

SWT Planning Committee

Thursday, 4th November, 2021,
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 curved graphic element at the bottom right.

The John Meikle Room - The Deane
House

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee.

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.

(Pages 5 - 12)

Temporary measures during the Coronavirus Pandemic

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

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| <p>5. 3/01/21/005</p> <p>Application for approval of reserved matters following outline application 3/01/20/016 for the appearance, landscaping, layout and scale for the erection of 1 No. dwelling and garage Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller, TA4 4EG</p> | <p>(Pages 13 - 24)</p> |
| <p>6. 3/39/20/003</p> <p>Outline application (with all matters reserved) for the erection of up to 350 dwellings (comprising a mix of dwelling sizes and types and affordable housing), approximately 1,000sqm of flexible uses within Use class E (limited to offices, R&D and light industrial), vehicle access, public open space, sports and recreational facilities, footpaths, cycle ways, enhancements to the Barrows scheduled monument including information boards, landscaping and associated works Land to the west of Williton, off Priest Street, Williton</p> | <p>(Pages 25 - 64)</p> |
| <p>7. 3/32/21/007</p> <p>Erection of 5 No. dwellings with parking, car ports and access to Land south of High Street, Stogursey, TA5 1PL</p> | <p>(Pages 65 - 88)</p> |
| <p>8. Latest appeals and decisions received</p> | <p>(Pages 89 - 110)</p> |

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

**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

SWT Planning Committee - 14 October 2021

Present: Councillor Simon Coles (Chair)

Councillors Norman Cavill (substitute for Roger Habgood), Marcia Hill, John Hassall, Mark Lithgow, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Alison Blom-Cooper, Roy Pinney (Shape Legal), Karen Wray (Planning Specialist) and Denise Grandfield (Planning Specialist) Abigail James (Planning Specialist) and Clare Rendell (Governance and Democracy Specialist)

Also Present: Councillor Lisgo

(The meeting commenced at 1.00 pm)

49. **Apologies**

Apologies were received from Councillors Blaker, Habgood and Palmer

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

(Minutes of the meeting of the Planning Committee held on 12 August and 2 September 2021 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 12 August and the 2 September 2021 be confirmed as a correct record.

12 August - Proposed by Councillor Coles seconded by Councillor Hill
2 September – Proposed by Councillor Lithgow seconded by Councillor Hill

The **Motion** was carried.

51. **Declarations of Interest or Lobbying**

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

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr N Cavill	3/24/21/003 3/24/21/004	Declared that he was a farmer	Personal	Spoke and Voted
Cllr J Hassell	53/21/0006	Approached by resident. Element of	Personal	Spoke and did not vote

		predetermination on the application		
Cllr B Weston	38/21/0222	Applicant sought advice on application	Personal	Spoke and did not vote
Cllr L Whetlor	3/37/21/006	Ward Cllr. Contacted by the applicant. Discretion not fettered.	Personal	Spoke and did not vote

52. **Public Participation**

Application No.	Name	Position	Stance
10/21/0011	C Morrison-Jones G Easey E Woodruff Cllr Henley	Local Res Local Res Agent Ward Cllr	Objection Objection In favour Objection
3/24/21/003	I Mackie M Crothers S Moore H Carnac	Local Res Local Res Applicant Local Res	Objection Objection In favour objection
3/24/21/004	I Mackie M Crothers S Moore H Carnac	Local Res Local Res Applicant Local Res	Objection Objection In favour Objection
3/37/21/006	F Harding G Hall M Ritchie S Vincent R Vincent	Local Res Local Res Local Res Applicant Applicant	Objection Objection Objection In favour In favour
38/21/0222	S McMahon P Watson D Stutt Cllr Lisgo	Local Res Relative Applicant Ward Cllr	In favour In favour In favour In favour
53/21/0006	J Rees C Wide T Spurway	Applicant Applicant Agent	In favour In favour In favour

53. **3/02/21/002**

Replacement of dwelling. Pleasant View, Parish Quarry Road, Brompton Ralph

Application **Deferred** from the agenda as the Ecologist requires a Preliminary Roost Assessment before a decision can be made. Application will be reported to committee once this survey work has been undertaken and reviewed by the Local Planning Authority.

54. 10/21/0011

Change of use of land from agricultural to mixed agricultural and equine use and laying of hardstanding at Merlands, Stapley Road, Biscombe, Churchstanton (in accordance with amended plans received on 16 April 2021)

Comments from members of the public included;

- Concerns that the usage of turnout evolving into an actual usage of riding and lunging activities which were far more impactful were not included in the application;
- The current agricultural use effectively limits the number of horses on site to those that can be fed and sheltered in the stable yard area. Equine use would permit the rugging and supplementary feeding of horses over the entire property and, contrary to the Officers report, would allow more horses to be kept on site than can otherwise be supported if dependant on the stables;
- Concerns with the number of horses kept at Merlands since the use started;
- Concerns with the impact of the applicant's ongoing use of Merlands for the last 18 months on The Orchard where the application has impacted the home and amenities safety and the impact had resulted in the euthanasia of three horses;
- Concerns with the construction of multiple areas of unauthorised hardstanding, the installation of prohibited lighting, muck heap in environmentally sensitive areas and works to important hedges during protected seasons;
- No consideration for the neighbours, ANOB or the surrounding environment;
- The development was contrary to Local and National Policies;
- Concerns with the impact of on the ecology of the area;
- Concerns with the potential highway and traffic issues on the narrow lanes in this very rural location;
- Concerns that this application would not be sensitive to the surrounding area and neighbouring properties;
- The applicant's private home would not be upscaled in any way by this development nor would it materially change. The applicant's primary and sole objective was to simply permit the horses to be turned out to graze onto land ancillary to the existing private stable with a rug on and supplementary feed when required;
- The landscape character of the area would not be harmed by this application;
- The use of the land may well be used for agricultural purposes including haymaking and grazing if necessary, to manage the weed population;
- This proposal would allow both horses and agricultural livestock to occupy the land for grazing in a non intensive system.

- This landscape character was maintained in line with Policies DM1 and the Blackdown Hills Management Plan;

Comments from Members included;

- Concerns with the breaches of Planning stipulations on this application. Officers would need to keep an eye on this site;
- Concerns with wording in Condition 4;
- It was hard to see the harm in the application;

Councillor Hill proposed and Councillor Lithgow seconded a motion for **Conditional Approval** to be approved as per Officer Recommendation

The motion was carried

55. **3/24/21/003**

Erection of an agricultural livestock building with creation of access track from highway. Land north of Beggearn Huish Manor, Washford

Comments from members of the public included;

- There was substantial opposition from all the houses bar one in the area and the Parish Council;
- Premature application due to changes and additional land not available until April 2022;
- Highway comments should not be taken into consideration as they were commissioned before the change in circumstances;
- Concerns that there was no indication of vehicle volumes or types to be used;
- No mention of how feed was to be delivered to the site or how the waste was to be disposed of;
- Concerns with lighting, noise and the visual impact;
- A Condition was needed to state that the applicant's fencing business should not be brought on site;
- Concerns with the inability of the local roads to accommodate anything approaching feed delivery lorries and particularly the materials which would go on to the site to construct the building and dwelling, due to the narrow roads. A full traffic assessment was needed;
- Both planning applications were fully planning compliant and supported by an Agricultural Consultant;
- The site was chosen to minimise the impact on neighbours and the surrounding countryside. Due to the topography of the ground the site would be virtually hidden from all angles;
- All feed would be supplied locally and picked up on pallets with a tractor and trailer so no need for heavy lorries to come onto the site;
- The business would supply the Local Butcher;

Comments from Members included;

- Pleased to see that the applicant was carrying on the farming tradition as this was not an easy business to choose;
- Highways had already looked very carefully at this application and were satisfied;
- Clarity needed on the additional land;
- Concerns from objectors regarding the disposal of farm waste was highly regulated so there would not be any issues with this;
- This was a young enterprise and would undoubtedly be serviced by appropriate vehicles;

Councillor Lithgow proposed and Councillor Hill seconded a motion for Conditional Approval to be **APPROVED** as per Officer Recommendation.

The motion was carried.

56. **3/24/21/004**

Erection of 1 No. temporary agricultural workers dwelling. Land north of Beggearn Huish Manor, Washford

Comments from members of the public included;

- Concerns with the size and appropriateness of the setting of the site;
- There will be restricted access to the site and grazing and agricultural land would be lost due to the site of the property;
- The house should be sited right down with the main shed and barn;
- Highway concerns;
- Concerns with the public footpath and hedge;
- Concerns with overlooking;
- The application was compliant with mobile home sizing 6.8 x 20 which was the maximum permissible size;

Comments from Members included;

- Clarification sought on why this dwelling was permitted;
- The applicant needed to prove a functional, financial need for someone to live on this site which would be reviewed in 3 years' time;
- It had been proven that there was need for this temporary agricultural workers dwelling;
- If proven after 3 years that there was need for this dwelling an agricultural tie in perpetuity was needed;

Councillor Lithgow proposed and Councillor Hill seconded a motion for Conditional Approval to be **APPROVED** as per Officer Recommendation. Planning permission granted for a period of 3 years as set out in Condition 1.

The motion was carried

57. **3/37/21/006**

Application for Outline Planning Permission with all matters reserved, except for access, for the erection of 1 No. dwelling. Land between Beverley Drive and Goviers Lane, Watchet

Comments from members of the public included;

- Concerns that the application was infill in an already overdeveloped area;
- The application did not conform to Policies B-D in the Local Plan;
- Concerns with the impact of the site;
- Highway's have concerns over access and Wessex Water recommended a holding objection on the application;
- Access to the site concerns as this was a major pedestrian route;
- Concerns with the already overcrowded on street parking;
- Concerns that the current sewage system was barely adequate;
- Concerns that the development would increase the volume of surface water on the site as Armour Terrace was often waterlogged in times of heavy rain;
- The site was a natural soakaway for the surrounding area;
- Concerns that the site was not sustainable for development;
- This building plot was all that was left of the open land. Watchet Conservation Society had stated that although Alma Terrace was not listed, it was of historic merit;
- Concerns that this would effect the flight of the bats, the breeding birds and insects from the wet grass;
- Concerns that the site did not fit in with the Council's Climate Emergency Strategy;
- Watchet Town Council strongly objected to this application along with Watchet Conservation Society;
- This development would irrevocably impact on the unique identity of the area and its sense of place would not be sustained;
- Concerns with the height of the proposed building;
- Overbearing and overlooking onto Alma Terrace;
- The streetscape along this lane lacked cohesion and continuity with the surrounding area;
- An infill on this site would not be out of keeping with the surrounding area;
- The application has been made after due consideration of all the relevant economic social historic, conservation and environmental requirements and satisfied all aspects of the Local National Planning Policy;
- The scheme would deliver much needed housing in a sustainable location which was within easy walking distance of Watchet and would protect other green field sites;

Comments from Members included;

- Access issues to the site already exist and one extra house would not effect this;
- Concerns that this development was infill;
- Concerns with the ecological interests on this site;
- Drainage issues on the site;

Councillor Lithgow proposed and Councillor Hill seconded a motion for Outline Planning permission to be **GRANTED** with Conditions as per Officer Recommendation.

The motion was carried

At this point in the meeting a 15 minute break was proposed and seconded.

58. **38/21/0222**

Demolition of garage and erection of two storey extension to the side of 2 Glenthorne Road, Taunton

Comments from members of the public included;

- There was a whole mix of houses in Glenthorne Road and this development would not be out of keeping;
- No increase in the foot print of the site;
- The application would enhanced the area;
- No objections only support had been received from other local residents;
- This application was previously approved in 2013 by Taunton Deane Borough Council;
- The proposed extension would in no way impinge upon the local streetscape;
- No passing traffic and limited footfall in this Cul-de Sac;

Comments from Members included;

- There was plenty of room for this extension and it was not in any body's way. It was unfortunate that the previous Planning Policy changed;
- This application failed on a technicality due to Planning Policy changing. Every property in the street extended forward;
- This development would not affect the street scene;
- The proposed extension would greatly improve the visual impact of the existing garage;

Councillor Lithgow proposed and Councillor Wakefield seconded a motion for the Application to be **APPROVED** against Officer Recommendation.

Reasons – The extension was subservient to the existing building and was in keeping with other properties that had similar extensions. Development accords with Policy D5. Conditions to be agreed by the Chair and Principal Planning Specialist.

The motion was carried.

59. **53/21/0006**

Change of use of live/work unit to ancillary accommodation at 6 Luscombe Road, Cotford St Luke (retention of works already undertaken)

Comments by members of the public included;

- As a live/work unit the space above the garage could be used for business purposes;
- Working for home space had become crucial for the applicant over the last 20 months;
- The change of use to ancillary accommodation would meet the needs of the applicant's family and would improve the residential amenity of the area;
- The application was supported by 27 local residents;
- The change of use would give us flexibility use within the dwelling;

Comments by Members included;

- Pleased with the Condition for Ancillary use only;
- Concerns that the lease for these properties stated that the properties must not be used as additional housing;

Councillor Hill proposed and Councillor Wakefield seconded a motion for Conditional Approval to be **APPROVED** as per Officer Recommendation.

The motion was carried.

60. **Latest appeals and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 3.25 pm)

Application No:	3/01/21/005
Parish	Bicknoller
Application Type	Reserved matters
Case Officer:	Briony Waterman
Grid Ref	Easting: 311517 Northing: 139007
Applicant	Mr & Mrs J Bridgland
Proposal	Application for approval of reserved matters following outline application 3/01/20/016 for the appearance, landscaping, layout and scale for the erection of 1 No. dwelling and garage
Location	Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller, TA4 4EG

Recommendation

Recommended decision: Grant

Recommended Conditions

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

(A3) DrNo 21-063/LP1 Location Plan
 (A1) DrNo 21-063/2 A Proposed Elevations
 (A2) DrNo 21-063/G1 Proposed Garage
 (A2) DrNo 21-063/1 Proposed Plans
 (A2) DrNo 21-063/SP1 Proposed site Plan
 (A1) Drno B20073_2D_SX Topographical Survey
 (A2) DrNo 21-063/TPP1 Tree Protection Plan

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

- 2 The external finishes of the works hereby permitted shall be as stated in the application, light coloured render with quoins for the walls, brick chimneys and a natural slate roof.

Reason: To safeguard the character and appearance of the area.

- 3 To avoid harming hazel dormice and nesting birds, removal of hedgerow shall be in according to the following prescriptions. Prior to any works, including groundworks, commencing on site vegetative clearance will be carried out in strict accordance with the following procedure, either:

a) Between April and August, a licensed dormouse ecologist will check the site for nests immediately before clearance. If there are no nests, then the hedgerow can be removed. If present the removal shall proceed either as per b) or c) below. The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week of the inspection.

b) In September or October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using handheld tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or

c) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work.

Reason: In the interests of the 'strict protection' of a European protected species nesting wild birds and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 4 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), 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. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux. 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 West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and

enhancement of biodiversity.

- 5 The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

- 6 Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing sustainable development.

- 7 The development hereby approved shall not be occupied until space has been laid out, drained and surfaced within the site for the parking, turning, loading and unloading of vehicles, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and such area(s) shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

- 8 Details of the proposed hedge to the western boundary shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location of the planting and details of the mix of species shown in a scaled plan. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved.

Reason: To safeguard the character of the area

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and

experienced ecologist at the earliest possible opportunity.

- 3 The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Proposal

Permission is sought for the approval of reserved matters following outline planning permission (ref: 3/01/20/016) being granted for one dwelling in March 2021. The outline permission includes the access which is not a reserved matter. This application seeks reserved matters approval for the appearance, landscaping, layout and scale for the erection of 1 No. dwelling and garage.

The proposed dwelling will include a kitchen/family room, study, utility, dining room, W/C and drawing room at ground floor with four bedrooms three bathrooms at first floor.

Site Description

The site is to the east of Chilcombe House, a large detached house, in an area of garden/amenity land. The area is laid to lawn with mature trees and currently accessed via the access at Chilcombe House off Trendle Lane. The site is located within the Quantock Hills Area of Outstanding Natural Beauty (AONB).

Relevant Planning History

3/01/20/016 - application for outline with all matters reserved except for access for the erection of 1no dwelling and detached garage - refused and allowed at appeal in March 2021

3/01/18/009 - outline application for the erection of 1no dwelling and double garage refused 30.11.18 dismissed at appeal on 08.08.19

3/01/16/004 - approval of reserved matters following outline application (3/01/15/009) for the erection of 1 dwelling house with double garage - granted 24/02/2017

3/01/15/009 - outline permission with all matters reserved for the erection of a single dwelling with double garage with new access - granted 13/11/2015

3/01/06/017 - single storey side extension - granted 17/10/06

3/01/86/029 - proposed dwelling - granted 05/11/86

Consultation Responses

Bicknoller Parish Council - Objects for the following reasons:

- No Georgian style houses within the village - out of keeping against SC1.4.c
- Removal of mature trees - Bicknoller Village Design Statement 7.5.
- Alteration of hedges and water courses in construction of driveway will be damaging to ecology
- Access is on a dangerous blind bend only 20cm from existing access Secretary of State's decision only refers to an access on Trendle Lane.
- Preservation of a large oak opposite whose roots cannot be protected under the tree protection plan.
- Over development of a small site
- No Needs Survey
- Fails policy SC1 and CC1 based on gas heating and wood burning fires
- no plans to show how the existing utility services will be rerouted to avoid trees
- no condition 18 of the inspectors decision requesting a drainage scheme.
- has set a precedence for more houses to the south west as Beacon Hill House set a precedent for this application
- A contentious application that has been twice refused by LPA and once by PINS
- Permission was granted on appeal on flawed statements PINS gave permission prior to the closure of comments.

Highways Development Control - No objections

- Detailed matter of access has already been agreed
- Proposed layout reflects indicative layout submitted with the outline
- sets out the provision of 4 parking spaces and space for turning in accordance with SCC's Parking Strategy,
- Position of 1.2m high post and wire fence is within the visibility splay and will need to be realigned
- Is not seeking to agree any of the outstanding highway conditions
- no objection subject to the condition that requires parking and turning is provided prior to occupation

SCC - Ecologist - No objections

- Trees being removed need to be checked for bats
- Hedgerow removal condition re nesting birds and dormice
- Lighting design for bats

Tree Officer -

- Request the Arboricultural Method Statement
- Access and parking areas appear to be well within RPAs
- protective fencing follow the RPAs of these trees before needing to be moved to complete the driveway and parking area - how would this be achieved?

Landscape - Objection

- No objection in principle to a new dwelling concern over scale, form and appearance

- Bicknoller has a strong vernacular
- house is more Georgian in style which does not respond well to the content of the village or the lane.
- building is large for the size of the plot
- site needs to accommodate tree and shrub planting to help assimilate the development.
- entrance from the lane is formed by a hedge bank that to match will need to be stone faced.
- development shows insufficient regard to the character or the context or comply with local and national policy.

