these trees would represent a significant threat to safety of children and other users of the replacement facility and, without significant regular upkeep or even remove these trees which, in my view, make a significant contribution to the character and appearance of the area.

17. The existing facility is located away from the safety risks associated with the trees which are located on the banks of Stogursey Brook within the appeal site, and therefore when taken as a whole the proposed replacement facility would not be equivalent to the existing facility in terms of providing safe space for its users. Consequently, the appeal scheme would conflict with Policy CF12 of the Local Plan when taken as a whole and, given this conflict and the importance that the

National Planning policy Framework (the Framework) places on development contributing to healthy and safe communities, this is a matter which weighs significantly against the appeal proposal.'

The Planning Inspector's decision letter is reproduced in its entirety as Appendix 1

Consultation Responses

Stogursey Parish Council -

- Questions the time and resources used by Somerset West pursuing these applications.
- Considers that the proposal would represent overdevelopment of a central core of a small housing estate in a rural village
- Constant resubmissions and applications mean residents face considerable noise and disruption.
- Note that the re-submission takes children's safety into consideration, but query the legality of moving the play area in order to further the developer's aims.
- Have continuing concerns about parking arrangements

Highways Development Control - Comments dated 05/05/2020 - The proposal is a re-submission of the previous application ref. 3/32/19/019.

Following Assessment of Drawing No/. 262023E and the additional supporting detail, our previous comments dated 15th July 2019 for application 3/32/19/0189 remain relevant for the current application however the Highway Authority would also like to add the following.

The Somerset Parking Strategy (SPS) optimum vehicle parking standard for this site (Located in zone B) is 71. The applicant states that 66 vehicle parking spaces are to be provided for this scheme, including visitor parking.

There is an overprovision of visitor parking for this scheme. The applicant may wish to consider revisiting the allocation of vehicle parking and offer more parking at appropriate locations for the 3 bedroom dwellings. This would identify closer with the SPS.

With the above in mind, and consideration of our previous comments (for application 3/32/19/019) that remains relevant for this application, it is advised that the applicant clarify the following prior to any recommendation from the Highway Authority.

- Commit to providing cycle parking at a rate of one space per bedroom, including detail on how this would be delivered
- Commit to providing EVCs for all dwellings
- Revisit the current allocated / unallocated parking arrangement.
- Acknowledge and address / previous comments from the Highway Authority with regard to internal layout.

*SWT Tree Consultant-*Given the distance between the trees and the play area, my feeling is that the trees would not be a hindrance to the new play area, and would not be a reason for not siting it there. However, I think that some lateral pruning of the over-extended branches of the ash on its eastern side would be sensible if

retained, and both trees would need to be regularly inspected. In the future it may also be necessary to prune the lateral growth of the sycamore, but this would be fine so long as carried out to BS3998.

They are both early-mature trees, trunk diameters 60-70cm. The sycamore is the taller of the two, at about 15 metres. The sycamore appears to be healthy with no obvious signs of decay or disease. The crown of the ash tree is thinner than it should be, and I would agree with Swan Paul that this is probably an early sign of Ash Dieback. Although the ash is further from the site than the sycamore, it has spread more on its eastern side, so that their lateral spread in that direction is about the same, which is about 2 metres beyond the edge of the existing ramp. I think that the proposed play area is far enough away from these trees to be acceptable in terms of safety risk, and also shading (which would be afternoon/evening), but the health particularly of the ash would need to be closely monitored. It's possible that the ash may need to be removed within the next few years, in which case the sycamore would I think spread out on its southern side.

SCC - Ecologist -

The application site lies within Band A of the Bat Consultation Zone for the Exmoor and Quantocks Oak Woodlands SAC which is designated for its barbastelle bat feature. A Habitats Regulations Assessment for the 2007 application should have been carried out.

Supporting documents for the original application have been removed from the website, including the ecology report. The ecology report submitted with this application does not contain any ecological information but is merely a statement saying further surveys are not required as no comments have been given in the past.

This is unhelpful. The Chartered Institute of Ecology and Environmental Management guidance states that three years is the maximum period of validity for any ecological survey. The hedgerows and fields within the public open space potentially provide both commuting and foraging habitat for barbastelle bats. Condition 7 states 'The hereby approved scheme for the phased hard and soft landscaping of the site and the new areas of highway verge and associated field hedge planting (including existing flora) shall be implemented in tandem with each phase of the development and shall be fully implemented not later than the first planting season following the completion of each phase. If at any time during the construction of the development or with the subsequent five years following its final completion any tree, shrub, hedge or other planting forming part of the scheme shall for any reason die, be removed or felled it shall be replaced with another tree, shrub, hedge or planting of the same species during the next planting season, unless the Local Planning Authority gives prior written consent to any variation.'

I am uncertain whether this condition has been discharged as yet. The submitted block plan needs show an element of wildlife enhancement within the public open space. In addition it to ensure that the soft landscaping is managed for the benefit of biodiversity the following condition is required:

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.

.

Housing Enabling Officer - 25 affordable homes have already been delivered on this site in partnership with Magna Housing Association. Therefore in terms of the policy requirement of 35% affordable homes I am satisfied that no additional affordable housing contribution is required as a result of this application.

Avon & Somerset Police -

From a safeguarding children perspective, I fully support the relocation of the Play Area to the area between new Plots N1 & N2 and the existing dwellings, as this improves accessibility and natural surveillance of the Play Area.

Environment Agency - Providing the Local Planning Authority (LPA) is satisfied that the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle to this proposal, subject to a condition being included in any planning permission granted to reduce the risk of flooding.

Planning Policy -

The application site is located on the east side of Stogursey, a primary village in the West Somerset Council Local Plan to 2032 (WSC LP). The entire area is *in close proximity (within c.50 meters) to the contiguous built-up area* (WSC LP Policy SC1: Hierarchy of Settlements), it also adjoins or forms part of the existing built-up areas on its western and southern boundaries.

SC1 permits *limited development*, defined as 39 dwellings, phased to *about 30% of this increase in any five year period*, c.13 dwellings, in Stogursey village, where it can be demonstrated that it will contribute to wider sustainability benefits for the area. This application would contribute 7 net dwellings because the previous application for 59 dwellings (3/32/07/008 – of which 36 are completed and 20 not started) was granted before adoption of West Somerset Council Local Plan to 2032.

As there have been no planning applications granted for dwellings in the village since the adoption of the local plan; this application for 27 dwellings, has no policy objection to the scale of development.

The original application provided 25 affordable units, in line with the previous Local Plan Policy H/4 Affordable Housing. This would equate to c.37.8% which would satisfy the current affordable housing requirement set out in WSC LP Policy SC4: Affordable Housing.

The proposed mix of the development for the new dwellings is more in line with the WSC LP Policy SC3: Appropriate Mix of Housing Types and Tenures than the approved scheme. There is no longer a requirement for market 4-bed dwellings and a higher requirement for 3-bed dwellings.

SC1 requires that development is *well related to existing essential services and social facilities within the settlement, and; ...there is safe and easy pedestrian access to the essential services and social facilities within the settlement*, The

WSC LP 2032 also encourages development to consider, and be designed to promote, sustainable modes of transport – walking, cycling and public transport (WSC LP Policy TR1: Access to and from West Somerset; WSC LP Policy TR2: Reducing Reliance on the Private Car; Policy CF2: Planning for Healthy Communities).

