

## SWT Planning Committee

Thursday, 26th May, 2022,  
1.00 pm

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

The John Meikle Room - The Deane  
House

[SWT MEETING WEBCAST LINK](#)

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### Agenda

1. **Appointment of Chair**

2. **Appointment of Vice-Chair**

3. **Apologies**

To receive any apologies for absence.

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

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

(Pages 5 - 8)

5. **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.)

6. **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 submitted any questions or statements, please note, a three minute time

limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

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|--|-----------------|
| <b>7. 14/21/0024 - Application for Outline Planning with all matters reserved, except for access and landscaping, for the erection of up to 28 No. dwellings with associated works, formation of access, landscaping, ground engineering and drainage works on land to the west of Derham Close, Creech St Michael</b> | (Pages 9 - 34)  |
| <b>8. 3/07/22/004 - Listed Building Consent. Raising of rear chimney by 250mm, Lawford Farm, Stickle Hill, Crowcombe TA4 4AL</b>   | (Pages 35 - 40) |
| <b>9. 3/26/21/022 - Change of use of land with siting of 6 No. static caravans for holiday let use (retentions of works already undertaken) Caravan, The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP</b>   | (Pages 41 - 50) |
| <b>10. Latest appeals and decisions received</b>   | (Pages 51 - 58) |



**ANDREW PRITCHARD**  
**CHIEF EXECUTIVE**

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## SWT Planning Committee - 28 April 2022

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Roger Habgood, John Hassall, Mark Lithgow, Vivienne Stock-Williams, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Officers: Alison Blom-Cooper, Martin Evans (Shape Legal Partnership), Richard Boyt and Tracey Meadows

Also Present: Alex Skidmore (Somerset County Council Highways) via Zoom

(The meeting commenced at 1.00 pm)

### 132. **Apologies**

Apologies were received from Councillors Firmin and Palmer.

### 133. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 7 April 2022 circulated with the agenda)

**Resolved** that the minutes of the Planning Committee held on 7 April 2022 be confirmed as a correct record.

Proposed by Councillor Hill seconded by Councillor Whetlor.

The **Motion** was carried.

### 134. **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	Minute No.	Description of Interest	Reason	Action Taken
Cllr M Blaker	All Items	Wiveliscombe	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr Mrs Hill	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted
Cllr S	Item 6	Ward Member.	Personal	Spoke and Voted

Wakefield		Item discussed at the PC meeting and spoken to villagers. Discretion not 'fettered'.		
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

135. **Public Participation**

Application	Name	Position	Stance
30/21/0022	Mr Lehner	Applicant	In favour

136. **3/26/19/016 - Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works. Former Nursery Site, A39, Washford, Watchet, TA23 0NT**

**Comments from Members included;**  
(summarised)

- Concerns with the management of green spaces;
- Concerns with the site due to the proximity of the A39;
- A general management plan was needed to maintain the buffer;
- Concerns that there was no Affordable Housing on the site;
- Satisfied that there were no concerns raised by Highways or the Ecologist;

Councillor Hill proposed and Councillor Habgood seconded a motion for the amendments to be APPROVED as per Officer recommendation below and the update sheet which states;

The consideration here is only regarding access alterations and a change to an ecology condition. SCC comments have been incorporated and the decision to approve the proposals already made, last in April 2021 by committee. The concerns about the long term maintenance of the public open space and wildlife buffer are shared by officers and this will be incorporated in the S106 by enlisting the services of the proposed management company who can be held to task in the future.

**Recommendation;**

1. That the Committee agrees to the revised access layout;
2. That the Committee agrees the revised bat corridor layout and the related revision to the wording of Condition 15;
3. Subject to the above revisions, that delegated authority be given to Officers to grant planning permission subject to the conditions set out in the Committee report dated 21 April 2021 and the prior completion of a Section

106 legal agreement to secure the planning obligations described in that report.

The motion was carried.