Wessex Water Authority - No objection

Quantock Hills AONB - Object

- House design is not appropriate for the character of the village.

Habitats Regulations Assessment

Due to the location of the proposal it is considered a HRA is not required.

Representations Received

There have been four letters of objection making the following comments (summarised):

- site is controversial in nature
- Lies within the AONB and a departure from the Bicknoller Village Plan
- No Georgian styled houses in the village
- a diverse mix of houses in the area
- the site is small just 0.11 hectares in site
- proposed size is disproportionately large in comparison
- Georgian style will be incongruous in its surroundings
- house will be heated by a gas fired boiler which misses the point of eco-credentials.
- the utilities for Beacon Hill run through the site
- Streams are a feature and Trendle lane is at risk of flooding.
- access to the plot must be via a culvert or bridge
- culvert would need to meet the requirements of the EA and Land drainage consent.
- The telegraph pole at the entrance is at risk from the culvert and site works.
- new and inappropriate dwelling
- needs to be sympathetic to the AONB
- dwelling should be of a size appropriate to the site which ensures protection of the existing trees.
- detrimental in every impact
- further urbanisation of a sensitive area except a house can be built there
- Large house on a small plot

- Only Georgian-styled house and will be incongruous and disproportionate to the plot
- Design and style out of keeping with local plan and Bicknoller Village Design Statement
- Not improve nor protect the visual amenity of the site or surrounding area.
- Trees - are at risk
- Concerns that there will be tree die-back
- Smaller dwelling should be considered
- Hedgerows - the EIA states that the hedge will be removed its states only 10 when the inspector has allowed for 25metres.
- The access will require the removal of a BT pole and the culverting of the stream
- Is compensation planned for business as well as private communication interruption?
- The installation of a culvert to bridge the stream could create flooding issues
- Suggest the access is combined with the existing access
- no mention of trees that have already been removed

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
SC2	Housing Provision
NH14	Nationally designated landscape areas
TR2	Reducing reliance on the private car
TW/2	Hedgerows
T/8	Residential Car Parking
NH13	Securing high standards of design

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

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
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TR2	Reducing reliance on the private car
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T/8	Residential Car Parking
NH13	Securing high standards of design

The emerging District Wide Design Guide SPD

Determining issues and considerations

The main issues in determining this application are the principle of development, the appearance, landscaping, layout and scale.

Principle of development

The principle of development has been established under application 3/01/20/016 which was granted outline planning permission following an appeal for a new dwelling on this application site. The Planning Inspector allowed the appeal as they concluded:

'Overall, although an area of garden would be replaced with built form, and a short length of hedgebank lost, I consider that the result of this would not be so obtrusive or so out of keeping as to cause noticeable harm to the AONB in the wider sense. The integrity of the AONB would therefore, as a whole, be conserved.'

My attention has also been drawn to the Bicknoller Village Design Statement (DS). Whilst not part of the development plan the DS recommends that developments which involve the removal of field hedges should be resisted. However, the hedgebank in question forms the boundary of a domestic curtilage, and is not therefore strictly a field hedge. The weight that I can give to this recommendation is therefore very limited.

In arriving at this conclusion I am aware of the previous appeal decision relating to the site. In that proposal however the access would have been off Chilcombe Lane, where there are far fewer existing accesses and consequently the proposed one would have been far more conspicuous. I cannot therefore take the previous appeal as a compelling precedent for refusing the current one.'

This application merely seeks approval for the reserved matters which include appearance, landscaping, layout and scale.

Design, layout and materials

The proposed design is for a dual pitched roof to form a single detached dwelling with detached garage. The design is considered to be in accordance with the local area and requirements under Policy NH13 as this part of Bicknoller is characterised by large detached properties there is no cohesive design between the plots, the design of the proposed dwelling draws on design features of the Chilcombe House, which when viewed from the rear has Georgian design features. Letters of objection received from the Parish, neighbours and the landscape officer all comment on the design being out of keeping with the village. However given that there is no cohesive design between the existing dwellings and the design of this proposed dwelling drawing on design features of the neighbouring property, it is considered that the proposal would not form an incongruous feature in this part of the village.

The use of render with quoin's, brick chimneys and a natural slate roof is in keeping with the other properties in the area and accords with the Council's emerging Design Guide and the Bicknoller Village Statement.

The proposed layout allows for sufficient turning and parking arrangements for the new dwelling without compromising parking provision and amenity provision at the host dwelling. The orientation of the proposed follows that evidenced along Trendle Lane. The Planning Inspector felt that the "dwelling would be seen as an infill dwelling and would retain a reasonable distance to Chilcombe House and the neighbour to the east due to the size of the plot which is commensurate with the spacing between other properties along Trendle Lane". It is therefore considered that the layout of the plot is considered acceptable.

With regards to residential amenity, it is considered that due to the layout of the new dwelling that there would be no adverse impact upon the residential amenity of the neighbouring properties in terms of overlooking, overbearing or over dominance.

Landscaping

The northern boundary along Trendle Lane has a 1.2metre high post and wire fence with a hedgerow that runs along its length, with the exception of the new access no changes are proposed to this boundary, a new holly will be planted either side of the access in line with visibility requirements to replace some of the removed hedgerow, the access has already been approved by the outline permission and does not form part of the application. There are no changes proposed to the eastern boundary which has a 1.8m close boarded fence with trees and hedging along its length, nor are any alterations proposed to the southern boundary which has an established hedgerow. The new boundary to the west is a close boarded fence, a condition has been included to ensure a hedge is planted along this boundary to soften the impact of the fence. There application states there are to be a couple of trees removed with a number of root protection and tree protection measures on site to protect the remaining trees to mitigate against any landscape harm. The planning inspector reported that "*although an area of garden would be replaced with built form and a short length of hedgebank lost, it is considered that the result would not be so obtrusive or out of keeping as to cause noticeable harm to the AONB and that the integrity of the AONB would be conserved.*" It is therefore considered that the proposal would not result in significant harm to the landscape.

The comments from the landscape officer are noted however there is significant planting within the site and a number of mature trees around the boundaries which is to be retained and is considered to be adequate for the plot and helps with the screening of the development.

Comments have been received raising concerns that the proposed development will have an adverse impact on existing trees due to root protection not being possible. The Planning Inspector has imposed a condition on the outline permission requiring a scheme for the protection of trees that will be retained to be submitted to and approved in writing by the Local Planning Authority prior to works commencing. This condition must be complied with before works commence.

Scale

The existing houses along Trendle Lane are characterised by large detached dwellings set back from the highway. The proposed development is considered in keeping with the surrounding properties in terms of scale whilst maintaining adequate amenity space for both the new and host dwellings.

Highways

The access was approved under appeal reference: APP/W3330/W/20/3263909 and does not form part of the determination of this application. The Inspector felt that the necessary visibility splays would be achievable and the resulting access would be similar to a number of accesses already in existence along Trendle Lane. There is suitable provision for parking on site and adequate space for the turning of vehicles, it is therefore considered that the proposal would not have a significant impact upon highway safety.

Biodiversity

A preliminary ecological assessment was submitted with the application and no objections were raised by the County Ecologist subject to conditions and infomatives. It is noted that the ecologist recommended a survey be undertaken on the trees that are to be removed to look for bats however it was not considered expedient as the trees could be removed at any time as they are not protected by a Tree Preservation Order or within the Conservation Area, instead the applicant is reminded of the legal protection offered to bats and birds and that any works to the trees are done so in accordance with the correct legislation.

Additional matters

There was a previous appeal relating to the site which was refused with access off Trendle Lane and was not taken by the Inspector as compelling precedent for refusing the latest appeal. A comment received states that the Planning Inspector issued the decision for the appeal on the site before the consultation period had ended, this was not the case the inspector issued the Environmental Screening Opinion which stated one was not required, the formal decision allowing the appeal

was issued on the 9th March 2021, it is the opinion of the Local Planning Authority that the Inspectors decision is lawful.

Concerns were raised over the access arrangements and the utilities running through the site, neither of which form part of the determination of this application.

Other comments relate to the flooding, however as the site is located within Flood Zone 1 it is not considered to significantly exacerbate any potential flooding risks.

With reference to the Bicknoller Village Design Statement within the recommendations it states that the preservation and maintenance/replacement of all trees should be encouraged, the developer has provided an arboricultural statement which covers the root protection of the majority of trees on the site and a landscaping condition was included within the outline permission which will provide details of the future planting for the site. The Statement recommends that new development should provide adequate space between dwellings, and design should be sympathetic to their surroundings. As mentioned above it is considered that the design of the building is in keeping with Chilcombe House and respects the density and character of this part of Bicknoller.

Conclusion

It is therefore recommended that reserve matters permission is granted subject to conditions.

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



Application No:	3/39/20/003
Parish	Williton
Application Type	Outline Planning Permission
Case Officer:	Jeremy Guise
Grid Ref	Easting: 307257 Northing: 141177
Applicant	The Wyndham Estate
Proposal	Outline application (with all matters reserved) for the erection of up to 350 dwellings (comprising a mix of dwelling sizes and types and affordable housing), approximately 1,000sqm of flexible uses within Use class E (limited to offices, R&D and light industrial), vehicle access, public open space, sports and recreational facilities, footpaths, cycle ways, enhancements to the Barrows scheduled monument including information boards, landscaping and associated works
Location	Land to the west of Williton, off Priest Street, Williton

Recommendation

Recommended decision: Granted subject to conditions and a S106 Agreement

Section 106 Heads of terms

- 35% affordable housing mixed sizes mix of social rent intermediate tenure
 - Transport
- (a) Urban realm works to Fore Street. (c £50k)
 Minor alterations outside of the main running carriageway to generally make the environment more comfortable / safe for pedestrians. This will include a range of minor interventions from amendments to kerb lines to provide widened footways and more efficient vehicle tracking, improved delineation of the existing signalised pedestrian crossing, a new raised table crossing, and minor reconfiguration of parking bays to allow wider footways to be provided.
- (b) Financial contributions towards public transport improvements. (c £400k - £500k)
- Two key service enhancements have been agreed with SCC:
- Service 15 to operate on Monday to Friday throughout the year, not just during college terms.
 - Service 28 to be enhanced with additional evening journeys, Monday –

Saturday.

- (c) Delivery of circa 1,500m cycle path on land within Applicant's control (to form part of the Steam Coast Trail). (c. > £200k)
- Specifications of cycle path to be agreed with SCC.
- (d) On-site Travel Plan (c. £200k - £300k)
- Includes a range of "hard" measures such as site design and infrastructure, with "soft" measures such as information provision, marketing and raising awareness.
- (e) Provision of Toucan crossing at Five Bells. (c. £100k - £200k)
- To provide safe pedestrian and cycle access to the local school.
- (f) Walking and cycling linkages between the site and Williton. (c. £300k - £500k)
- Open space to be delivered on-site as follows:
 - (a) NEAPs and LEAPs within the development site to serve the new homes.
 - (b) Community orchard.
 - (c) Community allotments.
 - (d) Battlegore Barrows cemetery – public access enabled through management of land, interpretation boards, foot/cycle paths.
 - Contribution to Somerset Clinical Commissioning Group towards expansion of the existing doctors' surgery £119, 410
 - Contribution towards education of £3,664,761. Comprising: Early Years £574,112; First School £1,453,221; Middle School £1,112,852 and SEN schools £524,576. (Note that no upper school contribution is sought as at present they have capacity)

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter called '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 approved plans Site Location Plan Rev. A.

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

- 3 The development hereby permitted shall have regard to: the Concept Masterplan (ref. SAVI170901 CMP-06 Rev. E).

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

- 4 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 investigation, 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 enable the remains of archaeological interest which may exist within the site to be appropriately recorded.

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

- 5 The development hereby approved shall not exceed 350 dwellings.

Reason: To ensure that the development is sustainable and does not exceed the capacity of infrastructure in the area.

- 6 The development shall include the provision of allotments. They shall be laid out, provided with some parking, secure fencing, water supply and made available for use, prior to the first occupation of the 200th dwelling on this development site.

Reason: To ensure that the allotments are provided in an appropriate and timely way in conjunction with the development.

- 7 The Use Class E development hereby approved shall be limited to offices, research and development and light industrial and shall not change to other uses, including changes with Use Class E, without a specific planning permission.

Reason: The Local Planning Authority wishes to ensure that any future change of use, including changes with use class E, do not adversely affect the viability and vitality of the village centre, with reference to Policy SH/3, Retail Development Outside Minehead Town Centre, of the West Somerset District

Local Plan 2006 (Saved Policies).

- 8 The Use Class E development hereby approved shall be completed and made ready for occupation prior to the first occupation of the 200th dwelling hereby approved.

Reason: To ensure that the Commercial, business and service unit(s) are provided in an appropriate and timely way in conjunction with the development with reference to Policies SC5, Self-Containment of Settlements; WI1 Wiliton Development WI2, Key Strategic Development Allocations at Wiliton and EC1, Widening and Strengthening the Local Economy of the West Somerset Local Plan to 2032.

- 9 No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2021) and the Technical Guidance to the National Planning Policy Framework.

Reason for pre-commencement: To ensure that the development does not inadvertently result in flooding that results in disruption to the highway network.

- 10 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

Reason: In the interests of highway and amenity of neighbouring residential areas.

- 11 During construction 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 and thereafter maintained until the construction phase of the site discontinues.

Reason: In the interests of highway and amenity of neighbouring residential areas.

Reason for pre-commencement- To ensure that the Construction Environmental Management Plan measures are agreed and in place prior to the commencement of construction works, and to minimise the impact of the development upon the amenities of neighbours.

- 12 Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.

Reason: In the interests of highway and amenity of neighbouring residential areas.

Reason for pre-commencement- To ensure that the construction access and contractors' parking/compound is provided prior to the commencement of construction works, and minimise the impact of the development upon the amenities of neighbours.

- 13 A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: To ensure that if the highway is damaged during the course of construction the developer is responsible for its' restoration.

Reason for pre-commencement- To ensure that there is a common baseline position in relation to the state of the public highway in the immediate area prior to the commencement of construction works, and reduce the potential for future dispute.

- 14 No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in

writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). The development shall include measures to prevent flooding and control and attenuate surface water. Once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

Reason for pre-commencement: The drainage details need to be submitted and agreed before development starts.

- 15 No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 16 The development shall include 10% of dwellings built to a standard where they are capable of easy adaptation to meet Lifetime Homes Standards. If the site is developed in phases, each residential phase shall include some provision, proportionate to its size, of dwellings that meet this criteria, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate mix of house types is provided in accordance with Policy SC3.

- 17 No development hereby approved which shall interfere with or compromise the use of footpath WL 28/24 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To maintain the functional use of the footpath during the duration of the construction period and thereafter.

- 18 Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to Local Planning Authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with policy NH6 of the West Somerset Local Plan.

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

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 20 Works will not in any circumstances commence until:
- a) Construction operatives have been inducted by a licensed dormouse ecologist to make them aware of the possible presence of dormice, their legal protection and of working practices to avoid harming dormice. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed dormouse ecologist within one week of the toolbox talk.
 - b) A copy of the mitigation strategy will be submitted to the Local Planning Authority.
 - c) Works potentially affecting dormice will then proceed under the supervision of the licensed dormouse ecologist.

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 21 Works associated with the watercourses on site shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to the Wildlife and Countryside Act 1981 (as amended) authorising the development to go ahead; or
 - b) A statement in writing from an experienced water vole ecologist to the effect that he/she does not consider that the specified development will require a licence

Reason: A pre-commencement condition in the interest of the strict protection of UK protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 22 No works, including vegetative clearance and ground works, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:
- a) the proposed construction working practices to avoid harming reptiles
 - b) details of proposed Location, to accommodate any reptiles discovered during works
 - c) the timing of works to minimise the impact on reptiles
 - d) if required, details of the Location and status of translocation site

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the presence of legally protected species.

- 23 No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:

(a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

(b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

(c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux . Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 24 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - a) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on species and habitats (may be provided as a set of method statements), including retained hedgerows, trees and field edges, watercourses, badgers, bats, birds, dormice, otters, reptiles and water voles followed by appropriate mitigation, as required.
 - b) The location and timing of sensitive works to avoid harm to biodiversity features.
 - c) The times during construction when specialist ecologists need to be present on site to oversee works.
 - d) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - e) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - f) Use of protective fences, exclusion barriers and warning signs.
 - g) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 25 A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for

approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected /priority species and habitats are safeguarded in accordance with the CEMP and West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 26 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. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 27 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: It is an offence under the Wildlife and Countryside Act 1981, as

amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Himalayan balsam is included within this schedule. All Himalayan balsam waste is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 28 Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy NH6 of the West Somerset Local Plan.

- 29 To mitigate incidences of chemical spillages on the watercourses on site, prior to any vehicles being stored on the commercial storage area, a scheme outlining appropriate filling, storage and disposal methods for hazardous chemicals (in accordance to COSHH regulations and Environment Agency pollution prevention measures) must be submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition in the interests of UK protected and priority species and in accordance with policy West Somerset Local Plan to 2032: Policy NH6.

- 30 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority to commencement of construction works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BMEP shall include the following:

- a) A cluster of 4x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 50 Plots and maintained thereafter.
- b) Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the walls, and with the provision of two artificial nest cups within on 25 Plots and maintained thereafter.
- c) 2x Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation of 25 Plots and maintained thereafter.
- d) 1x bee brick will be built into the wall about 1 metre above ground level on the south or southeast elevation of 40 Plots and maintained thereafter.
- e) 3x reptile hibernacula will be created in the retained grassland.
- f) Any new hedgerow/s should be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. The hedgerow will be coppiced

- and laid on reaching maturity and cut on a 3-year rotation thereafter.
- g) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.
 - h) Where the landscaping scheme allows new trees should be planted in suitable locations. The new trees planted on site should ideally be from local native stock, such as field maple, hornbeam, small-leaved lime, pedunculate oak, silver birch and beech.
 - i) Designated areas will be planted with additional wildflower planting, specific to retained hedgerow conditions and soil type such as Emorsgate special general-purpose meadow mixture (EM3) and Emorsgate EH1F Wildflowers for Hedgerow mix, or similar.
 - j) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 31 Prior to or concurrent with the submission of the first of the reserved matters applications for the development, a Design Code shall be submitted to and approved in writing by the Local Planning Authority.