The current access arrangement was established in the previous application 3/32/07/008; this proposal retains those footpaths and road arrangements. The footpath from the site into Park View provides a more direct route for cycling and walking to the village Pub, Primary School, Village Hall, Victory Hall Youth Club and MUGA, Corner Shop and Post Office, than from the main site entrance. The bus service through the village runs along Tower Hill/High Street/Church Street and Priory Hill; the Taunton-Williton service and Bridgwater-Shurton, this nearest bus stop is 300m from the site.

The application meets the parking provision set out in the Saved WSC LP 2006 Policy T/8: Residential Car Parking.

On the WSC LP 2032 Proposals Map for Stogursey the yellow horizontal lines in the southwest corner of the application site are, not as listed in the key *Policy SY/1 Stogursey - Proposed Car Park*. WSC LP 2006 Policy SY/1 was not carried forward to the WSC LP 2031. It relates to retained *Policy SY/2 Community Facilitates Land east of Park View, Stogursey is allocated for public car parking/toilets and burial ground*. However, the S106 for extant planning permission 3/32/07/008 secures the future provision of these facilities elsewhere.

The principal of the provision of public open space, a children's play area and amenity space was established with the previous applications with Local Plan 2006 POLICY R/6: Public Open Space and Small Developments. This is a saved policy and therefore relevant to matters of details with regard to the new play area. The application provides an area *fenced, with play equipment suitable for pre and early school children and safe surfacing. Play areas should be...away from situations where they may be subject to potential abuse and vandalism*; for clarity this means areas overlooked and well sited. The play area for this planning application is an improvement on the previous refused application 3/32/19/019, now being adjacent to the footpath route through to Park View and over looked by 5 or 6 dwellings.

The overall quantum of public open space required for 66 dwellings would be c.0.38ha. Taking into account the existing implemented open space from the permitted application and the changes as a result of this application the amount of public open space exceeds the requirement as it is in the region of 0.6ha.

WSC LP 20312 Policy NH13: Securing High Standards of Design will be influenced by the existing built development from extant permission 3/32/07/008. Materials and colours linked with existing buildings would provide for a uniform character across the site. Opportunities to minimise carbon emissions, promote renewable energy and reduce impact on climate change as an integral part of the design would be welcomed.

In summary there are no policy grounds on which to object to this application.

For information:

The site falls within the within Office for Nuclear Regulation (ONR) 'Health & Safety' consultation zone, defined in WSCLP Policy NH10: Development in Proximity to Hinkley Point Nuclear Power Station. As such the ONR should be consulted on the application.

The site was previously allocated in the West Somerset Local Plan 2006 under policy H/1 Housing Land Allocations. This policy was not carried forward in WCS LP 2032 as at the time of the preparation of the Plan the site had an extant permission and construction had commenced.

The application site is listed in the West Somerset SHLAA 2020 (2015 ref: SGR4): Paddons Field, Stogursey. It is identified as a deliverable site. The site was originally promoted to the Council for the 2013 SHLAA Call for Sites. The SHLAA does not set policy or make allocations, but provides background evidence on the potential availability of land in West Somerset for housing.

Conservation Officer - No comments received

Somerset County Council - flooding & drainage -

Thank you for consulting the LLFA on this application. We note that this application is a resubmission of 3/32/19/019 and would advise the EA are consulted on the application and their advice followed.

We understand the development is to be connected to the previously built surface water drainage infrastructure for 3/32/07/008, however, there are limited details on the scheme already implemented onsite. It is also unclear if the current attenuation is, or will be sized for, current guidance, any increase to impermeable area, or if any additional attenuation may need to be implemented to ensure there is sufficient capacity within the system. The plans also indicate that several attenuation areas are within Flood Zones, the applicant should demonstrate how the drainage system will be able to function appropriately under flood conditions.

We would also advise as per current guidance, that we would be expecting to see a variety of SuDS features implemented on site to meet wider planning policy and provide amenity, biodiversity, water quality and flood risk benefits

Furthermore, we note that plot N1 and N2, are now partially located within a Flood Zone, which raises concerns and should be addressed.

Somerset Wildlife Trust - Supports the wildlife mitigation measures set out by the Council's consultant ecologist.

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

Development Enabler Comments - Play and Open Space

West Somerset Local Plan POLICY CF1 requires the appropriate provision of

formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development.

POLICY R/6: Public Open Space and Small Developments requires that open space includes:

(i) Amenity and informal areas - to include well-lit space with seating and servicing to

meet the particular needs of the elderly and disabled.

(ii) Children's play space - fenced, with play equipment suitable for pre and early school children and safe surfacing. Play areas should be separated from other facilities for older children and away from situations where they may be subject to potential abuse and vandalism.

Open space must be well related and easily accessible to the dwellings, served by good quality pedestrian and cycle routes, and provide clear access to service and emergency vehicles. Where it is necessary conditions and/or agreements attached to planning permissions will set out measures to ensure an adequate provision.

The repositioned play area is in a better location than in application 3/32/19/019.

Accessibility is improved and natural surveillance is provided by the new dwellings N1 and N2.

Representations Received

Consultations have been undertaken with local residents. This has resulted in the receipt of 10 letters of representation(LOR's). All letters of representation raise objection to the proposal. The grounds of objection can be summarised as follows:-

- The park is in a sunny , easily accessible plot ad should not be moved for Strongvox's gain.
- Building two new houses on the original play area is a considerable departure from the original plans . The houses opposite were purchased in good faith that they would not be overlooked or overlooking two semis.
- Approval would set a bad precedent for other builders to make more money by amendments that shrink children's' play areas and build more houses . The developers should be made to finish the original plans from 2006
- Noise and disruption will be introduced to this end of the estate with the construction of two dwellings on the site of the current children's play area.
- The site was abandoned in an unfinished state.
- The process of continued re-application, tiny changes and site visits causes untold stress and upset for residents
- Residents' annual site maintenance fees should be refunded with interest . Strongvox should fund all the maintenance until the site is finished
- It appears that the only benefit of this plan is for Strongvox financial gain. Other builders took losses and we the residents should not be scapegoats and losers in all this .
- Building disruption noise , Breaches assurances provided when we bought , that disruption would be minimal
- The estate will be a mismatch of two halves with little family housing
- The family feel of the estate will be lost as smaller houses will attract more singles and couples leading to more comings and goings, shift workers and a more frequent turnover of residents
- The open space is useable land, below the flood plain

- The latest flood risk survey shows that risk of flooding extends to No. 4. The flood risk survey that accompanied the application in 2007 showed it only up to the boundary
- Concerned about the level of parking provision. There is provision for housing, but not for visitors leading to congestion.
- The proposed parking spaces are too small
- Shoehorning tiny garages and parking spaces into the development will lead to residents fighting for space on the small amount of roads on the estate
- The parking spaces are of minimum size, and do not allow people to get in and out of their cars doors if people are parked next to them. The parking situation will be disastrous.
- The driveways opposite No. 2 are situated on a blind corner and are completely unsafe for anyone trying to pull out.
- Transport links (From Stogursey) to Bridgwater and Minehead are non-existent. Extra cars will lead to more traffic on the village lanes.
- Public transport links are non-existent. The proposal will add to traffic in the village
- Stogursey suffers from under provision of public transport. The HPC 3 buses a day referenced has been suspended during the pandemic and cannot be considered suitable to accommodate future building.