137. **30/21/0022 - Erection of 1 No. detached bungalow with detached double garage and alteration to access arrangement, on land adjacent to Matthews Farm, Blagdon Hill Road, Blagdon Hill**

**Comments from a member of the public included;**  
(summarised)

- There were no Highway concerns with this application;
- This was the first application with a Phosphate Mitigation strategy proposed;
- Concerns from local residents that the proposed Orchard would be commercial were false;

**Comments from Members included;**  
(summarised)

- Highway concerns for emerging vehicles on the site;
- Concerns that the access was substandard due to the width;
- Concerns with the cumulative effect on the site due to there already being three properties on the site;
- Concerns with how the Phosphate Mitigation strategy would be sustained on site;
- Concerns with the amount of traffic and speeding vehicles in the village therefore signs to reduce speeding were needed;
- Pleased to see that this was the first application to come before the Committee with a Phosphate Mitigation strategy;

Councillor Hill proposed and Councillor Habgood seconded a motion for Conditional Approval to be APPROVED subject to prior completion of a Section 106 legal agreement to ensure nutrient neutrality;

This motion was lost, 5-6;

Councillor Aldridge proposed and Councillor Lithgow seconded a motion for the application to be refused on Highway grounds;

This motion was a tie, 6-6;

Councillor Hill proposed and Councillor Habgood seconded a motion for Conditional Approval to be APPROVED subject to prior completion of a Section 106 legal agreement to ensure nutrient neutrality;

The motion was carried 6-7 with the Chair casting his vote. The Committee supported the Officer Recommendation, however concerns were raised with the intensification of the access to the site regardless of Highway comments'

(The Meeting ended at 3.20 pm)



<b>Application Details</b>	
Application Reference Number:	14/21/0024
Application Type:	Outline Planning Permission
Earliest decision date:	21 April 2022
Expiry Date	27 September 2021
Extension of time	31 March 2022
Decision Level	Committee
Description:	Application for Outline Planning with all matters reserved, except for access and landscaping, for the erection of up to 28 No. dwellings with associated works, formation of access, landscaping, ground engineering and drainage works on land to the west of Derham Close, Creech St Michael
Site Address:	<u>LAND TO THE WEST OF DERHAM CLOSE, CREECH ST MICHAEL, TAUNTON</u>
Parish:	14
Conservation Area:	None
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	None
Case Officer:	Darren Roberts
Agent:	Polden Planning
Applicant:	WEST OF ENGLAND DEVELOPMENTS (TAUNTON) NO 2 LTD
Committee Date:	28 April 2022
Reason for reporting application to Committee	Number of objections

## **Recommendation**

That planning permission be GRANTED subject to a S106 Obligation and conditions.

## **Executive Summary of key reasons for recommendation**

The provision of 28 dwellings in this location in outline form would deliver sufficient benefits to outweigh any harm to the community. Approval would be subject to a legal agreement, conditions and a further application to determine reserved matters.

## **Planning Obligations and conditions and informatives**

Conditions (full text in appendix 1)

1. Outline permission and time scale
2. Drainage Details

3. Samples of Materials
4. Boundary Details
5. Meter Box Details
6. Parking Spaces
7. Nesting birds
8. Flood Risk Details
9. EV Charging points
10. CEMP (environmental and highways)
11. NE licence details
12. Landscaping scheme
13. Lighting scheme
14. Access Details
15. Estate Road details
16. Footpath connection details
17. Consolidation of footpaths
18. Dust and Mud Control
19. Condition Survey
20. Travel Plan

#### Informatives (bullet point only)

1. Proactive Statement
2. Wildlife Informative
3. Highway Works Legal Agreement
4. Sewer connections licence

#### Obligations

1. Woodland Creation for Phosphate Mitigation
2. Maintenance and management of woodland
3. Biodiversity Enhancement
4. Affordable Housing
5. Proposed development, site and surroundings

#### Details of proposal

1. This is an application in outline form for the construction of up to 28 dwellings on land accessed from Derham Close. Permission is sought for access and landscaping, including the formation of an access and engineering and drainage works. The appearance, layout and scale of the development are reserved for future approval. The application has been amended from its original proposal to construct 35 dwellings.

#### Site and surroundings

### Page 10

2. The site is to the west of the existing residential development at Derham Close,

which has recently been completed as a development of 44 houses. The site is an agricultural field of some 3.2 hectares. There are hedgerows bordering the site to the north, east and west. Beyond the eastern hedgerow is the Derham Close development, to the north is land associated with a farm house, and to the north west and west are further fields. The Taunton to Bridgwater Canal lies along the southern boundary. There is a significant slope from north to south, with the lowest land adjacent to the canal being approximately 10 metres lower than the high point in the north east corner of the site.