The Design Code shall include all pertinent matters associated with the following subject areas:

- a) The overall vision and character of the development and its setting;
- b) The creation of character areas and neighbourhoods addressing the principles of the mix of uses;
- c) The conceptual design and approach to the public realm, including enclosure, natural surveillance, public art, materials, street furniture and signage, the incorporation of utilities and landscaping;
- d) The principles of, the street and public spaces hierarchy to address, movement and permeability, mobility and visually impaired users and traffic calming measures and making reference to the phasing of land parcels;
- e) The establishment of development parcel boundaries incorporating streets wholly within development parcels and boundaries drawn along the rear of property boundaries and establishing the approach to addressing consistency of design on either side of primary streets and the dedicated busway;
- f) The design of the transport network hierarchy, streets, cycle routes, footpaths and public spaces, providing typical street cross-sections, which should include details of tree planting and tree species, underground utility/service trench routes type and specification, and on street parking, including construction design details;
- g) The principles and structure of the blocks addressing key groupings or individual buildings, building form, massing, heights, scale and legibility, building typologies, density and use. This shall include the design principles addressing primary frontages, fronts and backs, pedestrian

and vehicular access points, on plot car and cycle parking, threshold definition and surveillance of public realm areas, building materials and performance standards and design features;

- h) Approach to incorporation of ancillary infrastructure/buildings such as substations, pumping stations, waste and recycling provision for all building types. Approach to the provision of electric vehicle charging points/infrastructure, pipes, flues, vents, meter boxes, external letterboxes, fibres, wires and cables required by statutory undertakers as part of building design;
- i) Details of the approach to vehicular parking across the entire site including the amount of parking, location and layout of parking for people with disabilities;
- j) Details of the approach to cycle parking for all uses, including the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles;
- k) The hard and soft landscape design principles for the Strategic Landscaping Elements, including approach to the character and treatment of each of the elements, landscape typologies, a palette of materials for hard and soft landscaping and furnishings;
- l) The approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter;
- m) Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features;
- n) Details of measures to minimise opportunities for crime;
- o) Measures to protect and enhance the Longstanton Conservation Area;
- p) Details of the Design Code review procedure and of circumstances where a review shall be implemented,
- q) Statement of Community Safety. The Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design code, and how to use the Design Code.

All subsequent reserved matter applications shall accord with the details of the approved design code, and be accompanied by a statement which demonstrates compliance with the code.

Reason: To facilitate the delivery of high-quality development.

- 32 Prior to the submission of any reserved matters application on this site a comprehensive Health Impact Assessment shall be submitted to and approved by the Local Planning Authority. The Health Impact Assessment shall set out in detail exactly how the proposal will address the impact of the development under the following headings:

Community Inclusion – will the proposal prevent community severance, assess

the capacity, location and accessibility of social infrastructure, provide local employment and training opportunities, enhance access to the public transport network and allow people with mobility problems to access buildings and places.

- Healthy Neighbourhoods - does the proposal facilitate the supply of healthy food e.g from gardens and allotments;
- Reducing Environmental Impacts on health – does the proposal provide open and natural spaces, provide opportunities for active play, encourage walking and cycling routes away from busy roads and is it designed to minimise noise and air pollution;
- Housing Mix – does the proposal include a range of housing types and sizes and meet at least the minimum requirements in the Nationally Described Space Standards.

Reason: In order to ensure that the development has a positive outcome for the health of future and existing village residents in accordance with Policy CF2: Planning for Healthy Communities.

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 The applicant/developer is advised to contact the Highway Authority at earliest opportunity prior to making a TRO application to agree visibility splays and the extent of the extended speed limit.
- 3 The applicant will be required to secure a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary associated to this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.
- 4 The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment . Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and readdress where deemed necessary. Where planning permission has already been granted, any inaccuracies which come to light may seriously affect the deliverability of the permission. If this includes highway works either on or adjacent to the existing public highway that may be the subject of a specific planning condition and/or legal agreement attached to the aforementioned consent, it may result in a situation whereby that condition and/or legal agreement cannot then be discharged/secured.

- 5 The LLFA will expect to see in the following information order to discharge conditions 14 and 15.
- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
 - Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - o Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - o Where relevant, calculations should consider the use of surcharged outfall conditions.
 - o Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - o Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - o Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
 - Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
 - Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
 - Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
 - With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required
 - Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
 - A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

- 6 Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
- 7 Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
- 8 The applicant is encouraged to engage with the Council's Quality Review Panel at an early stage in the design process as set out in the emerging design guide SPD and supported by National guidance in the NPPF.
- 9 At reserved matters stage The Local Planning Authority will expect to see detailed plans relating to line, level and layout of the access road junction including a potential ghost island right turn lane and its means of construction and surface water drainage. The approved access road junction shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.

Proposal

Outline Planning permission is sought, with all matters reserved, for the erection of up to 350 dwellings and approximately 1,000sqm of flexible use within the Class E (Limited to offices, Research and Development [R&D] and light industrial [formerly Use Class B1a,b,&c]), vehicle access, public open space, sports and recreational facilities, footpaths, cycle way, enhancements to the Battlegore Barrow Cemetery Archaeological site (Scheduled Ancient Monument [SAM]), including information boards, landscaping and associated works. As originally submitted the proposal included a new doctors' surgery, but following discussions with the Somerset Clinical Commissioning Group (CCG) and the existing doctors' practice this element has been removed and replaced with a financial contribution towards the expansion of the existing GP practice.

The total site area, within the red line, is 28.4ha (approximately 70 acres). This includes all of the Policy WI2 strategic mixed use element of the Allocation, on the 'Land west of Williton site, and part of the Battlegore SAM.

The application is accompanied with an illustrative masterplan. It shows various different land uses and design concepts, illustrating how the development might be undertaken. In the accompanying Design and Access Statement (DAS) the applicant's architects and agents explain that the purpose of masterplan is to establish *'a set of parameters which can be used to control development at the reserved matters stage.'* Whilst this is helpful, it is worth keeping in mind that masterplan is only illustrative, and that it has been prepared for the current landowners, who are likely to sell the site on to the final developers. Details may well change, should it reach reserved matters stage.

A single vehicle access point is proposed off the A39 for the whole development. The existing superior farm access would be upgraded to a spine road running from south to north through the developable part of the site with distributor and secondary roads running off it.

- The junction with the A39 would be improved to provide better sight lines,
- A right priority turn lane for vehicles approaching from the east (Williton),
- Various measures to offset the impact of the additional traffic generated by the development upon the centre of the village (Urban realm works to Fore Street,
- Contributions towards public transport enhancements,
- Provision of land which is within Orchard Wyndham Estate control to support the delivery of the Williton to Watchet Cycle Route which is being developed by the Steam Coast Trail (STC)
- Contribution towards the delivery, of an on-site Travel Plan, provision of a new Toucan crossing at Five Bells providing a safe walk / cycle route between the development and the local school and new walking and cycling linkages between the site and existing built areas).

Pedestrian and cycle connections are proposed to the east and north. The original masterplan showed two pedestrian / cycle linkages running eastwards from the mixed use part of the site through the Battlegore Archaeological Protection area to link up with existing paths to the centre of the village, and a path snaking north eastwards through the barrows to emerge on North Road, opposite the Danesfield Church of England Middle School. Existing Public Rights of Way (PROW), WL28/19 and WL28/23, lead from this point respectively eastwards to St Peter's First School and northwards, over the hill, to Watchet. With the revival of the supermarket and associated retail plan for the former Glidden's site (see ref. 3/39/20/008) the applicant has, at officer's request, amended their plan to provide a pedestrian /cycle link to the eastern edge of their red lined application site. This will facilitate a future route along what is anticipated to be a 'desire line' to the supermarket and on to the village centre, should that development materialise.

The largest single element is the 11.8ha of 'developable' land upon which the applicant seeks permission to build up to 350 dwellings, of which 122.5 (35%) would be affordable, secured through a Section 106 legal agreement. The size and type of housing proposed is not specified, at this outline stage, beyond a commitment to *'incorporate a mix of development block sizes'* and its' division into four character areas: central spine, housing fronting green open spaces, rural edge housing and secondary streets.

The central spine road is shown running from the entrance, off the A39 in the southern part of the site, northwards through the middle of the developable part of the site. It is envisaged as a street with a continuous frontage of housing interspersed with small squares and limited vehicle access. A large green area is shown in the centre of the site with smaller 'green fingers' spoking off to the east and north west. These, and other green areas adjacent to the frontage, would have larger detached and semi-detached houses fronting them. The greenspaces themselves would be used for *'host features such as swales, attenuation features, tree planting, equipped play spaces, footpaths* etc. Secondary streets containing parking and loop roads are shown in the middle, behind the spine road, and there's a rural edge of lower density housing proposed around the periphery. The rural edge intended to soften the impact of the development upon the wider countryside.

The application includes approximately 0.42ha of commercial space now shown located in the southern part of the site, close to the entrance and A39. As originally submitted, the D1, community use (surgery) and B1, commercial uses, were shown outside the site Allocation area in the centre east part of the larger red lined site area. The applicant considered that this better managed the transition between the existing built up area of the village and the developable part of the site. However, following removal of the proposed new surgery from the plans, expressions of concern about the development extending outside the Allocated site area and commercial traffic coming into the centre of the site to access the commercial units, this area was relocated to the southern part of the site, close to the entrance.

The area to the east of the Allocated site, between it and the western edge of the village, contributes to the setting of the Battlegore Cemetery Scheduled Ancient Monument (SAM), and is, at least in part, prone to flooding from the Monksilver

stream (Flood Zone 3b). It was considered unsuitable for development by Strategic Planners preparing the Somerset West Local Plan to 2032, and not included in the site Allocation. The submitted plans show this area, and a small part of the Allocated site, used to provide an enhanced setting for the Battlegore SAM (interpretation boards paths), to provide playing fields (cricket, rugby, football and tennis), allotments (20 full sized) and a community orchard (50-80 fruit trees).

The application is accompanied by a comprehensive suite of supporting documents

- Design and Access Statement (DAS)
- Flood Risk Assessment
- Landscape Strategy
- Heritage Statement
- Planning Statement
- Residential dwelling units supplemental
- Statement of Community Involvement
- Transport Statement Parts 1-9
- Travel Plan 1-4
- Utilities & foul drainage appraisal
- Traffic impact and sustainable travel measures
- Health Impact Assessment (HIA)

The DAS explains the applicant's intentions:-

'To deliver a well-designed, high quality and healthy new community within the established village of Williton. A place that provides a wide range of housing to meet all local needs, a place that is accessible from, and well connected to the established village, supporting and enhancing the range of services and facilities, and somewhere that provides a network of public open spaces and places for residents to enjoy'

Site Description

The application site comprises a group of irregular shaped fields (approximately 28.4ha [70 acres]) located to the west of the village of Williton. It is divided into four fields and part fields by mature, well established, hedges. It is relatively flat, sitting within a natural 'bowl' within the landscape, but there is a slope of approximately 10m from south to north across the site. The site sits at a low point within rolling countryside within the Central West Somerset character area and is framed by Exmoor, to the southwest, and the Quantock Hills, to the north.

The site is currently accessed via a superior farm track off Priest Street (A39), the first section of which is also a Public Right of Way (PROW), WL28/24. This PROW makes an incursion into the site going from the existing site entrance at Mamsey Bridge, in the south, to the north before switching around nearly 160 degrees south east and returning to the Priest Road (A39), opposite PROW WL28/7, which continues to the south. Another PROW, WL28/6 runs along the western side of the village, to the rear of modern residential development in Shutgate Meadow to link up with a route to the community hospital and village centre. In the wider area, PROW 38/23 runs northwards from the B3191 towards Watchet. The southernmost section is hard surfaced with street lighting.

The red line of the application site includes part of the designated Archaeological Protection area associated with the Battlegore cemetery Scheduled Ancient Monument (SAM) and is located to the north east of the developable part of the site. It comprises five round barrows, three earthworks and two ring ditches all dating from the late Neolithic or Bronze age periods.

The application site is surrounded by agricultural land, to the south on the opposite side of the A39, to the west and north with Outmoor Wood, a Local Wildlife Site (LWS), to the north west. Further to the north west, beyond the wood, is Five Bells a linear hamlet of large houses stretched along the B3191 between Williton and Watchet.

The site is located approximately 230m from the centre of the village and separated from it by other agricultural fields. These are located within the floodplain of the Monksilver stream and are not suitable for development. Williton is a designated local service centre in the West Somerset Local Plan to 2032. It provides a range of shops and services including: community hospital, bank, police station, library, local government offices, doctors' surgery (Killick Way), primary and middle schools and a station on the West Somerset Railway, tourist line.

The A39 was formally an Eighteenth Century Turnpike Road, between Minehead to Nether Stowey. A Grade II Listed milestone is reputed to be located in the area at ST 0722 4082 west of Williton. The listing states that it is sandstone and cast iron, unusual in that the lettering is raised rather than incised.

Relevant Planning History

- Ref. 3/39/10/021 – Three temporary trial pits for the purposes of geotechnical investigation granted 21/10/2010
- Ref. 3/39/76/013 Domestic dwellings – withdrawn 22/04/1977

Relevant History on other planning sites in Williton

North East Williton Doniford Road (Part of Williton allocation site)

Ref. 3/39/18/009 Outline planning application with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access provision of open space and other associated works. Land to the East of Aller Mead, Doniford Road.

Ref.3/39/20/005 Application for approval of reserved matters pursuant to the grant of section 73 application 3/39/19/035 amending original outline application 3/39/18/009 for residential development comprising of 90 No. dwellings with associated infrastructure, public open space and play area: Land to the east of Aller Mead Way, Williton: granted 29/05/2020

Land at Bank Street / Fore Street: (Former J Gliddon & Sons Ltd. - supermarket site)

Ref. 3/39/14/010 Redevelopment of the site to provide a food store (A1) professional and financial services (A2), food and drink uses (A3), health services D1 residential dwellings (C3) vehicle and pedestrian access and associated car parking and landscaping (resubmission of 3/39/11/002: Land at Bank Street / Fore Street: Refused by West Somerset District Council 09/12/2015

Conditional planning permission subject to a Section 106 legal agreement allowed at a conjoined appeal (Planning Inspectorate reference APP/H3320/W/16/3151392 , 04/07/2017)

Ref. 3/39/14/024 Outline application (with all matters but access reserved) for the erection of up to 480sqm gross of flexible Class A1/ A2 floor space linked to proposed redevelopment of land associated with application ref. 3/39/14/010 to include vehicle and pedestrian access and landscaping: J Gliddon & Sons Ltd., Bank Street; Refused by West Somerset District Council 09/12/2015 Conditional planning permission subject to a Section 106 legal agreement allowed at a conjoined appeal (Planning Inspectorate reference APP/H3320/W/16/3151393, 04/07/2017)

Ref. 3/39/17/027 Partial demolition of 21A/ 21B Fore Street with formation of covered pedestrian route, alterations to front elevations and formation of pedestrian route on land to the rear: 21 & 23 Fore Street Conditional Planning Permission granted 13/04/2018

Ref. 3/39/20/008 - Outline application with all matters reserved, except for access, for the redevelopment of the site to provide a food store (A1) professional and financial services (A2), food and drink uses (A3), health services D1 residential dwellings (C3) vehicle and pedestrian access and associated car parking and landscaping. Undetermined - reported elsewhere on this agenda.

Consultation Responses

Williton Parish Council - OBJECT to the proposal on the following grounds:

- Excessive amount of housing- The 90 houses approved at Aller Mead plus 350 proposed on this site and potentially 150 on the site adjacent to Dransfield School equals 590. The allocation is for 'approximately 406'
- Adverse impact of extra housing upon infrastructure particularly schools and doctors' surgery
- The increase in traffic using the road network not adequately modelled or mitigated
- Poor connections – the spine road is a cul-de-sac which does not link to the B3191. Pedestrian and cycle links do not lead into the village centre.
- The masterplan lacks detail. It is not possible to tell what impact the development will have on Williton and the surrounding area.
- A housing needs survey is required – could evidence that less than 35% affordable housing is required.
- Footpath cycle links are in flood zones 2 and 3. Note the A39 sometimes floods.

Further comments received on amended plans 05/08/2021

- Still no footpath links to the centre of the village
- Very concerned insufficient and inadequate traffic plan
- Adverse impact on village vitality
- Vehicle link to Five Bells (B3191) requested to ease congestion on A39
- The proposed bus stop could be a road blockage

Highways Development Control - Based on the submission as it currently stands and the latest package of mitigation measures proposed by the applicant it is on balance considered that the proposed development broadly meets the highway policy requirements set out within the NPPF as well as those set out within Local Plan Policies MI1, TR1 and TR2.

It is accepted that sufficient information is available to be able to have a reasonable understanding of the likely traffic impact of the development. Whilst the Highway Authority acknowledges that the development will add incrementally to the known pressure points on the local highway network, it is difficult to argue that such impacts will be 'severe'. The mitigation measures proposed, along with an acceptable travel plan, offer genuine opportunities to promote and improve sustainable means of travel in the locality with the potential of a longer term modal shift for future residents.

With these comments in mind and should the LPA be minded to approve the application then the Highway Authority would seek that the following matters be secured by an appropriate S106 agreement and planning conditions:

Section 106 Agreement –

- To commit to providing an appropriate NMU access into the adjacent site to the east (application 3/39/20/008) to optimise NMU permeability to and from local amenities, subject to both schemes being granted planning consent.
- To provide an appropriate Travel Plan, detail to agreed and finalised at S106 stage.
- To submit and secure a TRO to extend the existing posted speed limit, to an extent that is compatible with the necessary visibility splays, to be agreed in writing with the Highway Authority.

The Highway Authority also recommend that pre-commencement conditions are attached

- Line, level and layout of access details to be submitted and approved
- Discharge of surface water scheme to be submitted and approved
- Submission and approval of a Construction Environmental Management Plan (CEMP)
- Construction vehicle cleaning before leaving the site
- Construction access and contractors' parking to be provided before commencement
- Condition Survey of the existing public highway before commencement

Environment Agency - The Environment Agency has No objections.

Somerset Ecology Services (SES) – No objection to this application subject to conditions to ensure compliance with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain. Recommended conditions relate to: badgers; dormice licence; water vole licence; reptiles; lighting (bats) ;Construction Environmental Management

Plan (CEMP); mitigation compliance; landscape & ecological management plan; invasive species; water pollution protection and Biodiversity enhancement (net gain)

The site is dominated by intensively farmed arable land. Species-poor semi-improved Grassland. It is bound and divided by hedge banks with the majority of hedgerows are situated on earth banks. Mature trees within the hedge banks are limited to three mature oak trees. Under the current proposal it is assumed that all hedgerows except two hedgerows will be retained. A number of water features present on site, ruderal vegetation has colonised the banks of ditches and field margins across the site.

Local Wildlife Site (LWS), Outmoor Wood, immediately adjacent to the north-western boundary of the site.

The application site lies within Band B of the Bat Consultation Zone for the Exmoor and Quantocks Oak Woodlands SAC. No bat roosts were found or recorded on site, although bats were found to use the site. All mature trees are to be retained on site, if this alters further assessment of individual trees for the potential to support bats will be required.

Natural England - The proposal does not trigger any Impact Risk Zones for designated sites and landscapes.

Natural England accept the HRA findings and concur with the conclusion that the development would not have a likely significant effect on the Exmoor and Quantocks Oak Woodlands SAC.