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

TW/1	Trees and Woodland Protection
11	Areas of High Archaeological Potential
AH/3	Areas of High Archaeological Potential

Policy SC1 - Hierarchy of settlements

Policy SC3 - Appropriate Mix of housing types and tenures

Policy - NH1 Historic Environment

Policy NH13 - Securing High Standards of Design

Policy CF1 - Maximising access to health, sport, recreation and cultural facilities

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

TW/1 Trees and Woodland Protection
11 Areas of High Archaeological Potential
AH/3 Areas of High Archaeological Potential

Policy T/8 - Residential Car Parking
Policy R/5 - Public Open Space and Large development
Policy R/7 Amenity Open Space

Determining issues and considerations

The difference between the current application and the previous application, ref. 3/32/19/019 which was considered at appeal, is in relation to the position of the play space. The applicants have sought to address the Council's concerns about the proposed relocation of the play space to a more shaded, isolated location close to Stogursey stream and, in the process, have inadvertently addressed the Planning Inspector's concerns about the position of the play space substantially under the canopy of existing trees. The current application seeks permission to relocate the play space within the north west corner of the site, close to its current location, but in a position which they believe will allow them to build two more houses in this area. The rest of the proposal is as per the previous application: 4 additional smaller houses and re-arranged parking and amenity space in the 'central island' and another along with another house in the north eastern row.

Principle of residential development

The principle of residential development of the site, for 59 dwellings, has long been established by the existing, part implemented, planning permissions. 39 houses have already been constructed, or part constructed, meaning that there is an extant planning permission for an additional 20 dwellings. This application, like the previous one, proposes a net increase of 7 dwellings upon that number. This is within the parameters set out in Policy SC1, Hierarchy of Settlements of the West Somerset Local Plan to 2032 which envisages 'limited development' in listed primary villages of which Stogursey is one.

The size of the houses, in terms of bed spaces, would be smaller than the houses originally approved. An arrangement which aligns with the objectives set out in Policy SC3, Appropriate Mix of Housing Types and Tenures. The supporting text references the Strategic Housing Market Assessment (SHMA) 2013, which identified a need for smaller units, particularly 1 and 3 bedroom, and accommodation aimed at older households, but no requirement for 4 bed houses.

As the Housing Enabler officer comments confirm, the proposal already provides 25 affordable houses (38%). This exceeds the 35% policy requirement in the ex-West Somerset council area.

Design, residential amenity and character of the conservation area

The proposed houses have been designed in similar style to the existing built part of the estate. They are considered to be acceptable in terms of design, residential amenity and impact upon the character of the conservation area. The Planning

inspector's analysis of these issues can be read in paras. 24-32, Character and appearance section of appendix 1.

The adequacy of the proposed play space

The new location for the proposed play space is close to the existing play space, and well away from Stogursey Brook and nearby beech trees. It is proposed to construct it to a higher specification than the existing, with more equipment and is better overlooked, with the addition of properties N1 and N2.

In relation to Policy CF1 - Maximising access to health, sport, recreation and cultural facilities, it is considered that it would provide a satisfactory alternative to the current provision. A condition to require retention of the existing play space, until the new one is provided is considered necessary to maintain continuity of provision for local children

Access and parking considerations

Although the proposed parking exceeds the maximum, as set out in retained Policy T/8, Residential Car Parking, of the West Somerset Local Plan 2006, the Planning Inspector in his recent appeal decision (paras. 19-23) noted residents' concerns about parking provision in the village, and Stogursey's relative isolation in relation to public transport, before concluding that the level of provision proposed was acceptable. He also considered the proposed parking arrangements to be acceptable in terms of layout and relationship to dwellings. As there is no substantive difference between the parking layout proposed in the appeal decision and the current planning application an objection to the proposal in relation to the level of parking and the arrangement proposed cannot be sustained.

Miscellaneous

Building works arising from the grant of planning permission invariably cause a degree of disruption to residents living in the vicinity. Noise, dust, contractors parking, delivery lorries etc. all have the potential to temporarily disturb residents during the duration of the build. The Courts have held that the disruption resulting from construction does not provide sufficient justification for withholding planning permission. However, the worst impacts can be mitigated by the submit and have approved by the Local Planning Authority a Construction Management Plan regulating building activities on the site. A condition requiring the submission, approval and adherence to a Construction Management Plan is considered necessary and recommended.

Section 106 Legal Agreements

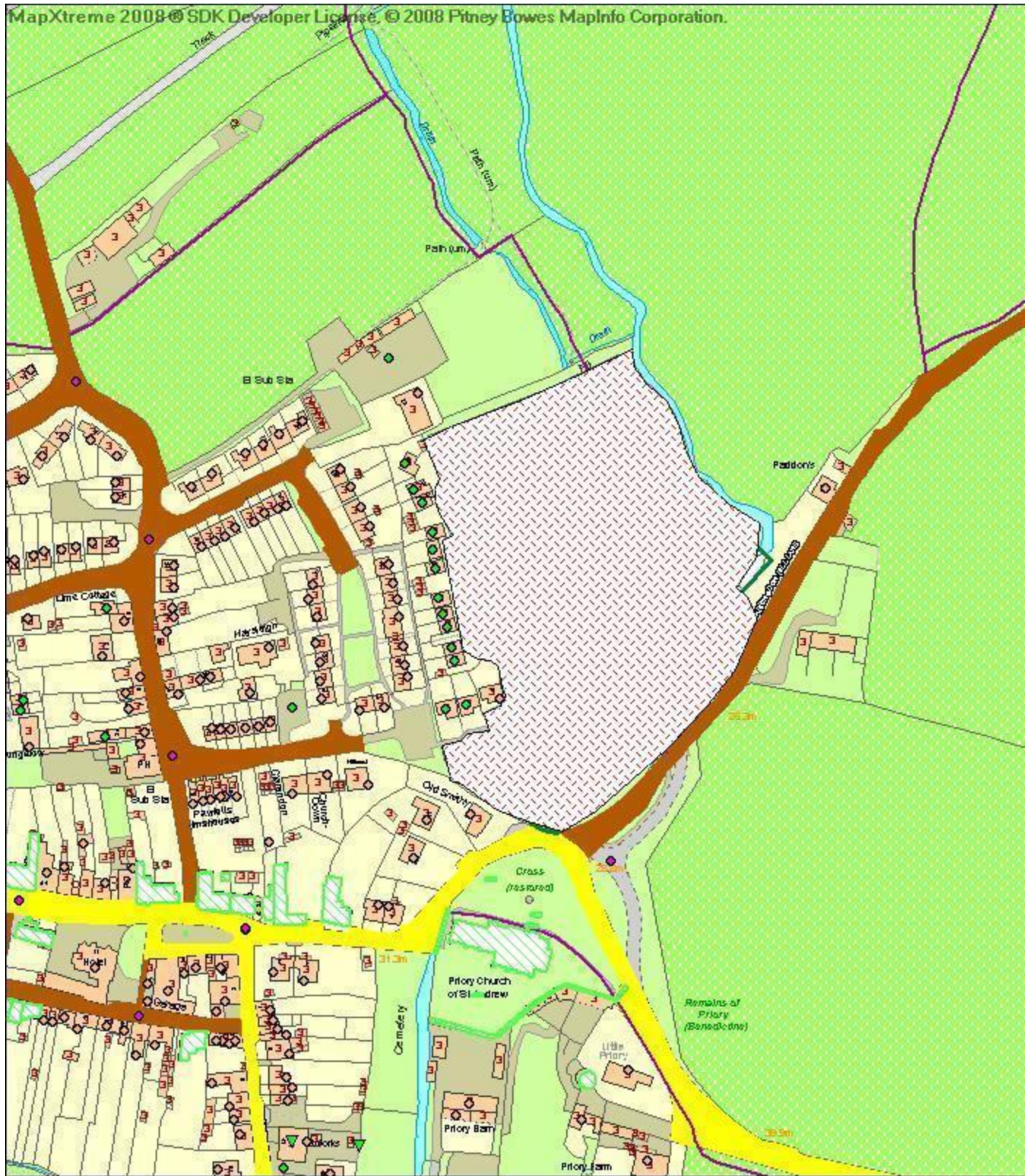
Supplemental Section 106 legal agreement to secure:-