### **Planning (and enforcement) history**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/15/0034	Outline application with some matters reserved for the erection of 35 no. dwellings	Refusal	18/03/16
14/16/0031	Outline application with some matters reserved for the erection of 35 no. dwellings	Refusal	04/11/16

### **Environmental Impact Assessment**

4. The site is not Schedule 1 development and lies below the threshold for Schedule 2 development. An Environmental Impact Assessment is not required.

### **Habitats Regulations Assessment**

5. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.
6. The project being assessed here will result in a positive phosphate output and therefore the waste water from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site ('the Ramsar Site'). The pathway is via the wastewater treatment works. Therefore, the surplus in the phosphate output would need to be mitigated in order to demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.
7. In response to this situation, the applicant has calculated the phosphate load created by the number of proposed dwellings, and seeks to provide mitigation which would demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.
8. The mitigation is proposed in the form of woodland planting, in two areas. The

first area is adjacent to the site, to the north and west between the M5. The second area is in Norton Fitzwarren, in an area under the ownership of the applicant.

9. A 'shadow' Habitat Regulations Assessment has been submitted by the applicant, and this has been considered by the LPA, Natural England and Somerset Ecology Services.
10. Natural England has confirmed that the submitted sHRA provides a firm basis for the LPA to assess the implications of the application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and they would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site.
11. Somerset Ecology Services, as the Council's/LPA's retained Ecologists, have agreed that the sHRA can be adopted by the Council as the appropriate assessment under the Habitat Regulations. This is subject to the imposition of a planning obligation, under Section 106 of the Act, requiring the mitigation to be linked to the development and to be in place prior to occupation of the dwellings and retained in perpetuity.
12. In addition, a Habitat Regulations Assessment is also required in relation to the proximity of the site to the Hestercombe Bats. The application site and proposed mitigation land is within Zone C of the Bat Consultation Zone for the Hestercombe House SAC which is designated for its lesser horseshoe bats. The change in land use as a result of the proposed phosphate mitigation has the potential to affect the habitats for bats. A Landscape and Ecological Management Plan has been produced, and the conclusion from Natural England is that a likely significant effect is unlikely. Conditions are required to ensure that proposals do not increase lighting levels to the surrounding habitat, including the canal.

## Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

Date of consultation: 29/06/2021

Date of revised consultations: 11/01/2022; 31/01/2022; 31/03/2022

Press Date: 02/07/2021

Site Notice Date: 02/07/2021

**Statutory Consultees** the following were consulted:

Consultee	Comment	Officer comment
WEST MONKTON PARISH COUNCIL (adjoining council)	Lighting should be LED Rainwater capture must be via attenuation	Lighting and drainage conditions proposed
Consultee	Comment	Officer comment
CREECH ST MICHAEL PARISH COUNCIL	Object Contrary to LP Core Strategy Contrary to NP	See paragraphs 19-25
SCC – ECOLOGY	HRA can be adopted subject to agreement with Natural	Both SCCE and NE have stated that the sHRA can be

	England Section 106 required to deliver mitigation and maintenance.	adopted by the authority, this would be a recommendation of approval.
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
	Requires HRA due to bats Section 106 required to deliver bat habitat Requirement for conditions on lighting, CEMP, bats, newts	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LEAD LOCAL FLOOD AUTHORITY	SuDs hierarchy needs to be considered. Details of overland paths needed Consultation with CRT required	Consultation with CRT has taken place. Conditions can require details of drainage paths.
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - CHIEF EDUCATION OFFICER	Due to number of dwellings we do not require a contribution	Noted
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - RIGHTS OF WAY	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - TRANSPORT DEVELOPMENT GROUP	Will result in an increase in vehicle movements, but this is not likely to be severe. No objection subject to conditions	See paragraphs 31-35
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESSEX WATER	No comments	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ENVIRONMENT AGENCY	No comments	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
HOUSING PROPERTY MANAGER	No comments	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
POLICE ARCHITECTURAL LIAISON OFFICER	Difficult to make comments at outline but concern over additional footpaths outside of site	Noted
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	No comments	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOUTH WESTERN AMBULANCE SERVICE	No comments	