NHS - GP Practices - The development of 350 dwellings would increase the number of patients registered at the West Somerset Healthcare practice by approximately 1,000. This development together with other development planned in the area between now and 2032 could mean that the GP surgery could reach capacity. The CCG will therefore be seeking an off-site contribution towards the expansion of the existing GP surgery.

Somerset County Council - Lead Local Flood Authority (LLFA) - The proposed development is considered acceptable, subject to planning conditions. The conditions relate to :-

- Submission and approval of details of a sustainable surface water drainage scheme for the site, and
- Submission and approval of details of a plan for the future responsibility of the surface water drainage system

Somerset County Council Public Rights of Way (PROW) - There are public rights of way (PROW) recorded on the Definitive Map that run through the site at the present time (public footpaths WL 28/24, WL 28/6) and a PROW that runs adjacent to the site (public footpath WL 28/7). but there are no objections to the proposal, subject to inclusion of conditions and informatives

Housing Enabling Officer -Seeks 35% affordable housing (123 out of 350 dwellings) comprising a mixture of house sizes, mostly 2-3 bed sought, and tenures: affordable rent 50% and low cost home ownership 50%. Some housing to be provided which accords with Policy CF2, Planning for Healthy Communities. There are currently 4 households on Homefinder Somerset with need for an adapted property. Affordable housing to be secured through a registered provider and secured by a Section 106 legal agreement. Service charges to reflect affordability.

Comments on 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.

On site play areas LEAPS and NEAPS should be centrally located and overlooked by front facing dwellings to promote natural surveillance.

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. The buffer zone provided on this site is an area of bramble and small trees.

As the 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.

Tree Officer - Most of the significant existing trees on this site are within boundary hedges, so the outline plan shows that it should be possible to retain these trees and to allow them plenty of space to continue as mature trees. The outline concept indicates a reasonable number of open spaces and verges that will allow for the planting of good-sized trees that can be managed so that they attain their natural mature size.

Conservation Officer - The historic record shows a grade II listed Milestone. Late C18 Sandstone and cast iron. Monolithic slab, cambered head, set into bank at roadside, about 400 mm high with attached cast iron plaque, semi-circular headed top central section and raised lettering: '8 Miles to Minehead'. Unusual in that the lettering is raised rather than incised.

SOUTH WEST HERITAGE TRUST (SWHT)- 33 trial trenches have been dug, the site has been visited by the County Archaeologist . No remains found.

HISTORIC ENGLAND - has no objection to the application on heritage grounds provided the harm caused to the significance of the heritage assets by development within their setting can be offset enabling the application to meet the requirements of the NPPF paragraph 190, 193,194 and 196.

The proposed development site is located close to the cemetery. It provides the opportunity to remove the site from Historic England at Risk register by taking the site out of plough permanently. A management plan to be agreed with Historic England and South West Heritage Trust will be required to enable ways to conserve and enhance the barrow site

Somerset County Council Education -

350 dwellings in this location would generate the following number of pupils for each school type below

- 32 early years (pre-school)
- 81 First years
- 52 Middle years
- 30 upper years
- 04 Special Educational Needs (SEN)

Contributions are sought for early years, first, middle, and SEN schools totalling £3,664,761.00. A contribution is not required for upper schools and the school in the area has capacity.

Wales & West Utilities - Have confirmed that they have apparatus located in the area which may be directly affected by these proposals.

Representations Received

Four site notices were posted and neighbours consulted about the application in accordance with the Council's consultation policy. This has resulted in 30 initial consultation responses: 1 representation in support; 27 objections and 2 neutral comments on the application. Some letters have more than one signature.

Support

- It is good news for younger people with affordable housing

Neutral Comments – comments on the application

- The Milestone Society, and one other correspondent, seek information about the grade II listed milestone located close to the proposed entrance to the new site.

The grounds of objection can be summarised as follows:-

- Numbers of houses is excessive
- Insufficient doctor's surgeries Infrastructure doctors / schools
- Few job opportunities
- Loss of good agricultural land
- Better sites elsewhere
- Unaffordable Housing
- Increase in commuting/ in traffic
- Impact on landscape & tourism
- Exacerbate existing flooding /Land is prone to flooding
- Health Impact Assessment is a tick box exercise

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
Policy SC2	Housing Provision
Policy SC3	Appropriate mix of Housing types and tenure
Policy SC4	Affordable housing
Policy SC5	Self-containment of settlement
Policy WI1	Williton Development
Policy WI2	Key Strategic development allocations Williton
Policy EC1	Widening and strengthening the local economy
Policy TR1	Access to and from West Somerset
Policy TR2	Reducing reliance of the private car
Policy CF1	Maximising access to health, sport, recreation and cultural activities
Policy CF2	Planning for Healthy Communities
Policy CC2	Flood Risk Management
Policy CC5	Water Efficiency
Policy NH1	Historic Environment
Policy NH3	Areas of High archaeological potential
Policy NH4	Archaeological sites of local significance
Policy NH6	Nature conservation and the protection and enhancement of biodiversity
Policy NH7	Green Infrastructure
Policy NH11	Bat Consultation Zone
Policy NH13	Securing High Standards of Design
Policy ID1	Infrastructure Delivery

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

TW/1	Trees & Woodland Protection
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

Other relevant policies

Affordable Housing SPD

Emerging Districtwide Design Guide SPD

Determining issues and considerations

The key issues to be considered in assessing this application are:-

1. The principle of mixed use residential development
2. The amount of development
3. Compatible non-residential uses
4. Highways impact, access and parking provision
5. Flood risk considerations
6. Ecology and biodiversity considerations
7. Health Impact Considerations
8. Affordable Housing
9. Specialised Housing
10. Design considerations
11. Heritage considerations, and
12. Section 106

1. The principle of residential development

National and local planning policy supports a plan led system where the locations of major new residential development are, for the most part, determined through an site allocation process. The process identifies the most suitable sites for new development within the council area (in this case the former West Somerset Council area) and sets them out in an adopted local plan. The general expectation is that allocations within the local plan will be substantially realised within the plan period. Of course, changes in circumstances, unforeseen 'windfall' sites, etc., can alter delivery plans, but a failure to bring forward new development on allocated sites may have consequences for the Local Planning Authority in meeting the 5 Year Housing Land Supply and Housing Delivery Test.

Strengthening Minehead, Watchet and Williton is a strategic objective of the West Somerset Local Plan to 2032. Its' Spatial Policy SC1, Hierarchy of Settlements, seeks to concentrate new development in Minehead/ Alcombe and the rural centres of Watchet and Williton '*on a scale generally proportionate to the respective roles and functions to their own communities and those in the surrounding settlements...*' Policies WI1 and WI2 relate to Williton. They state:-

POLICY WI1: WILLITON DEVELOPMENT *Development proposals at Williton must:*

- *Support and strengthen the settlements role as a local service, administrative and employment centre for the north eastern part of West Somerset district, particularly in terms of the range and quality of its services and facilities, and;*
- *Contribute to the improvement of traffic and transport management within the village, and;*
- *Complement the provision of employment opportunities, services and facilities in neighbouring Watchet*
- *Where appropriate, development must contribute towards resolving the flood risk*

issues which affect the settlement.

POLICY WI2: KEY STRATEGIC DEVELOPMENT ALLOCATIONS AT WILLITON
Within the areas identified on the policies map to the west and north of Williton, mixed development will be delivered subject to an indicative masterplan incorporating:

- *approximately 406 dwellings, and;*
- *approximately 3 hectares of appropriate and compatible, non-residential uses.*
 - *enhancement of the designated heritage asset Battlegore Barrow Cemetery and its setting should take place. The site should be enhanced to ensure its use as a communal asset and contribute positively to the community. This should be achieved through landscaping, public access, appropriate use of the site and the implementation of a management plan agreed with Historic England. The development must be facilitated by the appropriate integrated provision of transport, community and flood risk management infrastructure to include walking and cycling links connecting the new development with the village centre.*

This proposed development is on an allocated site within the West Somerset Local Plan and the principle of development on this site is therefore supported subject to the proposed development according with other policies within the Core Strategy.

2.The amount of development

There is a significant difference between the Policy WI2 Allocation figure for new dwellings in Williton (approximately 406) and the likely numbers of new dwellings that will be delivered, if all three parcels of land identified in the policy allocation are built out.

The Williton Policy WI2 Allocation comprises of three parcels of land. The land West Of Williton, which forms the current outline application site, is at 18.3ha the largest parcel of land within the Allocation. If approved, the site would deliver up to 350 dwellings. Combined with the 90 dwellings delivered at Doniford Road these two parcels would deliver 440 dwellings, nearly 10% more than the Policy Allocation.

The North of Danesfield School site is, at 8ha., the medium sized parcel within the Allocation. No concrete figures have been produced for the numbers of dwellings this site might provide. It is, to some extent, dependent on whether Danesfield School uses some of the allocated land for its' expansion, and, if so, how much. The applicant's agent suggests another 100-150 houses, although given the low densities and the government's exhortations (NPPF para. 124) to make efficient use of land and avoid low density development 150 is more likely, and 200 is plausible.

What this means for Williton is the prospect of 550-600 new dwellings on the three parcels of land within the Policy WI2 Allocation. This figure is nearly 50% more than the indicative figure. In terms of population numbers, the 2011 Census recorded Williton as having a population of 2,602. The average household size in Somerset West and Taunton is below the National average at 2.2 persons per household. Multiplying from this figure gives a bold park figure for the increase in the size of the village of 1,220-1,300 people during the plan period, compared to the planned growth figure of 900.

The Planning Policy team have reviewed this planning application and have not raised any concerns in relation to the increased number of dwellings on the grounds that Policy SC2, Housing Provision envisages 2,900 new dwellings being completed across the former West Somerset area in the plan period with a significant contribution coming from unallocated, 'windfall' sites. As the justification section to Policy SC2 states, past patterns show that: *- Historically approximately 80% of new development within the Local Plan area has taken place at the area's main service centre of Minehead/ Alcombe, and the secondary service centres of Watchet and Williton.*

The additional housing provision proposed aligns with Local Plan expectations as to where windfall sites are most likely to come forward. Locations where there are shops and services are most concentrated to serve them, such as the application site, are optimum locations.

3. Compatible non-residential uses

The West Somerset Local Plan to 2032 contains general Policy SC5, Self-Containment of Settlements, which seeks to encourage a balance of land uses within a settlement in terms of minimising overall transport use. The supporting text explains the purpose of the policy is to *'bring about a better balance in the provision of employment, services, housing and transport infrastructure so as to minimise transport demand insofar as is practical in West Somerset'*.

The two Williton related policies in the Local Plan, Policy WI1, Williton Development, and Policy WI2, Key Strategic Development Allocated at Williton, both support these objectives with specific references. WI1 requires development to *'support and strengthen the settlement's role as a local service, administrative and employment centre for the north eastern part of the West Somerset district particularly in terms of the range and quality of its' services and facilities'*. Whilst Policy WI2 requires the provision of *'approximately 3ha. of appropriate and compatible non- residential uses.'*

The application proposes approximately 0.42ha. (1,000sqm) of 'E' class development. Use Class 'E' was brought in by the government last year to replace a very wide range of different planning use classes which were formally separate: shops, financial and professional services, restaurants and cafes, non-residential institutions, assembly and leisure, offices, light industrial uses and research and development (R&D). Its' intention was to allow much greater business flexibility.

The issues are whether the amount of development satisfies the policy requirements, whether it is appropriately located within the development site and whether the proposed E class uses are acceptable in relation to the proposed new residential development and their impact upon the village.

The WI2 Policy does not define exactly what constitutes *"appropriate and compatible non-residential uses"* – although Local Plan as a whole and the supporting text is supportive of employment uses. The concept masterplan shows 1.75ha of non-residential uses (0.42ha Use Class E, 0.57ha non-residential including orchard, and 0.76 non-residential including allotment/food hub).

The amended concept masterplan shows the location of Use Class E changed from the central eastern position outside the site Allocation, where it was originally shown, to the south eastern corner of the Allocated site. This is close to the entrance removing the need for commercial vehicles associated with the E class use to travel into the residential parts of the site and allowing a wayfinding signage.

Some of the uses in the new use class 'E', particularly retail, have the potential to undermine the viability and vitality of the existing village centre. Point (iv) of Saved Policy SH/3, Retail Development outside Minehead Town Centre, requires that development:- *'by its nature and scale, will not adversely affect the viability and vitality of Minehead Town Centre or the shopping centres of Watchet or Williton'*.

In this case the applicant has volunteered that the 'E' class uses will be restricted to offices, R&D and light industrial uses. These uses are synonymous with the old B1(a) office, B1(b) research and development, and B1(c) light industrial uses and are considered to be compatible with the proposed residential development and the maintenance of the village's viability and vitality. To ensure that the approved uses remains limited within the 'E' class it is considered necessary to append a condition restricting change of use within the class, and this is recommended.

4. Highways impact, access and parking issues

Despite being listed as a reserved matter, the site's only road frontage is onto the A39, to the south, where there is an existing superior field access. Vehicular access to the red lined site is only possible from this frontage. The concept masterplan shows the existing superior field access upgraded, with improved visibility sightlines and a right turning lane to provide the sole vehicular access to the site. There is no objection, in principle, to this arrangement.

As the applicants have extensive landholdings around the site, and an earlier version of the concept masterplan indicated a potential future link from the spine road northwards to the B3191 south east of Five Bells, your officers have, in conjunction with the Highway Authority and the applicants' transport consultants, explored the possibility of providing a secondary vehicular access from the north. There would be some advantages to providing such a link: the spine road would become a purposeful thoroughfare, rather than a feature in a giant cul-de-sac, improving connectivity and it would provide an alternate route through the site to the north without going through the centre of the village or using the Washford Cross junction. However, the proposal is not supported by the applicants or their highway consultants. In their view it would provide only strictly limited relief to traffic congestion in the village and may have an adverse impact upon the setting of the Battelegore SAM.

After careful deliberations it is accepted by the Highway Authority and your officers that the case for seeking the provision of a secondary vehicular link to the north is not sufficiently strong to insist upon its' provision. In this context it should be noted that the Policy WI2, Key Strategic Development Allocations at Williton, makes no mention of the need for a link road to the north and the more general Policy WI1, Williton Development, has only a generic requirement that proposals *Contribute to the improvement of traffic and transport management within the village.*

Instead the applicants have agreed with the Highway Authority to a series of traffic mitigation measures to offset the impacts of additional traffic from the development upon the local highway network. These are: urban realm works; contributions towards public transport enhancements; provision of land in applicant's control to support the delivery of the Williton to Watchet Cycle Route that is being developed by the Steam Coast Trail (STC); contribution towards its' delivery; on-site Travel Plan delivery; provision of a new 'Toucan' crossing at Five Bells providing a safe walk / cycle route between the development and the local school and new walking and cycling linkages between the site and existing built areas. Subject to these being secured via Section 106 legal agreement clauses, no objection is raised to the development on highway impact grounds.

The need to avoid construction on Monksilver floodplain results in the proposed development being slightly detached from the centre of the village. Nevertheless the centre of the village, with its' facilities and transport connections (bus stops) along with the schools to the north, are obvious 'desire' lines for pedestrian and cycle routes. The proposal includes the provision of a number of footpaths and cycle routes, linking up with existing connections and creating a potential new link through the 'Gliddens' supermarket site to the village centre, in the event that that proposal is implemented. Connecting the development to the village centre and schools will provide residents with an alternative to the private car for local journeys with corresponding benefits in terms of sustainability and individual health.

The internal road layout, parking and garaging arrangements would all be matters for detailed consideration at Reserved Matters stage, in the event that outline planning permission is granted. What can be stated is that the broad design concepts referenced in the illustrative masterplan: loop roads varied character zones, road narrowing and turns to conceal and reveal vistas and reduce the dominance of the car in the street scene provide a positive place from which to start the design process.

West Somerset remains relatively remote with a limited public transport network. For the foreseeable future private motor vehicles are likely to remain the dominant mode of transport consequently adequate provision must be made for their parking. The development would be expected to comply with the parking standards set out in the Saved policies of the West Somerset Local Plan to 2006: Policies T/8, Residential Car Parking and, in respect of the ' Class E and community uses, T/7 Non-residential car parking, including the provision requirements for people with disabilities. The Council will seek to ensure that all households have access to electric vehicle charging points (EVCs) and fast Broadband. Although not specifically required by West Somerset policies, they are included in the emerging Districtwide Design Guide SPD and are becoming necessities of modern life for many.

Objections have been raised about the impact of the proposed development on the local road network and road safety. It should be noted that the Highway Authority has not objected to the proposal subject to a new vehicular access.

5. Flood Risk Considerations

The Environment Agency 'Flood Map for Planning' shows the site lies predominantly within Flood Zone 1 and partly within Flood Zone 3b as defined in the Planning

Practice Guidance (PPG) 'Flood Risk and Coastal Change'. Areas in Flood Zone 1 are considered to have a low probability of flooding, whereas Flood Zone 3b is a functional floodplain, where water has to flow or be stored during flood events.

The developable part of the site, on which it is proposed to situate the more vulnerable residential uses, is located entirely within Flood Zone 1. This means that it is unlikely to flood and, with suitable surface water attenuation, should not contribute to flooding elsewhere. The area comprising the 'gap' between the existing western wedge of the settlement and the developable part of the site, as shown on the Allocation and reflected in the concept masterplan, is floodplain in Flood Zone 3b. It is proposed that this part of the site is restricted to amenity uses only. The proposed removal of obstructions and use of storage ponds will increase the floodplain storage capacity in this area, and contribute towards addressing the flood plain risk issues which affect the settlement, in compliance with the requirements of Policy WI1 and Policy CC2, Flood Risk Management .

The conditions recommended by the LLFA in relation to submission and approval of surface water details are endorsed and included in the recommendation.

6. Ecology and biodiversity considerations

The site is arable improved grassland and ruderal vegetation of low ecological value. The highest ecological value is in the field hedgerows and floodplain ponds which, for the most part, the proposal seeks to retain or improve. This accords with Saved policies TW/1 Trees and Woodland Protection and TW/2 Hedgerows. Nevertheless as the PEA has detected the presence of a number of protected species (badger, dormice; water vole reptile [grass snake] and bats) conditions to ensure that the construction minimises disturbance to them and their habitats are recommended by Somerset Ecology service and are endorsed.

The proposed concept masterplan shows the inclusion of significant areas of public open space (POS) and green buffers around the development. These have the potential, if judiciously planted with native species, to actually enhance it and provide a measure of biodiversity net gain in accordance with the provisions of policies NH6, Nature Conservation and protection and enhancement of biodiversity, and Policy NH7 Green infrastructure.

Private gardens, the proposed allotments and community orchard all offer a more bio-diverse environment than the existing arable improved grassland and would contribute towards biodiversity net gain.

Conditions to ensure submission and approval of an landscape and ecological management plan and a Construction Environmental Management Plan (CEMP) are considered necessary.