- Relocated play area
- Public car park and £15,000 contribution towards its provision

Conclusion

There is considerable frustration among the local community at the length of time it is taking the developer to complete this estate, annoyance at the submission of repeat applications that change the layout and increase the residential density, and no doubt some disappointment at the latest appeal decision - which was dismissed

on grounds that the position of the re-located play space was unacceptable, but did not consider other aspects of the proposed density increase to be unacceptable. This latest application addresses the deficiencies that councillors identified and the Inspector upheld in the appeal decision in relation to the location of the play space. It is therefore recommended for conditional approval subject to the signing of a variation to the Section 106 legal agreements.



Appeal Decision

Site visit made on 26 May 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/W3330/W/20/3245966

Land at Paddons Farm, Stogursey TA5 1BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Alford of Strongvox Homes against the decision of Somerset West and Taunton Council.
 - The application Ref 3/32/19/019, dated 17 May 2019, was refused by notice dated 23 December 2019.
 - The development proposed is described as the proposed development of 27 dwellings, **the relocation of children's play area and associated works.**
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There are discrepancies between the appeal site address and descriptions of **development on the Council's decision notice and the original application form** and appeal form submitted by the Appellant. For consistency, I have used the address and description of development from the application form in the banner at the top of this decision letter.

Background and Main Issues

3. As noted above, the description of development in the banner heading has been taken from the application form. However, the appeal site is part of a larger development site which was granted permission for the erection of fifty nine dwellings, and associated works, in April 2007¹ (the Original Scheme). Whilst that planning permission was implemented, the development was only partially completed with thirty nine of the fifty nine dwellings being constructed in full. This appeal concerns a scheme which would seek to provide an additional twenty seven dwellings at the site, which would represent an overall increase of seven dwellings when compared to the Original Scheme.
4. Although the Council has given two reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify three main issues.

¹ Local Planning Authority Reference: 3/32/07/008

5. The main issues are:

- Whether future and existing residents would be likely to experience acceptable living conditions in terms of amenity space and access to recreation facilities;
- Whether future and existing residents would be likely to experience acceptable living conditions in terms of parking provision; and
- The effect of the proposed development on the character and appearance of the surrounding area including the setting of the Stogursey Conservation Area (the Conservation Area).

Reasons

Site Description

6. The appeal site comprises land at Paddons Farm, being located within, but at the edge of, the village of Stogursey and within the Conservation Area. The site is bounded by residential development to the west at St Audries Close and Park View, and by part of Church Street which runs adjacent to the southern boundary of the site. Stogursey Brook winds its way through the appeal site and to the east of the existing residential dwellings within Paddons Farm. Stogursey Brook is crossed in two places within the site, a pedestrian footbridge within the southern section of the site and a vehicle bridge being located within the eastern section of the site.

Amenity Space and Recreation Facilities

7. Policy R/5 of the West Somerset Local Plan to 2032 (the Local Plan) concerns the provision of public open space in relation to large developments, and provides that development proposals include a minimum amount of public open space based on a ratio of one hectare per 173 dwellings or part thereof. This policy further advises that open space can include certain elements such as, **amongst other things, children's play space.**
8. The evidence before me confirms that whilst the appeal scheme would result in the loss of some public open space, the remaining space available at Paddons Farm would be in excess of that required under Policy R/5 of the Local Plan. **Whilst I shall return to the matter of children's play space further below, the appeal proposal would provide a fenced play space which would benefit from the natural surveillance that would be provided by two of the additional dwellings that form part of the appeal scheme. For these reasons, I conclude that the appeal scheme would comply with the provisions of Policy R/5 of the Local Plan.**
9. Within the reasons for refusal, the Council have maintained that the proposal would conflict with Policy R/7 of the Local Plan. Policy R/7 of the Local Plan concerns development of land identified on the Settlement Inset Maps as important amenity open space, and the Appellant has put it to me that the appeal site has not been identified on the Settlement Inset Maps for such a **use. The Council has not disputed the Appellant's submission in this regard and** there is no evidence before me which demonstrates that the appeal site has been identified as important amenity space within the context of this policy. Therefore, assessment of the proposal against this policy is not required in this instance.

10. Policy CF1 of the Local Plan concerns access to health, sport, recreation and cultural facilities and confirms that where development results in the loss of such facilities, equivalent or greater replacement facilities must be provided. Whilst I acknowledge the submission of the Appellant with regards to the applicability of this policy in relation to play areas, in my view the existing **children's play area would represent a recreation facility and therefore its loss** and potential replacement should be assessed in the context of this policy.
11. The appeal scheme seeks to replace the existing recreation facility and the evidence before me indicates that the replacement facility would be larger in terms of area and would be better equipped than the existing facility. However, the Council have put it to me that the new recreation facility would be less accessible, less convenient, less usable and less attractive than the existing facility.
12. **Whilst I acknowledge the Appellant's submissions in respect of the test of** whether the proposal is acceptable having regards to the relevant policies of the Development Plan and material considerations, where there is a loss of a recreation facility, as is the case in respect of the appeal proposal, the wording of the Policy requires that equivalent or greater facilities are provided, and, in my view, this is not limited to just equivalent or greater levels of equipment or space, but also includes, for example, the degree to which the facility is able to be used safely and the degree of accessibility to the facility.
13. In terms of the contention that the replacement facility would be less attractive, I conclude that the replacement facility would be equivalently attractive for users to that of the existing play area. In respect of accessibility, the proposed replacement facility would be served by two footways which would provide appropriate access, including a predominately level footway which would provide appropriate access to the play area for wheelchairs and pushchairs. Access to the existing recreational facility currently requires crossing grassed land which may present difficulties for those with wheelchairs or pushchairs. I therefore conclude that the replacement facility would represent an improvement to the existing recreation facility with regards to accessibility and convenience.
14. Notwithstanding the above, to comply with Policy CF1 of the Local Plan, the replacement facility must also be at least equivalent to the existing facility in terms of safety for its users. In this regard, it has been put to me that the location of the replacement facility adjacent to Stogursey Brook would represent a safety hazard for children.
15. Whilst I note the comments and submissions from all parties and agree that the safety of children entering and exiting the replacement facility may be placed at risk from falling or climbing down the steep bank to Stogursey Brook, the facility itself would be fenced and additional conditions could be imposed that required additional safety fencing be placed adjacent to Stogursey Brook between the replacement facility and the nearby footbridge over the brook.
16. However, and in respect of the safety of children, a significant portion of the proposed replacement facility would be located close to or directly under the canopy of mature trees which are substantial in terms of their height and spread. Whilst I note the submissions of the main parties with regards to the shading that these trees would provide, falling debris from these trees would represent a significant threat to the safety of children and other users of the

proposed replacement facility and, without sufficient regular upkeep of the facility may result in equipment being unusable due to fallen debris and leaves. This may result in pressure to lop, top or even remove these trees which, in my view, make a significant positive contribution to the character and appearance of the area.