7. Health Impact considerations

The Health Impact Assessment that has been submitted in support of the application has been prepared by a suitably qualified professional. It explains how the proposed development will achieve a positive outcome against 12 criteria themes from housing quality and design through to health inequalities. The outline application indicates that features such as public open space, play areas, pedestrian and cycle linkages to

the centre of the village and schools and a community orchard will be provided and makes contributions towards health and education infrastructure. It is considered to provide a satisfactory level of detail for the purposes of the outline application but will need further detail when the reserved matters are considered. In order to embed health considerations into the detailed design it is therefore considered necessary to append a condition requiring submission of a detailed health impact assessment(s) with the reserved matters application, or each phase, if the reserved matters are submitted in parts.

8. Affordable Housing

The proposal exceeds the 11 dwelling size threshold set out in WSLP to 2032 Policy SC4, Affordable housing, and generates a requirement for 123 (122.5) affordable dwellings in accordance with the 35/100 (35%) ratio set out in the policy. As a greenfield site with few constraints the expectation is that affordable housing will be delivered in accordance with policy.

The applicant's proposal, to provide 35% affordable housing, is in full compliance with policy, and is welcomed. This will need to be secured via a S.106 or similar legal agreement which will also include clauses relating to the split in affordable housing tenure, between social rent and intermediate ownership, a local letting clause and to ensure that the delivery of the affordable housing is front loaded or at least delivered in parallel with that of the market housing.

The specifics of ensuring compliance with Policy SC4 (3) points A-B, like for like housing size and type, minimum community agency standards etc. would fall to be determined at the reserved matters stage, should permission be granted.

9. Specialised housing

The Local Plan does not have a specific requirement for a percentage of homes to be built to a standard where they can easily adapted to accommodate the needs of people with disabilities (level entrances, wide hallways/ door openings, bungalows, straight stair runs etc - the 16 point 'Lifetime Homes' criteria checklist promoted by TCPA Foundation). There is a general commitment to providing for inclusive communities in the supporting text to Policy SC3, Appropriate Mix of House Types and Tenures. Under the purpose of the policy it states:-

To encourage the provision of lifetime homes and a proportion of bungalows etc. this is particularly important in view of the demographic changes occurring in the District and particularly the imbalance in the proportion of old/young people.

Given the older demographics of the population in the area there is an expectation that the development will include dwellings capable of adaptation for use by people with disabilities. A guide suggestion is that a minimum of 10% (35 dwellings) comply with Lifetime Homes criteria. A condition to ensure that housing provision for people with disabilities is not overlooked at reserved matters stage is recommended.

10. Design considerations

The application has been submitted in outline only with all matters reserved. The illustrative plan, which accompanies the application, shows how the amount of development for which permission is sought might be accommodated. In as far as it goes, it introduces a number of important design concepts – commercial and

residential segregation, a road hierarchy, variable housing densities, green swathes, retained hedges and trees, green buffers, tree lined streets and overlooked public open space all of which, if judiciously deployed could form the basis of an attractive and sustainable environment for future residents and their visitors. However, in this case the applicant is the landowner. It is very likely that the development will be undertaken by another developer whose architect and designers will contribute their own ideas into a worked up reserved matters application/s, should permission be granted. The Local Planning Authority should expect to receive reserved matters application/s providing details of appearance: means of access (see comments below); landscaping; layout and scale. At this stage there will be further opportunity to consider these matters in detail and approve or seek changes as necessary.

A condition requiring submission and approval of a Design Code prior to the submission of the first reserved matters application and use of the Quality Review Panel is required in accordance with the guidance set out in the emerging Design Guide SPD.

The provision of extensive areas of public open space (POS) around the development including equipped play space (NEAP and LEAPs), allotments and a community orchard, secured in Section 106 legal agreement clauses is welcomed. This will need to be augmented with details of the ongoing management and maintenance of the public open space / public realm and community facilities.

11. Heritage considerations

The Battlegore cemetery SAM is located to the north east of the application site, with part of it overlapping with the non-developable part of the site.

The SAM is currently on the 'Heritage at risk Register'. English Heritage and South West Heritage have welcomed the applicant's proposal to commit to a management plan for the site, which they anticipate will allow it to move off the 'at risk' register. This adheres to the provisions of Policy NH2, Management of Heritage Assets, which requires that proposals which :-

- A). Are likely to affect the significance of a heritage asset, including the contribution made to its setting should demonstrate an appropriately evidenced understanding of the significance in sufficient detail to allow the potential impacts to be adequately assessed. ...And, particularly*
- B). Will help to secure a sustainable future for West Somerset's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.*

The Battledore site covers land outside the application site, but within the applicant's ownership. A Grampian style pre-commencement condition is considered necessary to secure submission and approval in writing by the Local Planning Authority, in conjunction with English Heritage and SW Heritage, of a Management Plan for the Battlegore Cemetery site. The management plan would be expected to include provision for the managed public access and interpretation of the site, such as low key finger boards fulfilling one of the requirements of Policy WI2.

The developable part of the site is located outside the area of High Archaeological Potential identified for Wiliton (Inset Map 21 of the Local Plan). Nevertheless, given its close proximity to the Battlegore Cemetery site. The County Archaeologist

considered it to have a potential impact on archaeology requiring field evaluation before determination as well as a desk based study. This is provided for in Policy NH3, Areas of High Archaeological Potential, (section in brackets) which states:-

Proposals within areas of high archaeological potential, as shown on the policies map, (or elsewhere with the potential to impact on heritage assets with archaeological interest) should be accompanied with a statement describing the significance of the heritage asset and the likely impacts on the asset. This is likely to require a desk-based assessment incorporating a settings assessment where designated assets are likely to be impacted and where appropriate a field evaluation.

The applicants have undertaken 33 Trenches. Whilst the field evaluation has not identified any significant remains relating to the Barrow cemetery, it is still possible that discoveries will be made during excavation or landscaping works. For this reason a condition is required to ensure full recording of any archaeology encountered during development. The nature of the archaeological mitigation is likely to be a combination of watching briefs (monitoring) and the requirement to strip topsoil under archaeological supervision in certain areas. The details of this mitigation should be agreed with the Council's archaeological advisor (SWHT) before the submission of an archaeological Written Scheme of Investigation (WSI).

There are no listed buildings on site or within the immediate vicinity. The only listed structure recorded is the unusually incised milestone (grade II) associated with the original Turnpike Road. This is referenced by Historic England, The Milestone Society and the Somerset branch of that society. It is believed to be / have been located close to the A39 frontage in the southern part of the site. Unfortunately, to date, the applicants have not been able to establish its' current location, or whereabouts if removed for safekeeping, or otherwise.

As the Milestone is an important feature associated with the history of the area it needs to be restored to a prominent position close to the new entrance to the site, where it can inform and delight current and future generations. Ideally, the original milestone should be re-sited, but a contingency needs to be put in place to require a quality modern facsimile to be commissioned and placed instead, if the original can't be found. A condition to secure this within 2 years of the new access being developed is recommended.

12. Section 106 affordable housing and infrastructure

Section 106 provisions securing on site benefits or contributions towards off-site infrastructure are justified by three policies.

Site specific Policy WI2 which seeks enhancements to Battlegore Barrow Cemetery and 3ha of appropriate and compatible non-residential uses of which the proposed community orchard and allotments contribute.

Policy SC4 Affordable housing 35% affordable housing mixed sizes mix of social rent intermediate tenure. This would be secured by a Section 106 legal agreement which would be included a local lettings policy and provision to ensure delivery concomitant with the market housing

Policy ID1, Infrastructure Delivery, which states:-

'The planning and delivery of development should ensure efficient and effective use of existing infrastructure and should provide for the delivery of an appropriate level of justified new or improved transport, education, health, cultural, sport, recreation and green infrastructure in relation to the development proposed.'

A package of transport measures is sought to promote sustainable transport options such as walking and cycling, public transport as an alternative to private car use particularly for shorter journeys.

With the exception of the recently extended West Somerset College (Upper School) the existing schools in the area do not have the capacity to accommodate the increase in pupil numbers likely to be generated by the development. In the absence of other funding, the county Education Authority is seeking significant contribution sums from the developers.

An expansion of the existing surgery in Williton is required to cope with an increase in patients associated with this development, and other planned development in the area. It is considered appropriate to seek a contribution from this development towards the cost of that provision Policy ID1 justifies contributions towards health provision from development proposals, where required.

The outline masterplan shows extensive areas of public open space, centrally located play areas and new linkages to ensure connections to the village centre and schools together with facilitating access to the Battelegore Barrow Cemetery site, with the potential that it becomes a minor tourist attraction. The section 106 legal agreement will include provisions that these developments and their future management regime are provided.

Conclusion

The 'Land to the west of Williton' site forms the largest part of the strategic development allocations for the village in the current plan period, up to 2032. There is a longstanding expectation, arising from the local plan Allocation, that the site will be developed.

Consideration has been given that, when viewed together with the other identified strategic allocation sites in Williton, the total amount of new residential development proposed for the village in the plan period, is set to exceed the overall allocations. This raises issues about the impact of the proposed development upon local roads, schools and healthcare facilities etc. Consultation with key stakeholders: SCC Highways, SCC Education and CCG has indicated that, subject to the proposed section 106 provisions, the existing village infrastructure can be adapted and enhanced to accommodate the proposed new residents.

The application site has been submitted in outline with all matters reserved for latter consideration, should outline consent be granted. Nevertheless, it is clear from the supporting information supplied with the application, especially the indicative layout drawings, that the developable part of the site is capable of accommodating the 350 houses proposed. The proposed residential density is fairly low and the site has

relatively few constraints, either on it or in the immediate area. Those working on a more detailed design, at reserved matters stage, would have plenty of scope to provide an attractive urban extension, that satisfies council policies in relation to living conditions, recreation and amenity space, green infrastructure and sustainability. To facilitate this it is recommended that a masterplan / design code is developed to support a reserved matters application and that this is considered at an early stage by the Council's Quality Review Panel in line with guidance in the emerging Districtwide Design Guide SPD.

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



Application No:	3/32/21/007
Parish	Stogursey
Application Type	Full Planning Permission
Case Officer:	Jeremy Guise
Grid Ref	
Applicant	Mr Woodhead
Proposal	Erection of 5 No. dwellings with parking, car ports and access thereto
Location	Land south of High Street, Stogursey, TA5 1PL

Recommendation

Recommended decision: Granted subject to

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:

(A3) DrNo 2608-DR-A-050-005 Rev A Location Plan
 (A1) DrNo 2608-DR-A-050-006 Rev C Site Plan
 (A2) DrNo 2608-DR-A-050-008 Indicative Site Sections
 (A2) DrNo 2608-DR-A-050-008 Indicative Street Scene
 (A1) DrNo 2608-DR-A-050-009 Rev A Unit 1 Floor Plans & Elevations
 (A1) DrNo 2608-DR-A-050-010 Units 2,3 & 4 Floor Plans & Sections
 (A1) DrNo 2608-DR-A-050-011 Rev A Units 2,3 & 4 Elevations
 (A1) DrNo 2608-DR-A-050-012 Rev A Unit 5 Floor Plans & Elevations
 (A1) DrNo 2608-DR-A-050-013 Rev A Garage/Car Port Buildings Floor Plans & Elevations

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

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

Reason: To safeguard the character and appearance of the area.

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

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

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

- 5 No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason:- To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policy NH13, Securing High Standards of Design, of the West Somerset Local Plan to 2032.

Reason for pre-commencement: Basic information on building slab levels and heights needs to be provided and agreed before commencement of building works.

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

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

- 7 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 the Local Planning Authority.

Reason: To ensure that the development is satisfactory in terms of highway layout.

Reason for pre-commencement: The details need to be agreed before work commences and investments in infrastructure are committed.

- 8 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 that satisfactory access is provided.

- 9 At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan, Drawing No. 2608-DR-A-050-006 Rev C. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety

Reason for pre-commencement: The visibility splays need to be in place when vehicles, including construction vehicles, first start to access the site

- 10 The proposed access shall be constructed in accordance with details shown on the submitted plan, Drawing No. 2608-DR-A-050-006 Rev C, 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 satisfactory access is provided and maintained.

- 11 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 first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

- 12 Prior to the occupation of the development hereby approved the area allocated for parking and turning on the submitted plan, drawing No. 2608-DR-A-050-013 Rev A, shall be provided. This area is to 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 ensure that adequate parking provision is provided and maintained.

- 13 Prior to first occupation of the dwellings hereby permitted, access to covered cycle and electric vehicle charging points will need to be available, in accordance with the details set out on Drawings No. 2608-DR-A-050-006 Rev C and 2608-DR-A-050-013 Rev A.

Reason: In the interests of adapting to climate change and encouraging sustainable travel.

- 14 Details of the bin collection arrangements shall be submitted to and agreed in writing by the Local Planning Authority. The approved arrangements shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be retained in this fashion in perpetuity.

Reason: To ensure that satisfactory refuse storage and collection arrangements are in place and to avoid obstruction to the public highway.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the garages and carports hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: To ensure that the garages provided are retained for the parking of vehicles and the overall level of parking provision on the development is maintained.

- 16 During the construction phase 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 and thereafter maintained until the use of the construction of the site discontinues.

Reason: In the interests of highway safety.

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

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

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

Reason: In the interests of highway safety and to minimise the disruption to local residents from construction traffic and contractor parking during the build.

- 18 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), 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 existing hedgerows. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux. 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 West Somerset Local Plan to 2032: Policy NH6.

- 19 All retained trees and hedgerows will be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012. These will be marked by Heras fencing erected prior to works commencing. No materials or plant should be allowed within the buffer zone. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: In accordance with BS 5837:2012 and West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 20 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 the remainder left for a minimum period of 48 hours of fine warm 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. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and Priority Species (NERC ACT 2006) and in accordance with West Somerset Local Plan to 2032: Policy NH6:

- 21 No removal of hedgerows, open grassland, small trees, scrub, and tall ruderal herbs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests (including ground nesting birds) immediately before the vegetation is cleared and provides 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 West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity

- 22 Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to the Local Planning Authority and subsequent actions, or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required, a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with West Somerset Local Plan to 2032: Policy NH6.

- 23 A new hedgerow along the southern border of the site is to be planted up with native species comprised of a minimum of five of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. The hedgerow will be cut on a 3-year rotation thereafter. The hedgerow should provide connectivity between existing eastern and western hedgerows.
- Any new fencing (including garden fencing) must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
 - A Vincent Pro bat box will be installed on to a new dwelling at

least four metres above ground level of the west or south facing elevation.

- Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations.
- A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of one dwelling. Please note bee bricks attract solitary bees which do not sting.
- One log pile as a resting place for reptiles constructed on the southern boundary along the new hedgerow.

Photographs of the installed features will be submitted to by the Local Planning Authority prior to first occupation of the dwelling and agreed in writing. Installation of the listed biodiversity enhancements must be supervised by a competent ecologist. The agreed scheme will thereafter be implemented.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
- 2 The applicant will be required to enter into a suitable legal agreement or license with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement or license well in advance of commencement of development.

Proposal

Planning permission is sought for the erection of five houses (1x3 bed and 4x4 bed) on 0.45ha of agricultural land, to the south of the High Street Stogursey.

The houses are shown arranged along the road frontage with gardens extending southwards to the rear. The proposed houses would be constructed using traditional

materials: natural stone, render and brick walls, natural slate and clay pantiles roofs with timber windows. The two detached houses, Plots 1 and 5, reference the Georgian, double fronted, houses in the village, and the small, central, terrace of three (Plots 2, 3 and 4) the more modest sized cottages.

The existing field access, on the eastern side of the site, would be upgraded to provide a communal drive to a parking and 'garage' court (12 car parking spaces, arranged outside and in car ports), located to the rear of the gardens and to maintain access to the agricultural field, to the south. Pedestrian access to the properties would be provided by a shared footpath along the northern boundary of the site, adjacent to the road, and along the shared drive. The pedestrian access along the shared drive would also provide access to a new access for the public along the northern and eastern boundaries of the agricultural field linking with the existing public rights of way (WL/2 and WL23), to the south.

A SUDs system for surface water drainage is proposed.

The application is accompanied by a suite of supporting documents including:-

- Design and Access Statement (DAS), Prepared by Greenslade Taylor Hunt (GTH)
- Historic Environment Assessment prepared by AC Archaeology Ltd June 2019 Fiona Pink and Debra Costen
- Ecological Appraisal undertaken by Quantock Ecology 23/05/2019 (Originally undertaken for an earlier 35 dwelling proposal)
- Updated Ecological Survey
- Landscape Statement, Prepared by Clark Landscape Design
- Transport Statement, Prepared by IMA Transport Planning, May 2021
- Flood Risk Assessment ,Prepared by IMA, May 2021
- Geophysical and Archaeological Magnetometer Surveys, Prepared by 'Sustrata'

The proposal includes:

A formal pedestrian link is also proposed. This will allow formal rights of access on foot to the public along the driveway, into the field and then connecting into the grounds at the rear of the school.

The applicant has also been keen to emphasise the care that has gone into the design of the proposal to ensure that it respects the character of the Stogursey conservation area. The Accompanying Design and Access Statement makes the following points:

'The layout of the site reflects the linear pattern of development to the northern side of High Street and also to the east of the site, where long, burgage style plots are located. The provision of a rear courtyard to provide parking and turning offers the opportunity to provide agricultural style outbuildings that soften the visual impact of the development when viewed from the south.

The individual design of the dwelling houses pays close attention to the historical character and appearance of properties in close proximity to the site. The provision of black plinths, sash windows, stone, brick and slate ensure that the development

reflects the character of built form within the Conservation Area.

In order to reduce visual massing and provide appropriate character to the development, the terrace of three dwellings has a stepped ridgeline and forms three individually designed dwellings that together have an appropriate visual relationship with the area. When viewed within the street scene, the detailing and appearance of the development will have apposite effect upon the character and appearance of the Conservation Area.

The roadside wall is currently overgrown along much of its length and is of a poor visual appearance. It fails to make a positive contribution to the character and appearance of the Conservation Area'.

In response to planning officers' request, the applicant has reduced the number of car parking spaces from 18 to 12. This complies with Saved policy T/8, Residential Car Parking, providing the maximum of two spaces per dwelling, plus two visitor spaces and ensures that the rear of the properties will have a less cluttered appearance with fewer vehicles..

Site Description

The 0.45ha application site forms part of a larger, 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 a field access off 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 fall away to the south, following the general pattern in the area.

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.

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 closest runs alongside the Western boundary of the larger field 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 (SAM), 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 the 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 a court of lock up garages are located on lower ground, to its rear (south). St Andrews Well, a natural spring, rises close to theme 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 Clause and Burgage Road.