17. The existing facility is located away from safety risks associated with the trees which are located on the banks of Stogursey Brook within the appeal site, and, therefore, when taken as a whole the proposed replacement facility would not be equivalent to the existing facility in terms of providing a safe space for its users. Consequently, the appeal scheme would conflict with Policy CF1 of the Local Plan when taken as a whole and, given this conflict and the importance that the National Planning Policy Framework (the Framework) places on development contributing to healthy and safe communities, this is a matter which weighs significantly against the appeal proposal.
18. Whilst I note that the Appellant maintains that there would be sufficient space within the site to reposition the recreational facility, I have not been provided with any plan which could be referred to within any additional condition or amendment to the associated planning obligation and which would provide certainty in relation to the specific siting of the recreational facility. I have therefore determined this appeal on the plans and drawings provided by the Appellant in relation to the appeal proposal.

Parking Provision

19. Policy T/8 of the Local Plan states that parking at residential sites should be in accordance with the parking guidelines provided in the form of a table. For residential dwellings the maximum provision is two spaces per dwelling.
20. Paragraph 106 of the Framework confirms that maximum parking standards should only be applied where there is clear and compelling justification that such measures are necessary or for optimising the density of development at locations that are well served by public transport.
21. The Council maintain that the appeal proposal would result in the overprovision of twelve spaces at the site. However, the Council have also confirmed that the appeal site is not well served by public transport. Furthermore, it is noted that a number of objections have been submitted by interested parties which indicate that the lack of parking in respect of the Original Scheme and within the wider surrounding area, has resulted in on street parking congestion and vehicle access issues at Paddons Farm. In this regard, it is also noted that eleven of the twelve additional parking spaces above the maximum provision, relate to visitor spaces within the site.
22. Given the above, I conclude that the additional parking proposed would free up space within the estate from on street parking, resulting in improvement to the free flow of traffic within Paddons Farm. Furthermore, given that the Council maintains that Stogursey is not well served by public transport, I conclude that the maximum standards imposed by Policy T/8 of the Local Plan should not apply in relation to this specific location.
23. I am mindful that the Highways Authority has not objected to the appeal proposal and I have not been provided with any substantive evidence by the Council to justify the maximum parking standard in this instance.

Consequently, I conclude that the appeal scheme would make appropriate provision for parking and, therefore, the proposal would be consistent with the aims and objectives of Policy T/8 of the Local Plan.

Character and Appearance

24. Residential development within Stogursey and close to the appeal site comprises a mixture of traditional dwellings and more modern forms of development, which are principally single storey or two storey in height and which are densely arranged in groups of predominately attached dwellings on modest sized plots.
25. The proposal would introduce additional housing at the site, as detailed above in the Background section of this decision, and the Council considers that the resulting quantum of development at the site would be at odds with the character and appearance of the surrounding area and would thereby be harmful to the setting of the Conservation Area.
26. The proposal would introduce a mixture of housing which, in combination with the residential dwellings that were constructed under the Original Scheme, would, in my view, reflect the pattern of development and density of housing which exists in the locality such as that at St Audries Close.
27. The proposed gardens would be a similar size to existing external amenity areas which serve properties close to the appeal site and within the Conservation Area. Whilst I acknowledge that some parking spaces would not be located immediately adjacent to the corresponding dwelling, they would be within a very short and convenient distance and therefore would not compromise the functionality of the site. Furthermore, the appeal scheme would preserve the footway link between Paddons Farm and Park View, and therefore the proposal would not compromise the use of this important feature which provides pedestrian links to the village centre.
28. For the above reasons, I conclude that the proposed increased density of housing at the appeal site would not result in a form of development that appeared to be cramped or that the site could be considered to be overdeveloped. The appeal scheme would not be harmful to the character and appearance of the surrounding area.
29. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision.
30. Whilst I have not been provided with a Conservation Area appraisal, I was able to observe on my site visit that the Conservation Area includes the historic core of the village around Tower Hill, the High Street and Church Street, and includes the appeal site which is located east and northeast of the core of the village. I consider that the significance of the Conservation Area is derived from the mixture of traditional cottages and larger dwellings, as well as from the presence of listed buildings and memorial structures.
31. With regards to the appeal scheme, it is noted that the design and style of the proposed buildings would reflect and largely replicate the design and style of dwellings which were approved and constructed under the Original Scheme and, consequently, there would be no harm in this respect arising from the

appeal proposal. As above, the increased density of housing at the appeal site would reflect the density of housing within the surrounding residential areas and within the Conservation Area. I therefore conclude that the appeal proposal would preserve the significance and setting of the Conservation Area and, through the completion of the site, would represent an enhancement.

32. For the reasons given above, I find that the appeal scheme would not have a harmful impact on the character and appearance of the area and would not be harmful to the significance or setting of the Conservation Area. The proposal would therefore comply with Policies NH1 and NH13 of the Local Plan, which aim to ensure that new development meets the highest standards of design, and that elements of the historic environment which contribute towards the unique identity of areas and help create a sense of place are sustained and, where appropriate, enhanced.

Other Matters

33. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
34. I have had regard to the presence of the nearby listed structures as identified by the Council and the need to give special attention to the desirability of preserving the setting of listed buildings. In this respect, I consider that the degree of separation between the identified listed buildings and the appeal scheme is sufficient that no harm to the significance or setting of the heritage assets would arise.
35. Interested parties raise several additional objections to the proposal including the potential impacts in relation to; drainage, highway safety, biodiversity, noise and disturbance during the construction phase and the lack of nearby services and facilities. Furthermore, I have had regard for the correspondence and submissions in respect of planning obligations relating to the Original Scheme and appeal scheme. These are all important matters and I have considered all of the evidence before me. However, given my findings in relation to the main issues above, these are not matters which have been critical to my decision.

Conclusion

36. In summary of the above, whilst I have found that the appeal proposal would provide adequate parking provision, would not be harmful to the character and appearance of the surrounding area and would not be harmful to the character or appearance of the Conservation Area, I have found that the replacement play area would not provide a safe equivalent to that recreation facility that would be lost as a result of the proposal.
37. I acknowledge that the appeal proposal would provide substantial benefits in terms of the additional housing units provided, the mixture of which better reflects identified local need, with further benefits arising from the enhancement of the Conservation Area by the completion of the development site and from the benefits that would arise from the performance of the

Planning Obligation and its proposed modifications. I also recognise the position with regards to viability.

38. However, whilst I acknowledge the benefits associated with the appeal proposal are substantial, they would not, in my view, outweigh the harm that the proposed repositioning of the recreational facility would have in respect of the safety of its users, and the subsequent development plan policy conflict to which I have attached significant weight in the determination of this appeal.
39. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR

Application No:	<u>3/21/20/033</u>
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 296377 Northing: 146843
Applicant	Mr Colin Fisher
Proposal	Erection of 1 No. single storey dwelling with garage under-croft and associated site works (resubmission of 3/21/19/085)
Location	Hillside barn, Moor Road, Minehead, TA24 5RT
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A1) DrNo 319_1004 Rev 02 SITE PLAN PROPOSED

(A1) DrNo 319_2001 EXISTING & PROPOSED SECTIONS OF MOOR ROAD

(A1) DrNo 319_2002 FLOOR PLANS & SECTION

(A1) DrNo 319_2003 PROPOSED ELEVATIONS

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

- 3 Prior to the construction of the dwelling above damp proof course level samples and/or details 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, these shall include details and/or samples of materials to be used in any surfacings for hard landscapings. 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 building and area.