Stogursey is one of the larger villages in West Somerset. It has a range of village facilities which includes two convenience stores, 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

- Ref. 3/32/19/023 Outline application for up to 40 dwellings on land at High Street, Stogursey (subsequently amended to 35 dwellings). This application was made upon a larger site (3.1 ha.) than the current application, but all of the current application site (0.45ha.) was included in the northern part of that site. It was Withdrawn 03/08/2020 following objection from Historic England (impact on Stogursey Castle Scheduled Ancient Monument) and an indication that it would not receive officer support - contrary to Policy SC1, inappropriate design.

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 Appeal ref. 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. Conditional approval granted 27/11/2020

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 (Planning Inspectorate ref. APP/W3330/W/3243508). The appeal was subsequently dismissed by the Planning Inspector 29/03/2021

Ref. 3/32/20/003 Outline application with all matters reserved except for access for a residential development of up to 27No. dwellings, (resubmission of 3/32/19/011) Land off Shurton Lane Stogursey. Refused 09/10/2020, on the grounds that it was contrary to West Somerset Policy SC1. The decision was appealed (Planning Inspectorate ref. APP/W3330/W/3243508) resulting in the appeal being allowed 17/09/2021. The Appeal Decision Notice is appended. Paragraph 28 is highly relevant. It states:-

28. Nevertheless, the pertinent conclusion is that the Council is presently incapable of demonstrating a 5YHLS and thus, the Policy which is agreed as being most important to the determination of the appeal, Policy SC1, is considered out-of-date in the context of paragraph 11 d) of the Framework. The 'tilted balance' outlined in the same requires that where policies that are most important for determining an application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The tilted balance is engaged in this case.

Consultation Responses

Stogursey Parish Council - Object to this application for the following reasons:

1. The land is amenity open space

2. Traffic: the survey is based on the 2011 Census. The situation has changed since then.
3. The entrance is narrow. Parked cars will make turning tight
4. Will have an adverse impact on views out and into the conservation area

Office of Nuclear Regulation - No comments received to date.

THE SOUTH WEST HERITAGE TRUST - No objection subject to conditions.

Highways Development Control - No objection, subject to conditions.

Comments:

- The vehicle movements associated with the proposal will not generate local road network capacity or safety concerns
- The internal layout will be as a private street as it is unsuitable for adoption
- The access is of an acceptable width and geometry to allow safe and suitable means of access
- The proposed parking is adequate
- Refuse storage/ collection, cycle storage and EV charge points should be conditioned.
- Surface water drainage details required to ensure no discharge on to the highway.

Conditions recommended relating to:

- Details of proposed estate roads etc to be provided and agreed prior not commencement
- Roads, footpaths etc constructed b to each dwelling prior to occupation
- Visibility splays at access constructed prior to commencement and maintained without obstruction
- Proposed access constructed in accordance with approved drawing
- Provision and disposal of surface water
- Parking to be provided prior to occupation and maintained henceforth
- Covered cycle store and EV charging points to be provided prior to occupation
- Details of bin collection arrangements submitted to and approved prior to occupation
- Cleaning of construction vehicles prior to leaving the site
- Submission and approval of Construction Environmental Management Plan (CEMP) prior to commencement

Wessex Water Authority - has no objections to this application.

Tree Officer - No objection subject to condition regarding root systems.

Natural England -

The site is within the Exmoor & Quantocks Oak Woodlands SAC, but the proposals are unlikely to have a significant effect on the integrity of the SAC.

Retention of exiting environmental features will be considered in connection with biodiversity net gain.

Somerset County Council - flooding & drainage - No comments received to date

Historic England - No objection. Historic England has concerns regarding the application on heritage grounds. Our concerns relate to the less than substantial harm which would result from the change that the proposed development would cause to the character and appearance of the conservation area.

However by confining development to the northern edge of the site and utilizing a more appropriate design and layout for the units, the current proposal is an improvement over those previously submitted, and in our view it probably represents the maximum developable area of the site without causing significant harm to the historic environment.

Historic England have clarified 16/08/2021 that their comments do not constitute an objection to the proposal.

SCC - Ecologist - Have no objection to the application subject to conditions.

There are no statutory designated sites for nature conservation within 2km. The application site is however located in Band A of the Bat Consultation Zone for the Exmoor and Quantocks Oak Woodlands SAC which is designated for its barbastelle and Bechstein's bat features. However, the proposed development is highly unlikely to have an effect on barbastelle and or Bechstein's bats and therefore there is no need to carry out a Habitats Regulations Assessment for the application.

The majority of the site consists of improved grassland / arable. Some tall ruderal was recorded along field margins. Hedgerows form north, east, and western boundaries and are considered species poor.

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, Somerset Ecology Service recommend conditions relating to lighting, trees and hedgerows, reptiles, birds, badgers and biodiversity net gain.

Conservation Officer - Support

- The proposal will fit in well with the character of the village. It takes account of the views of the castle

. The open area that it is proposed to develop is not considered to be important open space. the indicative street layout shows that it will fit in well the other buildings. The materials pallet is acceptable. The proposal will not harm the designated heritage assets, including the conservation area.

Habitats Regulations Assessment (HRA)

The site is within the Exmoor & Quantocks Oak Woodlands SAC. Natural England have advised that the proposals are unlikely to have a significant effect on the integrity of the SAC, a project level HRA is therefore not required.

Representations Received

A site notice has been posted and neighbours notified of the application in accordance with the Council's consultation policy. This has resulted in receipt of 47 letters of representation (LORs), all raising objection to the proposal. The grounds of objection can be summarised as follows:-

Access, parking & impact on the road network

Traffic is a critical issue. Stogursey is large enough. It has limited transport links and narrow lanes. No more houses should be built until the road network is improved.

The survey information in the Transport Statement dates from 2018, prior to the start of Hinkley Point C. It is out of date and not a true representation of the current traffic conditions. Questions the traffic survey conclusion that there will only be 3 traffic movements at peak times. The estimate of three traffic movements a day is a conservative one. A suitable and up to date transport assessment is required.

The traffic mitigation measures do not go far enough as those exiting the site in the direction of the village centre will be travelling against the flow most of the time Residents have had to endure increased traffic in the village associated with the building of Hinkley Point C. How much more noise and traffic are we expected to endure?.

The access is on a dangerous part of the High Street with limited visibility. It would be on a blind bend with little visibility and cars parked on the opposite side of the road. It will endanger children at school times. Adding another junction would be irresponsible, an accident waiting to happen.

The High Street is congested. On street parking causes a problem. More houses and additional cars will exacerbate the problem. They will make it dangerous. The high street, it is not wide enough for vehicles to park, it is effectively a one way street with vehicles parked nose to tail and very restricted visibility. Representatives of the Diocese of Bath and Wells should come to Stogursey and drive up and down the High Street a few times to see how bad the situation is.

There is no functioning bus service. There is a college bus Monday to Friday term time only and a courtesy bus service to Hinkley Point.

Expanding non-essential housing in the village will not benefit the village

Executive houses are not modest. There is no need for 5 large, executive type, houses in the village. Large houses are beyond the budget of first time buyers and local villagers who want to stay in the area. Building large executive homes will not benefit the local population. The local housing need is for 2 bed starter and retirement homes and 3 bed family homes, affordable housing: affordable houses for young people. Stogursey already has a large modern housing estate. Please deny further profiteering by developers and landowners and turn this down.

Impact upon Conservation area

This part of the village is right in the middle of the conservation area. Most houses are very old. The proposal would ruin the approach to the village. It would materially and permanently change the character of the High Street. The new houses would be totally out of keeping with the historic dwellings in the conservation area. This is a

totally unsuitable place for new houses There are more suitable places within the village to place houses. The proposal contravenes planning policy to the provisions of the NPPF.

Loss of Amenity Space

The Glebe field is amenity land, enormously important to the village. The proposal would deprive the village of suitable open space. Villagers have for generations been able to stand at the gate at the entrance to the field and look at the Stogursey castle and Quantock Hills AONB. These views would be blocked and lost forever if houses are built on this site It would remove hope of local people ever being able to access the amenity space

Pedestrian link

The proposed new permanent pedestrian access leads only to the school gate, where the public do not have any access rights. It would mislead people into thinking that it provides an access to the wider public right of way network. Having a footpath at the rear could affect children in the school

Impact on wildlife / Loss of habitat

The field is worthy of being conserved. There should never be any development of this unspoilt site. The Glebe field is not a viable, ecological, sustainable solution to any housing issues. It will involve loss of habitat and disturbance to wildlife. Time would be better spent finishing other developments. It would make more sense to finish building the 27 houses at Paddons Farm before obliterating another green space in the name of greed. There are another developments in the area that are better suited to additional housing

Flooding

The field regularly floods. Putting more concrete will exacerbate flooding. Surface water drainage to the south, into the Brook will have an impact on the basin of Caste Street which has had numerous floods.

Impact on neighbours' amenity

Disagree with the statement that the proposal will have no discernible impact upon light, outlook, privacy. This is absolutely untrue. The existing houses would be overlooked and lose their view of the Quantock Hills. The night sky, that will disappear. The distance between the frontages is legislated at 21-22 m. This is only 18m. Bedroom windows of the new houses would be on a level. The houses should be 1.5 storey and set back from the road. The current owners bought their houses believing that the Glebe field would be protected from development. Are they to be sold out? Property values would be devalued making them hard to sell.

Precedent

There is concern that it will set a precedent for further development. It is entirely possible that 5 houses will lead to more development in the field. A 35 dwelling scheme was withdrawn last year. The infrastructure will be in place for the further development of the remainder of Glebe field. Is this a cynical ploy on the part of the developers to designate the field for more houses?

Miscellaneous

Stogursey is becoming a dormitory for Hinkley. Larger houses are bought landlords and converted into HMOs for transient Hinkley Point workers, not local families . We have had several new housing developments forced upon us. Planners and developers totally fail to acknowledge the hardship we are experiencing. This application puts the corporate greed of the Diocese above the needs of the local community. Don't let greedy builder destroy what is still a beautiful and rural village in the heart of Somerset

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

Policy SD1 Presumption in favour of sustainable development
Policy SC1 Hierarchy of settlements
Policy SC2 Housing Provision
Policy SC3 – Appropriate mix of Housing types and tenure
Policy SC4 – affordable housing
Policy SC5 - Self-containment of settlement
Policy TR1 - Access to and from West Somerset
Policy TR2 - Reducing reliance of the private car
Policy CF1 - Maximising access to health, sport, recreation and cultural activities
Policy CF2 - Flood Risk Management
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 potential
Policy NH4 - Archaeological sites of local significance
Policy NH6 - Nature conservation and the protection and enhancement of biodiversity
Policy NH7 Green Infrastructure
Policy NH11 Bat Consolation Zone
Policy NH13 Securing High Standards of Design
Policy ID1 Infrastructure Delivery

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

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

TW/2 Hedgerows
R/7 Amenity Open Space
R/12 Informal Recreation Facilities
T/8 Residential Car parking
T/9 Existing Footpaths
UN/2 Undergrounding of Service Lines & New Development

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.

At five dwellings 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, represents 'limited' development within the provisions of Policy SC1.

The proposal is for a relatively small infill development of the kind that Policy SC1, Hierarchy of Settlements, was intended to facilitate.

The proposal includes a mix of different house sizes, design and types. There is a requirement for new 3 and 4 bed houses, as well as smaller ones. At this scale of development the mix and sizes of house type is considered to be compliant with Policy SC3.

The recent appeal decision (APP/W3330/W/21/3272670, 17/09/2021 - appended as Appendix 1) to allow the development of 27 dwellings on land off Shurton Road,

Stogursey changes the policy consideration. Firstly, it provides for another 27 dwellings in the village, concentrated in one location. This development, together with the permissions already granted, also exceeds the total number of new dwellings envisaged for Stogursey during the plan period, as defined in the supporting policy text. As acknowledged by the Planning Inspector, the approval of the Shurton Road site monopolises the growth potential of the whole village up to 2032, as set out in Policy SC1. However in reaching her decision to allow the appeal, the Planning Inspector agreed with the opinion of her colleague who considered the previous 60 dwelling proposal at the Shurton Road appeal hearing in March (ref. APP/W3330/W/3243508) that the Council cannot, at present, demonstrate a 5 year housing land supply and therefore she allowed the appeal.

A third Planning Inspector has also offered his view that the Council cannot presently demonstrate a 5 year housing land supply in connection with a recent appeal at: Land North of Huish Lane, Washford TA23 0GD (Inspectorate Ref. APP/W3330/W/203263266, Decision Dated 23/09/2021). He states:

28. That the Council cannot currently demonstrate a 5-year supply of deliverable housing sites engages Paragraph 11d) of the Framework. Paragraph 11d)i) states that permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development.

What this means is that elements of Policy SC1, specifically the definition of limited development, cannot be relied upon to form a sound basis for refusing planning permission in Stogursey or elsewhere in the ex-West Somerset Council area whilst a 5 year housing land supply cannot be identified.

Of course, 5 year housing land supply is not a static concept. It changes when more planning permissions are granted, or in accordance with government rules, if a different methodology is adopted for its calculation.

The methodology for calculating 5 year housing land supply is set to change from local plan figures to standard method on 23 November 2021, when the existing West Somerset Local Plan to 2032 reaches five years old. At that point the Standard Methodology calculation becomes relevant- providing an estimated 10.5 year housing land supply.

Development proposals need to be considered in accordance with the policies prevailing at the time of the decision. The proposal would contribute towards the council's target of providing 2,900 dwellings during the period to 2032, as set out in Policy SC2. Housing Provisions.

The proposal involves the loss of Grade 3, 'good to moderate' agricultural land. However, the area involved is quite small, 0.45ha, and the agent has confirmed that its loss will have no discernible impact on the farming enterprise that currently rents the land. The applicant's agent also points out that the Planning Inspectorate recently allowed an appeal at Shurton Lane which involved the loss of a larger piece of agricultural land of the same grade.

Amenity space

The site is designated as amenity land in the saved West Somerset Local Plan 2006 (Policy R/7 Amenity Open Space). The land is privately owned and there is no public right of access to it. 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 first floor of houses opposite, southwards across the countryside towards the Quantock Hills. However, the hedge on top of the stone boundary wall limits the views to glimpses in most places.

Saved policy R/7 allows for the loss of amenity open space where, among other factors the:

(ii) Development of the site would provide a positive social or economic development which would outweigh the loss of the Open Space

In this case the applicant is proposing to provide a footpath link through the site to the existing public rights of way and, if desired, an alternative route to the primary school playing field. This link will provide views across the fields and hedgerows towards Stogursey Castle ruins and Quantock Hills, and is considered to provide positive social and economic benefits.

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'

Policy NH13 Securing High Standards of Design

The infill development proposed is considered to be modest in scale and to pay careful attention to the current High Street alignment. It has been designed to retain much of the existing wall / hedge feature As such it maintains the medieval street grid pattern of the village responding positively to the Quantock Vale Character area.

The proposed development would have a conventional street relationship with adjoining and opposite neighbours whose amenities would not be adversely impacted. At present levels on the site are higher than the surrounding area. A degree of excavation will be required to ensure that slab levels, roof heights etc. are compatible. A condition requiring submission and approval of datum slab and ridge level heights is considered necessary to ensure satisfactory appearance and neighbour amenity, and is recommend.

Flooding

The site is located in zone 1 and is therefore not at risk from fluvial or surface water or tidal sources. A SuDS system for surface water drainage and mains connection for foul water is considered to be acceptable for a development of this size and accords with to Policy CC2, Flood Risk Management. Concerns are raised within the representations received regarding this area of land flooding, however, as it is within

Flood Zone 1, there are no flood risk grounds to object to this application.

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 be acceptable in terms of its' 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 site is over 250m from the castle and will be seen against the backdrop of existing buildings. It is not considered to have an adverse impact.

The current application proposal, for five dwellings, is confined to the northern part of the site. It involves frontage development between No.25 High Street and The Rectory with rear gardens and parking area. Historic England have confirmed that they do not raise objection to the proposal, adding that they consider this to be the maximum developable area of the site. This latter point references back to the earlier outline application for 40 (subsequently 35) dwellings. That application proposal related to a larger site (3.1ha) which included the southern part of the field and was considered by Historic England and the Council's Conservation Officer to have an adverse impact on the open setting of Stogursey Castle Scheduled Ancient Monument (SAM). Any future application would need to be assessed against prevailing policy provisions and its merits at the time, but this gives a strong indication that further development of the field to the rear would not be supported.

The High Street is located within the Stogursey conservation area. This area is typified by small closely packed cottage style houses in the core, with larger double fronted and individual houses on the periphery, especially where it extends

westwards into Tower Hill. The proposed houses with their relatively narrow frontages and long rear gardens respect the burgage plots of the central area.

The site is located in an area with high archaeological potential a condition to require an archaeological survey prior to the commencement of works is considered necessary

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 which would be upgraded to an access drive serving the five properties, the field beyond and the proposed new pedestrian access to the south west. The Highway Authority are satisfied that this arrangement, including the junction with the High Street and turning space to the rear is satisfactory, subject to conditions. The level of vehicular movements associated with the development would not exceed the capacity of local road network, but given the limited public transport services in the village residents would be reliant on the private car, creating a degree of conflict with Policy TR2, reducing reliance on the private car - although not sufficient to justify withholding planning permission.

Adequate resident parking is proposed in accordance with policy. This has been designed as open garage ports to encourage its retention for use for parking rather than storage and the garage building designed to resemble traditional agricultural buildings

Ecological Impact and biodiversity net gain

All boundary hedgerows and trees are shown retained, except short section of the species poor hedgerow on the High Street boundary. A landscaping scheme is proposed with new planting and habitat creation around the site. The site is considered to be of low ecological value the creation of private gardens associated with the development is likely to result in a small improvement in biodiversity in the area.

The site is located within the consultation zone from the Exmoor and Quantock Special Area of Conservation (SAC) in relation to bats. However, it is considered to be sufficiently distant to have no adverse effect upon it.

Infrastructure capacity and S.106

- The proposal is for 5 dwellings. This is below the affordable housing threshold as set out in Policy SC4, Affordable Housing.
- A Section 106 legal agreement will be required to secure the pedestrian link through the site to the public footpaths to the south west.

Conclusion

The proposed development has been carefully designed to infill a gap in the existing street frontage. It would result in the addition of five bespoke dwellings integrated into the street scene. Whilst the current gap in the built frontage has been designated as amenity open space, it is privately owned land, and hidden behind a stone wall and high hedge. It makes little positive contribution towards the amenities of the village. The provision of pedestrian link to existing public rights of way has a

positive benefit that outweighs any amenity space loss associated with the development.

The proposal makes a modest contribution towards improving housing supply in the former West Somerset area and as such is recommended for conditional approval subject to a section 106 legal agreement to secure the pedestrian link.

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



APPEALS RECEIVED – 4 NOVEMBER 2021

Site: ZEALS COTTAGE, TOLLAND ROAD, TOLLAND LYDEARD ST
LAWRENCE, TAUNTON, TA4 3PW

Proposal: Erection of extension to garage to form car port with store over at Zeals Cottage, Tolland Road, Tolland, Lydeard St Lawrence (retention of part works already undertaken)

Application number: 41/21/0001

Appeal reference: APP/W3330/D/21/328026

Decision: Chair - Refusal

Enforcement Appeal:

Site: ORCHARD COURT, BLAGDON HILL ROAD, BLAGDON HILL,
TAUNTON

Proposal: Erection of implement shed at Orchard Court, Blagdon Hill Road, Blagdon Hill (resubmission of 30/20/0042)

Application number: 30/21/0026

Appeal reference: APP/W3330/D/21/3281146

Decision: Parish Delegation - Refusal

Enforcement Appeal:

Site: The Blade Mill, Woodford Road, Monksilver, TA4 4HW

Proposal: Conversion of garage into 1 No.replacement dwelling with conversion of existing dwelling into ancillary accommodation

Application number: 3/24/21/005

Appeal reference: APP/W3330/W/21/3281786

Decision: Delegated Decision - Refused

Enforcement Appeal:

APPEAL DECISIONS – 4 NOVEMBER 2021

Site: 5 LANGHAM GARDENS, TAUNTON, TA1 4PE

Proposal: Installation of window at first floor level at 5 Langham Gardens, Taunton

Application number: 52/21/0009

Reason for refusal: Dismissed

Original Decision: Delegated Decision



The Planning Inspectorate

Appeal Decision

5 Site Visit made on 14 September 2021 by **Martin Allen**

BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2021

Appeal Ref: APP/W3330/W/21/3276435

6 Langham Gardens, Taunton, TA1 4PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Miss Alison Brown against the decision of Somerset West and Taunton Council.
 - The application Ref 52/21/0009, dated 15 March 2021, was approved on 21 April 2021 and planning permission was granted subject to conditions.
 - The development permitted is the installation of window at first floor level.
 - The condition in dispute is No 3 which states that:
The window hereby permitted at first floor level on the south elevation of the property shall be fitted with obscure glazing and fixed closed and shall thereafter be retained and maintained.
 - The reason given for the condition is:
To protect the amenities of adjoining residents.
-

Decision

1. The appeal is dismissed.

7 Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force. In light of this, I have sought the views of the main parties in writing and any comments received have been taken into consideration.

8 Main Issue

3. The main issue is whether the condition is reasonable and necessary having regard to the effect on the living conditions of neighbouring occupiers, with particular regard to overlooking.

9 Reasons

4. The condition subject to the appeal relates to a proposed new window to the side elevation of the building, that would serve the second bedroom of a first floor flat. The new window would be positioned in the southern elevation, which projects forward of the front elevation of the neighbouring properties and would be positioned such that views of the internal space of the adjacent property would be possible, through a large first floor window to the front elevation, should the window be openable and clear glazed. This would have an unacceptable effect on the living conditions of this adjacent property, through overlooking. Even if the window was openable, hinged on the left-hand side, but obscurely glazed, views towards the neighbouring property would likely remain possible when the window was open.
5. I note that the appellant has submitted a photograph showing the window arrangement to the rear of a number of nearby properties, which shows windows that appear to be similarly arranged. However, from this information I am unable to determine whether these circumstances are similar in terms of the arrangement of internal space. Furthermore, this is an existing situation and does not convince me that the harmful effect of permitting an openable and clear glazed window at this location, that I have identified above, would be acceptable.
6. I note that the intention of the new window is to provide additional light for the appellant to undertake artwork within the room. However, there is nothing before me that convinces me that the light provided by an obscurely glazed window would not be sufficient. Additionally, the appellant asserts that the existing window does not provide sufficient opening to function as an escape in the event of a fire, nonetheless I see no reason why the existing window could not be altered to perform this function, particularly when the proposed window opening appears narrower than the existing. As such, these matters do not outweigh the harmful effect of allowing the window to be open or clear glazed.
7. Accordingly, I find that the condition is reasonable and necessary in the interests of protecting the living conditions of neighbouring occupiers, with particular regard to overlooking. Thus, the condition is necessary in order for the proposal to accord with policy DM1 of the Taunton Deane Core Strategy (2012) and policy DM5 of the Taunton Deane Adopted Site Allocations and Development Management Plan, insofar as they seek to ensure that development does not unacceptably harm the residential amenity of dwellings.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

10 *Martin Allen*

INSPECTOR

Site: GABRIELI, GREENWAY LANE, LOWER HENLADE, TAUNTON, TA3 5NA

Proposal:

Appeal A = Application for a Lawful Development Certificate for the proposed erection of a garden building to form a studio/garage/gym/hobbies room at Gabrieli, Greenway Lane, Lower Henlade

Appeal B = Application for a Lawful Development Certificate for the proposed erection of a garden building to form a studio/garage/gym/hobbies room at Gabrieli, Greenway Lane, Lower Henlade

Appeal C = Conversion of garage/studio, with erection of extension, into 1 No. 1 bedroomed annexe and erection of replacement garage/studio/gym and hobbies room at Gabrieli, Greenway Lane, Lower Henlade

Application number: 31/20/0023/LP, 31/20/0024/LP and 31/20/0011

Reason for refusal: Appeal A = Dismissed

Appeal B = Dismissed

Appeal C = Mixed (part dismissed/part approved)

Original Decision: Delegated Decision



Appeal Decisions

Site visit made on 27 July and 8 September 2021 **by Andy Harwood CMS MSc**

MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2021

11 Appeal A Ref: APP/W3330/X/21/3270204 Gabrieli, Greenway Lane, Lower Henlade, Taunton TA3 5NA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended (the Act) by the Planning and Compensation Act 1991 against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs Ravenor against Somerset West and Taunton Council.
- The application Ref. 31/20/0023/LP is dated 25 August 2020.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.

- The development for which a certificate of lawful use or development is sought is described as "Construction of a garden building in the rear garden of Gabrieli to form a studio, garage, gym and hobbies room in line with the drawings submitted – 5448/P/RS2, 5448/P/RS3 & 5448/P/RS6 plus Planning Statement 5448PS."
-

12 Appeal B Ref: APP/W3330/X/21/3270205 Gabrieli, Greenway Lane, Lower Henlade, Taunton TA3 5NA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs Ravenor against Somerset West and Taunton Council.
 - The application Ref. 31/20/0024/LP is dated 25 August 2020.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is "Construction of a garden building in the rear garden of Gabrieli to form a studio, garage, gym and hobbies room in line with the drawings submitted – 5448/P/RS4, 5448/P/RS5 & 5448/P/RS6 plus Planning Statement 5448/PS-2."
-

13 Appeal C Ref: APP/W3330/W/21/3270176 Gabrieli, Lower Henlade, Taunton TA3 5NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Ravenor against the decision of Somerset West and Taunton Council.
 - The application Ref 31/20/0011, dated 14 April 2020.
 - The development proposed is described as "alteration of existing garage/studio to form one bedroomed annexe and construction of replacement garage/studio/gym and hobbies room."
-

Decision – Appeal A

1. The appeal is dismissed.

Decision– Appeal B

2. The appeal is dismissed.

14 Decision– Appeal C

3. The appeal is dismissed insofar as it relates to "the construction of the proposed replacement of the garage/studio/gym and hobbies room" and planning permission is refused for the proposed replacement of "the garage/studio/gym and hobbies room". The appeal is allowed insofar as it relates to "the alteration of existing garage/studio to form one bedroomed annexe" and planning permission is granted for "the alteration of existing garage/studio to form one bedroomed annexe" at Gabrieli, Lower Henlade, Taunton TA3 5NA in accordance with the terms of the application, Ref 31/20/0011, dated 14 April 2020, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: '5448/P/01', '5448/P/03' and '5448/P/04'.
- 3) Prior to the development hereby permitted taking place, a scheme for "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in accordance with the scheme as approved.

15 Preliminary Matters

4. I carried out an access required site visit on 27 July when I was allowed access to the site. However, I subsequently requested details of nearby Listed Buildings (LBs) as an issue had been raised by an interested party. Following the receipt of the details of the LBs and after both main parties had been given an opportunity to comment on any implications of the revised National Planning Policy Framework (the Framework), I carried out an unaccompanied site visit to further consider some of the matters raised by looking only from public land.
5. The development proposed within appeals A and B are alternative schemes for a similar outbuilding with a difference relating to internal dimensions.
6. Revised plans have been submitted in relation to the planning application being assessed in Appeal C. However, as the 'Procedural Guide – Planning Appeals – England' advises, if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application. If an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority and which were subject to public consultation. I will deal with the proposal on the basis of the plans that were originally submitted.

16 Appeals A) and B) - Main Issue

7. The Council has confirmed that had they determined these applications, they would have reached the view that neither of the alternative proposals would be 'permitted development' under the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015, as amended (the GPDO). The onus is upon the appellants to prove, on the balance of probabilities, that the development would be lawful, within the scope of those provisions.

17 Appeals A) and B) Reasons

8. The appeal site includes a dwelling and a 2-storey outbuilding which is described as a garage and studio. These are towards the front of the site, close to Greenway Lane. There is a single vehicular access between these existing buildings which leads up a steep sloped driveway towards the garden. The proposal is for a large outbuilding positioned to the rear of the garage and studio on what is presently part of the lawn.

Curtilage

9. The garden of the property is extensive. The LDCs propose alternative schemes for similarly designed buildings that would have the same purpose and which would have the same position within the site. The proposed position would be on an area of land that was at least partly previously in separate ownership. The Council has accepted within their representations, which includes reference to an LDC approved in 2020 for the "existing change of use of land to domestic garden". The GPDO

conveys under class E, permitted development rights for various developments “within the curtilage of the dwellinghouse”. The terms ‘garden’ and ‘curtilage’ are often confused but are not one and the same thing.

10. There is no definitive designation of what constitutes the ‘curtilage’ of a building. It is a matter of fact and degree coming about due to various legal authorities. It has been generally held that for land to fall within the curtilage of a building, it must be intimately associated with that building to support the conclusion that it forms part and parcel with it, although it is not necessarily the case that it must always be a small area. It is a matter for the decision maker to consider 3 relevant factors in the round. These are (i) the physical layout of the building (the dwellinghouse) and the land; (ii) ownership past and present; and (iii) use or function past and present.
11. In this case, all of the land within the current site where the building is proposed for construction, is closely associated with the dwelling in terms of present use as residential garden area and is also intimate with the dwelling given that it is overlooked by windows and a balcony. The location is on land that is in one enclosure with the dwelling. There is no dispute that this has been used for the present purposes connected with the occupants of the dwelling for around 40 years and that they have owned it for that length of time. I am satisfied, looking at this in the round as a matter of fact and degree, that the location of the buildings proposed in both applications (appeals A and B) would be within the curtilage of the dwellinghouse. *Physical dimensions and construction*

12. The building proposed in appeal B would involve what appears on the submitted plans to be a degree of digging into or levelling off of the land. This would be a minor levelling of the land and that as a matter of fact and degree would not be a separate engineering operation. Both proposals therefore show buildings that would be within the size limitations as set out within paragraph E.1. Even when a proposed building within the curtilage of a dwellinghouse would fit within the size limitations, it does not always follow that it would be permitted development. The proposed use for the building also needs to be within the scope of Class E.

Proposed Use

13. Class E grants permission for the provision within the curtilage of the dwellinghouse of (amongst other things) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such. The Courts have held that the word “required” in this context should be interpreted to mean “reasonably required.” It is for the appellant to show that what is proposed is reasonably required for a purpose incidental to the use of the dwellinghouse, as a dwellinghouse.
14. Class E at paragraph E.4 provides some advice about interpretation and refers to various activities for the “domestic needs or personal enjoyment of the occupants of the dwellinghouse”. However, there is no definition within the GPDO of what “incidental” means and so the ordinary meaning of the word needs to be considered. The Concise Oxford Dictionary states that it is “casual” and “not essential (to).”
15. The appellant has referred me to the Emin¹ court authority. In that case, the Court endorsed the general approach of the Inspector (the case was remitted due to a

¹ Emin v SSE & Mid Sussex DC [1989] JPL 909

conceded error on a different point). It was held that the size of the building when taken alone may not be determinative but can be a relevant consideration as it may represent some index of the nature and scale of the activities. The use cannot rest on an unrestrained whim but connotes some sense of reasonableness in the circumstances of the particular case. Incidental as referred to in Emin means that there must be some element of subordination which is consistent with the dictionary definition. The evidence must demonstrate, on the balance of probabilities, that the proposed building is genuinely and reasonably required for purposes incidental to the enjoyment of the dwellinghouse as such.

16. The proposed single-storey building would be 23.5m long and 11.5m wide. I have not been provided with comparisons of the ground floor areas with the other buildings on the site as has been done in some of the other appeal cases that have been referred to. However, this would be a substantial building which would not appear subordinate within the site when compared to the size of the existing buildings. It would have the potential to be used at a significantly noticeable scale. However, it is necessary to look in the round at how it is intended to be used.
17. There would be 3 main rooms that are labelled 'studio', 'garage' and 'gym/hobbies'. On the northern side, closest to the dwelling there would be a pedestrian door leading into a lobby with a WC to the 'studio'. It is not unusual in my experience for a WC to be included within garden outbuildings even though the purpose is clearly for a primary human function. Taken alone I do not consider that such provision would indicate that the building is intended for primary accommodation. However, the appellants do state that the new building is, at least in part, required to accommodate the same functions as the existing garage and studio. The existing first-floor studio has been used as an annexe for the appellants' daughter and also as a "guest suite" which are primary activities. Taken at face value this would indicate that the proposed studio may be intended for some guest accommodation and the nearby WC would assist in that. Such use would not be incidental to the use of the dwellinghouse.
18. Even if the 'studio' would be used only for music or other hobbies of the occupants of Gabrieli, the largest individual room within the proposed building is labelled for 'gym/hobbies'. This is imprecise indicating that there is no firm intended purpose. Whether it would be used as a gym and for hobbies or whether it would be an 'either/or' situation is not clear. This seems to me to be a variable or not entirely planned situation, possibly an "unrestrained whim", as was referred to in the Emin case. Furthermore, it is not explained why such a large room is required when other substantial rooms are also proposed. The big doors providing access to the 'gym/hobbies' room and the garage may enable use for housing a vintage tractor and agricultural machinery collection. However, I have been provided with no information to indicate the scale of that use which, particularly given the size of the building, could be more than simply casual or subordinate to the occupation of the dwellinghouse.
19. What is clear from the applications is that the primary reason for requiring the outbuilding, as well as replacing the existing studio space, is to enable the appellant's daughter and her husband to move to the site. These needs do not therefore arise, according to the supporting information, from the activities of the existing occupants of Gabrieli. Even if I were to allow the appeal for the works to the existing 'garage/studio' (Appeal C), which would make the residential occupation of that building more likely, those works would still need to be carried out at some point in the future. There may also be a number of other factors that could change the circumstances of the occupation of the site, affecting whether the annex is occupied

as planned. Section 192(2) of the Act, states that a certificate should be issued if it is shown that a use would be lawful if instituted or begun "at the time of the application." In this case, the need for the outbuilding does not arise from the circumstances that existed at the time of the application but from what may happen in future. This in my view adds to further uncertainty about whether the proposed building would be used for purposes incidental to the occupation of Gabrieli.

18 Appeals A) and B) Conclusions

20. Other appeal decisions have been referred to and some details provided. I am not persuaded that my decision in this case is inconsistent with those other decisions made with respect to the specific circumstances in those cases. I have considered these appeals on the circumstances relevant in this case.
21. For the reasons given above I conclude that the Council's deemed refusals to grant a certificate of lawful use or development in respect of the construction of a garden building in the rear garden of Gabrieli to form a studio, garage, gym and hobbies room was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

19 Appeal C) Main Issues

22. The Council has confirmed that had it had the opportunity to determine the planning application, they would have refused it.
23. From the reasons given, I consider that the main issues are:
 - Whether the proposal would be acceptable in principle in this location, taking account of the development plan and other material considerations;
 - The effects upon the character and appearance of the site and surrounding area;
 - The effects upon water and nutrient discharge; and
 - The effects upon flood risk.

20 Appeal C) Reasons

Principle

24. The Council is concerned that the accommodation proposed within the annexe would be tantamount to the creation of a new dwelling. There is no dispute that a new dwelling in this location would not comply with policies SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan, December 2016 (DMP) and Policy SP1 of the Taunton Dean Borough Council, adopted Core Strategy 2011- 2028 (CS). However, that is not what is proposed as set out on the application submissions.
25. It is clear that the detached building that includes the existing garage and studio already contains facilities that can provide accommodation as it stands. Furthermore, the building has been used in that way with the appellants' relatives and some visitors having occupied the building as an annexe in the past. The proposal would involve the extension of the building to provide additional, more comfortable ancillary accommodation. However, although the facilities would enable a greater degree of independence from the main dwelling, that in itself does not mean that the proposal is tantamount to creating a new dwelling. It has been held that if such accommodation is provided to enable independent day-to-day living, it would not necessarily involve

the creation of a separate planning unit from the main dwelling or therefore involve a material change in the use of the buildings and land. It is a matter of fact and degree to consider on a case by case basis.

26. The site is accessed via a single gateway from the road. The building proposed for conversion is close to the road and driveway. The existing garage doors would be replaced by windows and doors that would face towards the driveway and large windows within the side of the appellants' dwelling. The proposed balcony would overlook the immediate rear external space of the appellants' dwelling. Both buildings are within the curtilage of the dwellinghouse which has been assessed as such above within Appeal A and Appeal B. The buildings are intimately positioned with each other even though they are not physically joined together. No separation of individual plots is proposed and the site is intended to be occupied by the appellants' daughter. She has regular caring responsibilities to help the appellants and would live in the annexe with her own family. I am satisfied that if implemented as proposed, as a matter of fact and degree, the development would not involve the creation of a new planning

unit or involve a material change of use if occupied in this way. If those circumstances were to change in future to the extent that a material change in the use of the land and building occurred, the Council could consider the expedience of enforcing against that, at that time.

27. DMP Policy D6, allows the conversion of appropriate buildings within the curtilage of dwellings for ancillary accommodation without requiring further assessment. However, the proposal does not involve a new act of conversion given that the building can currently be used for residential purposes, as an annexe. Furthermore, even if I were to consider it in that way, the works proposed, as a matter of fact and degree, do not amount to the erection of a new building and criteria A to E do not therefore require consideration.
28. CS Policy DM2, relates to development within the countryside. Criteria 7 allows conversion of existing buildings and is relied upon by the Council. Again, the annexe is not caught by this criterion as the building is proposed for extension and alteration and not conversion.
29. The proposed detached outbuilding does clearly propose primary living "accommodation". Whilst I have indicated with respect to appeals A and B, there is some ambiguity as to whether the 'studio' may be replacement ancillary accommodation, I have not considered this appeal on that basis. The proposal for planning permission does not propose "living space for relatives, often elderly" as referred to by paragraph 1.8.11 of the DMP. That sets the context for DMP Policy D6. As such, the outbuilding does not fall to be considered with respect to DMP Policy D6.
30. With respect to this main issue, the proposal does not breach the policies referred to by the Council, namely DMP Policies SB1 and D6 and Policy SP1 of the CS. I will go onto consider whether the detail of how the whole development is proposed with respect to the other main issues.