- 4 Prior to occupation of the building works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with the approved details. The works shall be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

- 5 (i) The landscaping/planting scheme shown on the submitted plan 1000-Site Context 319_1004 4 Rev 02 shall be completely carried out within the first available planting season from the date of commencement of the development.

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

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

- 6 Prior to occupation, 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 bats 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 protected species and in accordance with policy NH6 of the West Somerset Local Plan

- 7 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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 NH6 of the West Somerset Local Plan

- 8 The following will be integrated into the design of the dwelling:

a) A Habibat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation

b) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations

c) A bee brick built into the wall about 1 metre above ground level on the southeast or south elevation of the dwelling

Plans showing the installed features will be submitted to and agreed in writing by the local planning authority prior to the commencement of construction works above damp-proof-course level.

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

- 9 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 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. Any features such as rubble piles and the vegetated bank, which potentially afford resting places for reptiles will be dismantled under the supervision of a competent ecologist in April or August to October. Written confirmation of the supervision will be submitted to the local planning authority within one week of it being carried out.

Reason: In the interests of UK protected species and in accordance with policy NH6 of the West Somerset Local Plan

- 10 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 outbuildings, or other structures as detailed in Schedule 2, Part 1, Class E of the above Order shall be erected on the site beyond (west of) the 50 metre development buffer as shown on approved drawing 1000-Site Context 319_1004 4 Rev 02 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 rural edge of Minehead.

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 of the submitted scheme. During the consideration of the application concerns regarding surface water drainage and landscaping were raised. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address these concerns and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Proposal

Erection of 1 No. single storey dwelling with garage under-croft and associated site works (resubmission of 3/21/19/085)

Site Description

Open field adjacent to settlement edge of Minehead, set into valley on Moor Road and part of garden curtilage to Hillside Barn, a converted residential dwelling.

Relevant Planning History

3/21/19/085 - erection 1no. dwelling - refused

Consultation Responses

Minehead Town Council - Recommend Refusal due to insignificant changes from previous refused application, mainly unsustainable transport SC1.

Highways Development Control - standing advice

SCC - Ecologist - no objections, recommends conditions for lighting design for bats, hedgerow clearance, vegetation clearance for protection of slow worms etc, and bat/bird boxes and bee brick

Tree Officer - no comments received

Landscape - no comments received

Wessex Water Authority - initial objection but agreed to remove objection subject to planning authority's approval of method of drainage (including overflow controlled discharge to watercourse)

Representations Received

Ten individuals have written letters of objection, the issues cited are:

- Amendments change nothing
- On edge of Exmoor National Park
- Destroys views
- Increases traffic
- Will encourage more applications
- Not in the SHLAA
- Wildlife impacts

- Risks to pedestrians
- Plantings would interrupt views
- Will be reliant on use of the car as not near public transport
- Contrary to local plan policies
- Detracts from area as a tourist destination
- Light pollution
- Watercourse could be damaged
- Development is only for profit
- It is not sympathetic to surroundings

Additionally the Minehead Conservation Society has written representations objecting to the development

Three letters of support have been received, points raised are:

- Design sits well in the valley
- The resubmission is a clear improvement and should be passed
- A caravan could be put within the garden without need for planning permission
- Although large house in terms of number so bedrooms these could accommodate family and/or carers

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

MD1	Minehead Development
SC1	Hierarchy of settlements
TR1	Access to and from West Somerset
T/8	Residential Car Parking
NH13	Securing high standards of design
SD1	Presumption in favour of sustainable development
NH14	Nationally designated landscape areas

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

MD1	Minehead Development
SC1	Hierarchy of settlements
TR1	Access to and from West Somerset
T/8	Residential Car Parking
NH13	Securing high standards of design
SD1	Presumption in favour of sustainable development
NH14	Nationally designated landscape areas

Determining issues and considerations

The main issues are the principle of development, design and materials, parking and access, landscape impacts, amenity, biodiversity and drainage.

This application is a resubmission of a related application 3/21/19/085 which was refused due to conflicts with policy OC1, for Open Countryside development as the proposed site was outside of the built-up area of Minehead. The current application has re-sited the location to within 50metres of existing built development and is considered to meet requirements under adopted Local Plan policy SC1.4 for residential developments to be located "within or in close proximity (within 50 metres) to the contiguous built-up area of Minehead". The application is considered to be acceptable 'in principle' subject to a consideration of other planning criteria.

In terms of design the proposed dwelling would be single storey but set into sloping ground, with an undercroft garage, and twin roof ridges ranged over parallel blocks which are aligned askew to provide stepped end elevations. Internal accommodation would provide for four bedrooms with ensuite bathrooms to two of the bedrooms, over a single storey making the proposed dwelling likely to be accessible for wheelchair users and mobility-impaired people, particularly with exterior ramp access to the main entrance. As such the dwelling is considered to be able to achieve compliance with Building Control regulations for disabled access, although this is a separate regulatory regime. The design incorporates both contemporary and traditional elements, with a surrounding raised walkway to one side, and vehicular access to the undercroft garage below. The stepped end elevations helps to break up overall massing and materials are contrasting to each of the longer side elevations providing for some variety. The design is considered acceptable and meets requirements under policy NH13 to 'meet the highest standards of design' and has the design is acknowledged as having proceeded from "an analysis of the constraints and opportunities of the site and its surroundings..." to inform the "principles of design" and respond to the location and context. The proposal is relatively low level due to being single storey and has been moulded to fit into gently sloping ground without overly intruding into the landscape. The proposed materials are a mix of render and natural stone to the walls with concrete tiling to the roof. Subject to a condition for approval of final details of materials these are considered acceptable and appropriate for the context and location of the development.

Parking would be provided within the site in the proposed undercroft garage with additional parking and turning space. The garage would provide sufficient room for storage of bicycles and bins aside from space for one car with additional curtilage parking for at least two more vehicles. Access would be shared with that of the host dwelling of Hillside Barn so would not entail creation of an additional highways access point. The level of the potential increase in traffic generated from the proposal is not considered to be significant and the highways authority have not objected to the application. As the site is considered in terms of policy SC1 to be within a sustainable settlement location it is considered to be appropriate for residential development. Access to Minehead town centre is achievable for pedestrians although towards this part of the town although there is limited pavement provision immediately outside of the site.

The site is on the edge of Minehead and has good landscape value although is not subject to any national landscape designations. Whilst the site is close to the borders of Exmoor National Park the development would not directly impinge on to it. As seen from the National Park the site would be read as a minor continuation of the built settlement and it is not considered that significant harm would be caused to the setting and approaches to the National Park. Whilst the development would have an impact on the landscape and urban fringe the design has minimised harm by keeping roof ridge heights low, fitting the building into the topography and providing further plantings to the edges of the development to soften views into, and around, the site. After negotiations with the architect revised landscaping proposals were submitted to reduce the quantum of hard surfacings to the curtilage and introduce additional plantings. It has also been agreed that any permission granted would include a condition removing permitted development rights for domestic outbuildings (GPDO- Class E) to a line beyond the 50 metre edge of built development limits. This condition would ensure that general views over the garden area into the valley below were partially retained (although restricted by the proposed new plantings) and that the settlement boundary was clearly demarcated. The proposed landscaping scheme is considered acceptable subject to a condition for implementation and retention of proposed plantings.

The proposed dwelling would be at some remove from neighbouring houses except for the host dwelling. Due to its design and position of windows there are not considered to be any significant concerns with residential amenity.

The application has included an ecological assessment which has been reviewed by the County ecologist. No objections have been raised to the proposal subject to conditions for a lighting design for bats, hedgerow and general vegetation clearance and inclusion of bat/bird boxes and a bee brick. There are not considered to be any abiding biodiversity concerns subject to imposition of recommended conditions.

In terms of drainage the architect has proposed to use a SUDS device which will be "is an underground, ultra low discharge storm attenuation device that consists of a pre-assembled, shallow dig rainwater storage tank, along with a self cleaning filter and a controlled discharge valve. Once rainwater reaches a set level within the tank it is discharged at a controlled rate. Stored rainwater is directed for re-use at the property". This aspect has been agreed with the water utility company subject to a condition.

Other matters

The town council have raised objections to the scheme citing concerns about similarities to the previously refused scheme. Additionally letters of representation from ten members of the public and the Minehead Conservation Society have been received objecting to the proposal. The main issues raised have been landscape and traffic impacts with additional concerns regarding biodiversity, tourism and scale of the development also raised. Three letters of support have also been received. The issues raised are discussed above.

Conclusion.

The application is considered to be in compliance with policy SC1 and MD1. The design for the dwelling itself is considered in conformity with policy NH13 and the initial curtilage features have been subject improvements to soften impacts from an overuse of hard-surfacing materials. Subject to recommended conditions the application is recommended for approval.

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

Application No:	<u>3/32/20/011</u>
Parish	Stogursey
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 319956 Northing: 143051
Applicant	Mr C Morgan
Proposal	Erection of a single storey extension to the side and rear
Location	14 Town Close, Stogursey, TA5 1RN
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 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:

(A4) DrNo 880/01 Location Plan
 (A3) DrNo 880/07A Proposed Site Plan and Block Plan
 (A3) DrNo 880/05A Proposed Floor Plan
 (A3) DrNo 880/06A Proposed Elevations

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

Informative notes to applicant

- 1 **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were deemed to be unacceptable in respect of neighbour amenity. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 2 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Proposal

It is proposed to remove the existing side porch and erect a single storey wraparound extension that will project to the side (east) by about 2.56m and to the rear (north) by 4m. The roof will be an asymmetrical pitch with a catslide roof to the rear, with a ridge height of about 3.6m. It will be brick to match the existing building with a a concrete tiled roof in a colour to match the existing.

However, the western elevation of the extension was to be only about 400mm from the boundary fence with no. 16, the adjoining single storey neighbour. Due to this close proximity concern was expressed regarding a loss of light to no. 16's rear window and an overbearing impact to the neighbour. Also, as no. 16's roof overhangs the boundary fence of about 1.7m high it would not be possible for them to maintain their guttering and any repair work. Amendments were therefore sought and received to shorten the width of the extension so that there would be a 1m gap between the western end of the extension and the boundary fence. This will lessen the impact of the extension and enable the necessary maintenance for no. 16.

Site Description

14 Town Close is a semi-detached brick chalet bungalow under a concrete tiled dual-pitched roof, with a flat roofed tile clad dormer on the rear roof slope and upvc fenestration. Town Close comprises similar single-storey dwellings. It is located within the west of the village of Stogursey.

Relevant Planning History

3/32/85/004 - retention of loft conversion - granted 8 March 1985.

Consultation Responses

Stogursey Parish Council - Members of Stogursey Parish Council have no objection or comments to make on this application.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
BD/3	Conversions, Alterations and, Extensions

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

SD1	Presumption in favour of sustainable development
BD/3	Conversions, Alterations and, Extensions

Determining issues and considerations

The determining factors for consideration are the affect on the amenities of neighbours, the appearance of the development and the impact on the street scene.

The proposal was amended during the course of consideration to show the extension located further away from the neighbouring property to the west, No. 16. This amendment reduced the impact of the proposed extension upon that property.

On the east (flank) elevation there will be a small window serving a WC and a larger window for the kitchen. There is a distance of about 10.5m between the extension and the eastern boundary. There is a fence along the boundary and behind this in the neighbour's garden there are tall, mature trees. The extension will therefore be screened from view and there will be no residential impact on this neighbour. To the rear (north) there is a distance of about 12m between the end of the extension and the boundary, which consists of a fence of about 1.7m in height plus a mature tree. It is considered that the distance and boundary treatments will prevent any loss of privacy to the neighbour to the north.

The extension is subservient in size and scale and the materials and design are in keeping with the dwelling. As the majority of the extension will be to the rear of the property, with the side extension being set back from the front elevation, it will not be easily visible within the street scene and will not adversely affect the appearance of the semi-detached pair of dwellings.

The proposed development, in its amended form, is thus considered to be acceptable and in accordance with policy SD1 of the West Somerset Local Plan to 2032 and policy BD/1 of the West Somerset District Local Plan (2006). It is recommended for conditional approval.

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

DECISIONS – 23 JULY 2020

Site: Land at Minehead Major Employment Site (Manor Employment Site), Minehead

Proposal: Installation of a standby gas generator plant with associated infrastructure

Application number: 3/21/19/099

Planning Decision Made By: Chair Decision

Reason for refusal: Allowed



Appeal Decision

Site visit made on 13 July 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/W3330/W/20/3251284

Land at Minehead Major Employment Site (Manor Employment Site), Minehead TA24 5BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Colombi of Conrad Energy (Developments) Limited against the decision of Somerset West and Taunton Council.
 - The application Ref 3/21/19/099, dated 27 November 2019, was refused by notice dated 25 March 2020.
 - The development proposed is standby gas generator plant and associated infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for standby gas generator plant and associated infrastructure at Land at Minehead Major Employment Site (Manor Employment Site), Minehead TA24 5BY in accordance with the terms of the application, Ref 3/21/19/099, dated 27 November 2019, subject to conditions set out in the attached Schedule.

Preliminary Matters

2. On 1 April 2019 West Somerset Council merged with Taunton Deane Borough

Council to become Somerset West and Taunton Council. The development plans for the merged local planning authority remain in place for the former area of West Somerset Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved West Somerset Council.

3. I have added a postcode to the site address in the interests of providing the fullest address possible.

Main Issues

4. Whether or not the proposed development would be acceptable in principle, with particular regard to local planning policies relating to the allocation for the site, and carbon emissions.

Reasons

Local plan allocation

5. Although the appeal site is part of an undeveloped parcel of land it is located within an existing industrial area, adjacent to existing commercial and industrial uses. It forms part of the employment allocation at Manor Employment Site, with reference to Policy EC2 of the West Somerset Local Plan to 2032 adopted 2016 (WSLP). The Policy states that within the site there will be a general presumption in favour of uses in the B1, B2 and B8 use classes.

Although the appellant originally took the view that the proposal was in a use class of its own, it is now suggested that it should be considered to fall within the B use classes. Evidence submitted demonstrates a range of very similar development types that are within the B use classes. These energy generating uses are so very similar to the appeal proposal that I consider it reasonable to accept that the appeal proposal is within the B use classes for the purposes of Policy EC2.

6. As set out in the Policy title, the Policy has a clear aim to generate employment at the site. Evidence before me suggests that the proposal would generate very little employment. However, I have established that the use would be compliant with Policy EC2. Furthermore, the proposed use would appear to be entirely compatible with existing uses surrounding the site and would be distant from sensitive receptors. It would also occupy a small part of the vacant site, potentially stimulating the development of the remaining area of the site through the provision of a new 11,000 volt electricity connection and medium pressure gas connection.
7. Notwithstanding this, even if I were to take the view that the proposal is in a use class of its own, the Policy makes allowances for other uses where it can be demonstrated that they would make a positive contribution to the overall vitality and viability of the local economy. Evidence submitted refers to the potential for the proposal to prevent a lights out scenario in the area, whereby the demand for electricity exceeds available supply. I am therefore satisfied that the proposal would support the overall vitality and viability of the local economy by ensuring that a sufficient and reliable supply of electricity is available.
8. In summary, the proposal would be acceptable in principle with regard to Policy EC2 of the WSLP, which sets out a general presumption in favour of uses in the B uses classes at the site, and the acceptability of other uses which make a positive contribution to the vitality and viability of the local economy.

Carbon Emissions

9. Policy CC1 of the WSLP states that energy generating proposals will be supported where they satisfy certain criteria. The proposal would not harm the local natural or historic environment. It would be distant from sensitive residential receptors. Evidence provided demonstrates that noise impacts on the closest residential receptor would be acceptable. The proposal would not have any negative social or cultural impacts. The economic benefits are clear in terms of securing a sufficient and reliable source of electricity, and potentially stimulating the development of the rest of the vacant site.
10. In terms of its environmental impact, the proposal would rely on fossil fuel to generate electricity. This would result in an increase in carbon emissions. Evidence provided demonstrates the level of local need, whereby the Local Distribution Network Operator, Western Power Distribution, needs to rely on flexible assets such as the proposal to meet electricity demand.
11. Although a battery storage facility would not rely on fossil fuels it has limitations as it can only provide power for a limited period, and once batteries have been emptied, they can not be recharged until the incoming supply has stabilised. The Council is concerned that allowing the proposal would perpetuate a cycle in which alternative flexible assets which produce less carbon would remain financially unviable. However, evidence provided demonstrates the particular advantages of a gas powered system, and the role that it plays in securing supply when generation from renewable generating sources is low, and supporting the transition to low carbon electricity generation. It is understood that natural gas will continue to be required as a crucial part of the energy supply until at least 2050.
12. The proposal would be used intermittently when demand dictates, and the appellant has suggested that a condition limiting hours of use would be acceptable. Evidence suggests that by operating up to 2500 hours per year the proposal would be significantly below the threshold for a low emission installation.
13. Policy SD1 is an overarching Policy that sets out a presumption in favour of sustainable development. It links to the objectives of the planning system to achieve sustainable development set out in the National Planning Policy Framework¹ (the Framework). The Council is not satisfied that a proposal that relies on fossil fuel for energy generation can be considered sustainable, however overarching objectives set out in the Framework are broad. The economic objective would be satisfied as the proposal would help to secure a sufficient and reliable source of electricity to support the local economy, which would also satisfy the social objective by providing secure employment and housing that is not subject to power outages. In terms of the environmental objective set out in the Framework, the proposal would not cause harm to the natural, built or historic environment but would make an effective use of a long term vacant industrial site. Furthermore, the proposal would assist in the transition to low carbon electricity generation by providing backup at times when renewable energy generation is low.
14. In summary the proposal would be acceptable in principle with regard to Policies CC1 and SD1 of the WSLP, which set out the Council's approach to non-wind energy generating schemes and its presumption in favour of sustainable development.

Other Matters

15. The site is located within Flood Zone 3. A site specific Flood Risk Assessment (FRA) is before me, which shows that the risks would be very low. The Council is satisfied that the sequential test is met and I see no reason to disagree. In accordance with the recommendations of the Environment Agency I have added the mitigation measures within the FRA to the approved plan condition.

Conditions

16. I have had regard to the planning conditions that are included within the Council's submission, which are also suggested in the appellant's final comments. I have considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance.

¹ National Planning Policy Framework 2019 para 8

17. I have imposed a condition specifying the approved plans as this provides certainty.
18. I have not imposed part a of the suggested noise condition as the submitted noise assessment report suggests that the proposal would give rise to a rating noise level that is equal to the measured background sound level of the closest residential receptor of the site during the daytime. This part of the condition is therefore not necessary. I have imposed parts b and c of the suggested condition to restrict night time operations and ensure that actual operational noise levels are acceptable, to safeguard the living conditions of the closest residential receptor.
19. Although not suggested by the Council, with reference to the appellant's statement I have imposed a condition to limit operation to 2500 hours within a 12 month period. This is in accordance with the back up nature of the proposal and would limit carbon emissions.
20. I have imposed a condition relating to external lighting to ensure that any lighting installed at the site does not harm the potential for the site to serve as a foraging route for bats, and a condition to ensure that nesting birds are not disturbed during construction works. I have also imposed a condition to ensure that any vegetation clearance at the site does not harm nesting birds, reptiles or badgers. This needs to be a pre-commencement condition to ensure that vegetation clearance is carefully managed before the permission is commenced.
21. I have not imposed the suggested condition relating to invasive non-native species found at the site. I am not satisfied that this is necessary as it would only serve to rectify an existing problem at the site which was not created and would not be exacerbated by the proposal.

Conclusion

22. For the reasons above, the appeal is allowed.

Andrew Tucker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: MHD-PB-01 Rev A Site Location Plan, MHD-ESP-01 Rev A Existing Site Plan, MHD-PSP02 Rev A Planning Layout, MHD-EP-01 Rev A Elevation View (Planning), and the mitigation measures detailed within the Flood Risk Assessment by Clive Onions dated 27 November 2019 V1.
- 3) Once operational the development shall not operate for more than 2500 hours in any 12 month period.
- 4) Once operational the development shall not operate during the night-time (23:00 – 07:00) for more than 20 hours in any 12 month period.
- 5) An acoustic commissioning test and report detailing the audio impacts of the operation of the site shall be submitted to the local planning authority within three months of the full commissioning of the site. Once agreed in writing by the local planning authority, any changes or mitigation required shall be fully adhered to by the site operators.
- 6) Before any external lighting is installed at the site details of such lighting shall be submitted to and approved in writing by the local planning authority. Details shall show how and where external lighting will be installed (including through the provision of technical specifications) and that it has been designed to reduce impacts to bats utilising the area for foraging purposes. All external lighting shall be installed in accordance with the specifications and locations set out in the submitted details, and these shall be maintained thereafter in accordance with the submitted details.
- 7) No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless an ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the local planning authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds at the site.
- 8) Prior to the commencement of ground works any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand. Brashings and cuttings should be removed and the remainder left for a minimum period of 48 hours in fine warm weather (limited rain and wind, with temperatures of 10 degrees centigrade or above) before clearing to minimise the risk of harming or killing any reptiles that may be present and to encourage their movement onto adjoining land. This work, which will also identify any constraints posed by badgers or their setts, may only be undertaken during the period between 1 March and 31 August inclusive under the supervision of an ecologist. Once cut, vegetation should be maintained at a height of less than 10 centimetres for the duration of the construction period. Details to confirm these operations, and findings of reptiles or badgers and any mitigating actions required shall be submitted and if necessary approved in writing by the local planning authority.