Character and appearance

31. The appeal site is within an area that has a rural feel although the buildings which come in a range of styles from various eras, give the area a spacious, suburban quality. Gabrieli is a large dormer style bungalow within spacious grounds, set behind a block boundary wall. The large, 2-storey existing garage/studio is detached from

the dwelling on the opposite side of the driveway and has a simple, modern design with a tiled pitched-roof, windows within the gable-end that face towards the dwelling and with rendered walls.

32. The rear (south) elevation of the garage/studio is proposed to be extended with a large pitched-roof dormer which would also have doors opening onto a balcony on the roof of the ground floor kitchen. The kitchen would adjoin a narrow perpendicular 2-storey addition with a pitched gable-roof. The roofs of these additions would be set down from the ridge of the original building and would be positioned on the southern, garden side of the site with only limited glimpses being possible from the road close to the northern side. It would be possible to see the extensions from the public footpath alongside the eastern boundary and from the neighbouring garden and dwelling on that side. The extensions would not dominate the appearance of the existing building and the resultant building would remain subservient in visual terms to the scale of the dwelling. These elements would not cause any substantial enclosure of the footpath nor the neighbouring garden.
33. The Council did not raise concerns regarding the setting of LBs but this has been raised by other interested parties. I have a statutory duty to have special regard to the desirability of preserving the setting of LBs². The 2 LBs in question are 'Musgrove Farmhouse', located near the junction of Stoke Road and Greenway Lane, and 'Potmans' which is further to the east within Stoke Road. Both of these buildings are located a substantial distance from the appeal site. The proposed position of the extensions to the garage/studio would have a very limited visual impact upon the street-scene nearby in Greenway Lane or the environment within which the LBs are experienced by their occupants or members of the public. I consider that this would not impact upon the significance of the LBs as designated heritage assets or their settings.
34. The proposed detached outbuilding would be further to the rear of the annexe and dwelling. It would take up a substantial amount of space and volume within the rear garden. This would be very noticeable from Greenway Lane and from the public footpath. The current spaciousness between the buildings on the appeal site and the adjoining dwelling would be severely compromised. That spaciousness is presently a distinctive characteristic of the area. The building would be of an industrial scale and although clad in timber which may soften to a small degree its starkness over time, it would remain a bulky and utilitarian structure. This would urbanise the appearance of the site when viewed from Greenway Lane, the nearby public footpath and neighbouring properties.
35. The plans propose to raise the hedge – but I have no evidence about how long it would take for the hedge to grow up to the height shown in order to have any significant screening effect. Furthermore, the long-term maintenance of a growing hedge would be difficult to ensure through the imposition of a planning condition and I do not consider that this or other landscaping would adequately address my concerns. A large amount of the garden would remain undeveloped and substantial distinctive trees as well as other landscaping, would be retained and could be adequately protected through the imposition of suitable planning conditions. However, overall the building would have a harmful urbanising impact upon the rural feel of the settlement. The building would not integrate satisfactorily with the street-scene.

² The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1)

36. I have also taken account of the effect the proposed detached building would have upon the settings of the LBs. Again, due to the distance of the site from these, this part of the proposal would have a neutral effect upon those buildings, preserving the settings of them. This however does not alter my view that the construction of this building would harm the character and appearance of the site and surrounding area. That part of the proposal would not comply with CS Policies DM1 and CP8 and DMP Policy D7 or the Framework.

37. The proposed alteration of existing garage/studio to form one bedroomed annexe would however not harm the character and appearance of the site and surrounding area. That part of the proposal would comply in these respects with CS Policies DM1 and CP8 and DMP Policy D7 and the Framework.

Biodiversity - Somerset Levels and Moors RAMSAR site

38. There are washing and toilet facilities already within the existing annexe. Whilst these are proposed to be upgraded, no change of use of the building is proposed for reasons that I have explained above. The developments are proposed to be used by members of the appellants' family. The building as exists could, be used for the same purposes albeit in a less comfortable manner. The Council suggests that the proposal would require a Habitat Regulations Assessment but I do not agree that it would be necessary due to the nature of the proposal.

39. On the basis of the submitted evidence, I do not consider that it has been demonstrated that the proposal would lead to additional foul water discharge or therefore increased nutrient discharge (phosphates in particular) that would adversely impact upon the Somerset Levels and Moors Ramsar Site. In these respects, I can find no conflict with CS Policies C8 and DM1 or the advice of the Framework.

Flood risk

40. Given that no change of use is proposed, the flood risk vulnerability will not change as suggested by the Council which is their only concern in relation to this matter. With respect to this main issue, I do not consider that the development would lead to additional flood-risks and would not conflict in this respect with CS Policy C8 or the advice of the Framework.

Overall balance

41. I have the power under s79(1)(b) of the 1990 Act to split a decision on a s78 planning appeal, allowing one part of a scheme and dismissing the rest although am not obliged to do so. With respect to the above main issues, I consider that the alteration and extension of the garage/studio is acceptable but that the proposed outbuilding would not comply with development plan policies. These buildings are not connected physically to each other. I can therefore consider approving one part of the proposal and refusing the other.

42. The changes to the Framework as drawn to my attention by the appellants have not changed primary legislation. I am required, by s38(6) of the Planning and Compensation Act 1991, to make my decision in accordance with the development plan unless material considerations indicate otherwise. The individual personal circumstances of the appellants are capable of being other material considerations. However, the refusal of planning permission for the outbuilding would not prevent the appellants' family coming to live with them and is insufficient to outweigh the harm I have identified in relation to that part of the proposal. Furthermore, due to my decision in relation to Appeals A and B, the outbuilding as proposed would not be

permitted development. It therefore does not form a clear fallback position of any significant weight in this decision.

43. Neither part of the proposal would adversely affect the living conditions of adjoining neighbours but this is a neutral matter neither weighing in favour nor against the unacceptable part of the proposal. I have also found that no part of the proposal would be unacceptable with respect to the third and fourth main issues but again, this neither weighs in favour or against the proposal.
44. Overall, I consider that the extension to the existing garage/studio is acceptable but there are no matters that collectively or individually outweigh the harm that I consider would be caused in relation to the second main issue, with respect to the proposed outbuilding.

Conditions

45. The Council has suggested the imposition of a number of conditions and I have considered these with respect to the tests set out in the Framework.
46. I agree that it is necessary in the interests of biodiversity to proceed with a cautious approach with respect to the effect of artificial lighting on bats. I have attached a condition that is simplified from that suggested. I have also included a condition requiring compliance with the submitted plans along with the standard time limit.
47. As explained above, a material change of use of the garage/studio is not proposed even though the internal facilities would be improved and the building extended. The Council would have control if the use was materially changed to a separate dwelling and it is therefore unnecessary to attach a condition as suggested, requiring that it is only occupied for ancillary purposes. The Council has not explained why any continuing 'permitted development' rights should be removed. Planning Practice Guidance confirms that such conditions may not pass the tests of reasonableness or necessity and that is the case here. The extension and alteration of the garage/studio in my view does not require further landscaping or the protection of existing landscaping, in order to be acceptable.

21 Appeal C) Conclusions

48. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Andy Harwood

INSPECTOR

Site: 8 ELWORTHY DRIVE, WELLINGTON, TA21 9AT

Proposal: Erection of single storey extensions to the front and rear, first floor extension to the side, formation of driveway and erection of boundary wall to the front of 8 Elworthy Drive, Wellington as amended by agents email of 30th March 2021 and amended drawings Nos DrNo ED-R0B-EX-101 - Rev B, DrNo ED-R0B-PR-101 - Rev B, DrNo ED-R0B-PR-102 - Rev B, DrNo ED-R0B-PR-103 - Rev B, ED-R0B-PR-104 - Rev B and DrNo ED-R0B-PR-105 - Rev B.

Application number: 43/21/0011

Reason for refusal: Dismissed

Original Decision: Parish Delegation



Appeal Decision

Site visit made on 7 September 2021 by Max Webb BA (Hons) **Decision by K Taylor**

BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

22 Appeal Ref: APP/W3330/D/21/3276381 8 Elworthy Drive, Wellington TA21 9AT

- 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 Newberry against the decision of Somerset West and Taunton Council.
 - The application Ref 43/21/0011, dated 3 February 2021, was refused by notice dated 21 April 2021.
 - The development proposed is the creation of a single storey rear extension, creation of a first-floor extension to the side of the property over the garage, single storey front extension, creation of a driveway and creation of a boundary wall in the front garden.
-

Decision

1. The appeal is dismissed.

23 Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

24 Procedural Matter

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to this as a material consideration however, planning decisions must still be made in accordance with the

development plan unless material considerations indicate otherwise. The issues most relevant to this appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

4. The Council's Planning Officer confirms that the ground floor rear extension would be possible through permitted development rights. Furthermore, there seems to be no objection to the installation of the front driveway and front boundary wall. Therefore, this appeal will focus only on the first-floor side and single storey front extensions.

25 Main Issues

5. The main issues in the appeal are the effect of the first-floor side and single storey front extensions on:

- the character and appearance of the host dwelling and the surrounding area; and the living conditions of the occupiers of 7 Elworthy Drive, with regards to loss of light and whether there would be an overbearing impact.

26 Reasons for the Recommendation

6. The appeal dwelling is located in a group of four almost identical, in terms of size and built form, two-storey detached properties with single-storey projections to the side. The appeal street has a stepped building line, with each dwelling located slightly further back from one neighbour and slightly in front of the other neighbour. Dwellings in the wider area are a variety of sizes and built design, however they have some features that bring the appearance of the area together. For example, the presence of a stepped front elevation and the modest gaps between the properties, particularly at first-floor level. The gaps between dwellings gives the area a relatively open character.

Character and Appearance

7. The proposed side extension would be above the existing ground floor side projection. This would bring the appeal property closer to the neighbouring dwelling and almost remove the gap between the properties. This would appear cramped, particularly when compared to the more open character of the surrounding area.
8. The proposed single-storey front extension would bring the front elevation slightly forwards and introduce a sloping roof at ground-floor level across the front elevation. This would disrupt the flat stepped front elevations seen in the vicinity, and therefore would appear incongruous. Although the stepped building line would be maintained, the side and front extension together would interrupt the symmetry seen between this property and the group of surrounding properties.
9. Together, the front and side extensions would significantly increase the overall size of the dwelling. This, combined with the reduction in the gap to the neighbouring property, means the proposal would appear overly large, and not subordinate, despite the side extension being slightly set back, having a lowered ridgeline and not extending beyond the existing rear elevation. The use of matching materials would not diminish this harm.
10. Overall, the proposed side and front extension would cause harm to the character and appearance of the host dwelling and the surrounding area. It would therefore conflict with Policy DM1 of the Taunton Deane Core Strategy 2011-2028 (adopted 2012), which aims to protect the appearance and character of buildings and street

scenes. It would also not comply with Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan (adopted 2016), which seeks to ensure extensions do not harm the form and character of the host dwelling and are subservient in terms of scale and design.

Living Conditions

11. The stepped building line of the properties on the street means the appeal dwelling projects significantly beyond the rear of the neighbouring property, 7 Elworthy Drive. Therefore, the wall of the side extension would be located in close proximity to the rear windows and rear amenity area of No.7. Where it would be two storeys, this would cause a loss of light and an overbearing impact on the rear windows and garden area of the neighbouring property. As the rear of No.7 receives limited light already, it would be particularly sensitive to these effects of the proposal.
12. Overall, the proposed side extension would cause harm to the living conditions of the residents of No.7. It would thus contradict Policy DM1 of the Taunton Deane Core Strategy 2011-2028 (adopted 2012), which looks to ensure development does not harm the amenity of neighbouring dwellings. It would also go against the aims of Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan (adopted 2016), which seeks to prevent development that harms the residential amenity of other dwellings.

27 Conclusion and Recommendation

13. For the reasons given above and having had regard to the Development Plan when it is considered as a whole, I recommend that the appeal is dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR

Site: BARN AT MEARE GREEN, WEST HATCH, TAUNTON

Proposal: Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations to the Barn at Meare Green, Hatch Beauchamp

Application number: 47/21/0001/CQ

Reason for refusal: Dismissed

Original Decision: Delegated Decision



Appeal Decision

28 Site Visit made on 14 September 2021 by **Martin Allen**

BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/W3330/W/21/3276284 Barn, Meare Green, Hatch Beauchamp, TA3 5RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 'GPDO').
 - The appeal is made by Miss Zoe Pring against the decision of Somerset West and Taunton Council.
 - The application Ref 47/21/0001/CQ, dated 12 January 2021, was refused by notice dated 9 April 2021.
 - The development proposed is change of use from agricultural building to dwelling house and associated building operations.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form, as none is given on the application form.
3. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force. In light of this, I have sought the

views of the main parties in writing and any comments received have been taken into consideration.

4. With the appeal the appellant has submitted amended plans showing the external flue omitted from the scheme. The Council has had the opportunity to comment on this and raises no objection to the submission of these plans. I am satisfied that the amended details do not substantially alter the development applied for and thus will make my determination having regard to them.

Main Issue

5. The main issue in this case is whether the appeal building would qualify for change of use to a dwelling under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, with particular regard to (i) the use of the building, and (ii) whether works extend beyond the building envelope.

Reasons

6. The deemed permission granted by Class Q is subject to a number of limitations which are listed in Paragraph Q.1. The proposal must meet all of these in order to qualify as permitted development. This includes Paragraph Q.1(a) which stipulates that the site must have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013 ('the relevant date'). Paragraph X defines 'agricultural building' to mean a building used for agriculture and which is so used for the purposes of a trade or business. Paragraph Q.1(h) requires that the development does not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

Use of building

7. The appeal relates to a barn, set back from the road, and accessed via a gate. The barn is located with an enclosed yard area to the front, enclosed by fencing, with a number of paddocks nearby. The ground floor of the barn is divided into separate stalls/stables, with an open storage area above.
8. The position of the appellant is that the barn was solely in agricultural use on the relevant date, while the Council contends that it is not satisfied that this is the case. In support of the appellants position, they have provided statutory declarations. The appellant states that the land was purchased by the appellants parents in 1981 and that during the ownership, the whole of the land has been used for agriculture, having variously been let out to different farmers for grazing and at other times the land has accommodated the sheep of the appellants' father. During various times, it is stated that the land and the barn have been used for equestrian purposes, but that this has only been for brief periods.
9. The appellant sets out that during the period from 2008 to around the end of 2013, the land and barn was rented to a local farmer (the farmer), who used the land for grazing sheep, and the barn for storing feed and other agricultural items, as well as for sheltering ewes and lambs during lambing. The use of the site by the farmer was undertaken as part of his established agricultural unit.
10. In support of this, a statutory declaration has been provided by the farmer, confirming that prior to 2013, he offered grazing to a further individual (Ms B) for an "occasional week now and again".
11. There is reference to Ms B renting a stable from the appellant at the end of 2013, and that the use of the barn and land by this individual was for the grazing of horses.

12. In addition, various letters have been submitted in support of the appellants' case. The appellants' parents state that there have never been equestrian facilities at the site and there is reference to the tenant moving onto the site at the end of 2013, paying rent for grazing and the stabling of two horses. Further letters state that at the beginning of 2013 there were sheep grazing the land, as well as in 2001/2002.
13. In support of its position, the Council have provided a statutory declaration, that was submitted in respect of the previous application on the site, from Ms B. This states that horses were kept at the site from February 2007 until July 2018 and at no time were sheep or other livestock kept at the premises. This is corroborated by a letter from a nearby resident who confirms that during 2006 and early 2007 Ms B kept horses at the nearby Meare Court Farm, but that in February 2007 she left to rent the property at the appeal site. At the time, she had two horses of her own, plus two others in her care.
14. Additional letters confirm that Ms B's horses were present on the land from at least June 2012 until 2018, as well as attesting to Ms B taking in various horses for stabling, training, and livery purposes. These letters specifically refer to the site being "The Barn", rather than the nearby Meare Court Farm. One letter refers to having known Ms B for 7 years (letter dated July 2018), during the whole time of which Ms B rented the premises at The Barn.
15. There appear to be a number of inconsistencies in the information provided. The first statutory declaration of Ms Pring states the land and barn was rented to the farmer from 2008 until the end of 2013. It is further stated that between December 2013 and August 2018, the barn and land were rented to Ms B. A letter states that the farmer no longer required the land and barn, and that this was the reason for renting it out. However, in the statutory declaration from the farmer, it is clearly stated that Ms B used part of the barn, which was previously used by the farmer, with the farmer then using the upper floor of the barn to store hay and feed. The farmer stated that the stable door was always kept locked, and he rarely saw Ms B. This clearly indicates that both the farmer and Ms B were occupying the barn at the same time. As the farmer states that he left the site at the end of 2013, I find it likely that an overlap of occupancy existed at the relevant date.
16. While the appellant contends that Ms B's use of the barn and land was for grazing only, the evidence provided does not convince me of this. There is reference by parties to providing livery, training and stabling indicating that this was the business of Ms B, there is no evidence that convinces me that horses were kept by Ms B for the purposes of only grazing the land. It appears to me that the grazing was a resultant feature of the keeping of horses for other purposes, i.e., an equestrian use. There is nothing that convinces me that Ms B's use of the building and land was part of an agricultural business. It is also claimed that there was no storage taking place in association with Ms B's horses within the building, which I find unlikely.
17. There is reference to a possible illegal propagation operation taking place at the site, which it is contended comprised an agricultural use. However, if indeed such an activity was taking place and was in fact illegal, it cannot be taken to demonstrate or contribute to any lawful use of the building.
18. Overall, I acknowledge that there are different submissions made by the parties, including interested parties, as to the use that the land and in particular the building has been put to. In this case, the evidence is conflicting, and the consideration of the matters is finely balanced. Therefore, while I am mindful of all the material submitted, I

find that the evidence convinces me that on the relevant date a mixed use, comprising of both agricultural and equestrian uses, subsisted.

Whether works extend building envelope

19. The appellant has submitted amended plans which omit a flue that was previously shown. It was on the basis of this flue that the Council contended that the development would extend beyond the external dimensions of the existing building. Whether or not this would be the case, the appellant has now removed this element from the appeal scheme. As I have stated above, I have considered the appeal on the basis of the amended plans and consider that the development is confined to within the existing building.

29 Conclusion

20. Whilst I have found that the conversion works would not extend beyond the existing building, I have also found that the building was not solely in agricultural use on the relevant date. Thus, the proposal would not be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
21. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR