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NHS SOMERSET, SOMERSET PRIMARY CARE TRUST	No comments	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NATURAL ENGLAND	Having considered the Appropriate Assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given	As NE support the appropriate assessment the Council as competent authority can ensure the mitigation measures are secured in perpetuity through a S106 obligation.
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESTERN POWER DISTRIBUTION	No comments	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOMERSET WASTE PARTNERSHIP	No comments	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
CANAL & RIVER TRUST	Suggest further details of landscaping adjacent to the canal. No lighting should be provided adjacent to the canal. Commercial agreement required for surface water entering the canal	Conditions are recommended by the CRT and will be added in the event of approval. No lighting is proposed adjacent to the canal.

#### 8.4 Internal Consultees the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LANDSCAPE	Amended proposals Generally supportive, but insufficient details on plant species, sizes, numbers etc	See paragraph 38
	Plan appears to be indicative Issues with LEMP detail	

PLACEMAKING SPECIALIST	Represents urban sprawl No case made on sustainability of placemaking grounds	Comments submitted on initial scheme. See paragraphs 26-28
TREE OFFICER	Detailed scheme should include larger tree species	See paragraph 38.
HOUSING ENABLING	Should include a mix of first homes, social rented and shared ownership. 25% to be affordable	This would be subject to a S106

## Local representations

13. Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.
14. 57 letters have been received making the following comments (summarised):

<b>Material Planning Considerations</b>	
<b>Objections</b>	<b>Officer Comment</b>
Schools, GPs etc are at capacity	See paragraph 43
Access is poor	See paragraphs 31-35
No need for more houses	See paragraphs 19-25
Outside of the development boundary; contrary to the Development Plan	See paragraphs 19-25
Too close to existing houses	See paragraph 37
Brownfield sites should be used	The Development Plan has considered the use of brownfield and greenfield sites in residential allocations
Pollution and dust during construction	See paragraph 44
Dwellings should be 1 and 2 bedrooms and affordable	See paragraphs 26-28 and 30
Rear car parking courts are unsuitable	These have been removed from the revised scheme
Loss of green spaces	This is agricultural land with no current public access; proposal will include access through the site
Poor bus service will encourage car use	See paragraphs 19-25
Will be viewed from the M5	See paragraph 38
Issues with access for emergency vehicles	See paragraphs 31-35
Loss of wildlife including badgers and newts	See paragraphs 39-40
<b>Support</b>	<b>Officer comment</b>
None	

## Summary of objections - non planning matters

Application papers do not reflect property boundaries  
Opportunist application by developers

Summary of support - non planning matters.  
None

## **Relevant planning policies and Guidance**

15. Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan for the site comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013) and the Creech St Michael Neighbourhood Plan (September 2019).
16. Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.
17. Relevant policies of the Development Plan in the assessment of this application are listed below:

CP8 - Environment,  
CP1 - Climate change,  
SD1 - Presumption in favour of sustainable development,  
CP4 - Housing,  
CP5 - Inclusive communities,  
CP6 - Transport and accessibility,  
SP1 - Sustainable development locations,  
SP4 - Realising the vision for rural areas,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
DM5 - Use of resources and sustainable design,  
C2 - Provision of recreational open space,  
A1 - Parking Requirements,  
A3 - Cycle network,  
A5 - Accessibility of development,  
I4 - Water infrastructure,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
ENV2 - Tree planting within new developments,  
ENV3 - Special Landscape Features,  
ENV5 - Development in the vicinity of rivers and canals,



D7 - Design quality,  
D8 - Safety,  
D13 - Public Art,  
SB1 - Settlement Boundaries,  
A2 - Travel Planning,

#### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (Version 2 March 2022) and Net Zero Carbon Toolkit

#### National Planning Policy Framework

Achieving sustainable development  
Decision making  
Delivering a sufficient supply of homes  
Promoting healthy and safe communities  
Making effective use of land  
Achieving well-designed places  
Conserving and enhancing the natural environment

### **18. Planning Issues**

The main planning issues relevant in the assessment of this application are the principle of development; design; quality of living accommodation; provision of affordable housing; access, highway safety and parking provision; impact on character and appearance of the area; residential amenity; trees and landscaping; ecology/biodiversity ; flood risk/energy efficiency, heritage impact and other matters. These are dealt with in turn below

#### The principle of development

19. The site lies to the west of the built up part of the existing village of Creech St Michael. It is outside of the development boundary for the village, as indicated in the Site Allocations Document of the Local Plan. This shows other developments in Creech St Michael which have now been built - most notably MIN4 which refers to the development of houses now known as Derham Close, from which it is proposed to gain access to the proposed development.
20. Somerset West and Taunton publishes its 5 Year Housing Land Supply position annually in the SHLAA/SHELAA, the most recent document relates to 2021. For the former Taunton Deane area we have a supply of 5.47 years of housing. This figure includes sites which at the time of the publication were deemed to be deliverable. However this figure is constantly changing. It is anticipated that the 2022 SHLAA will be published within the next month and the 5YHLS figure will then be able to inform applications. Nonetheless, the

NPPF is clear that the presumption in favour of sustainable development should apply in decision making, meaning that any adverse impacts of granting permission must significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies within the Framework as a whole.

21. Core Strategy Policy DM2 states that outside of settlement limits certain uses will be supported (not including housing development) although it does not state that other types of development will be refused. Other uses should therefore be determined against Policy CP8, which provides that development outside of settlement boundaries will be permitted where a number of criteria are met. Policy A5 of the Site Allocations Document also deals with accessibility, and states that residential development is acceptable where it is within walking distance, or has access by public transport to employment, convenience and comparison shopping, education, health care, leisure and other facilities.
22. In the case of this site, access to the primary school, health centre, shop and post office, playing field, public house and churches are available within walking distance of the site, and would be accessed along lit roads and by a canalside footway. The village does not benefit from a range of employment opportunities (although the concept plan and outline application for Monkton Heathfield shows a large employment area immediately the other side of the M5) or from a secondary school. A bus service connects the village to Taunton and Wells with a two hourly frequency, although this does not operate at evenings or on Sundays.
23. This approach to the principle of development has been established since the 'Bagley Road' appeal in Wellington in 2018, which is a material consideration. In that case, the Inspector decided that a site which was well related to the settlement, accessible along footpaths and was not considered to have any impact on the landscape of the area was considered to be acceptable in principle, despite being located outside of the development boundary. Since August 2020 housing delivery has been more challenging with the issue of phosphates delaying many development schemes. It is acknowledged that a previous application for 35 homes was refused in 2016 (before the Bagley Road decision). The reason for refusal incorporated the impact on the scale and character of the village, and the impact on landscape views from the canal.
24. In 2019, Creech St Michael made a Neighbourhood Plan (NP) which is now part of the Development Plan. This does not explicitly state that all development should be within the development boundary or rules out further development. Policies within the NP outline how major development should deliver a number of key aspects within the vision for the village, for example enhanced walking and cycling, traffic management, and identifying local housing need.
25. It is necessary to balance the location of the proposal site with other considerations, such as the provision of affordable housing, deliverability of phosphate mitigation and employment opportunities. This will be undertaken at the end of the report.

### Design of the proposal

26. An indicative layout shows the arrangement of 28 houses along a number of short roadways. Plots are mainly two storey, however 5 bungalows are shown at the furthest west point of the site, fronting the proposed woodland. There would be a small hard landscaped space in the centre of the development, which acts as a focal point for development, otherwise properties generally front the roads with parking to the sides or within discrete parking areas. Rear parking courts have been removed in the revised scheme, which accords with the principles of the design guide. The provision of 5 bungalows would comply with the requirement set out in the Neighbourhood Plan. Sizes and number of bedrooms of dwellings are not shown at this outline stage and would be the subject of further submissions at the reserved matters stage, although it is indicated that a policy compliant scheme with 25% affordable housing (7 units) will be achieved. This would be secured as part of a legal agreement via Section 106.
27. Due to the topography of the site, which drains south towards the canal, a large area of scrub wet meadow and trees is proposed as a buffer between the development and canal, and this would include attenuation basins. This would create areas of public open space similar to that which currently exists on the adjoining development. It is accepted that these features may not demonstrate the most appropriate use of the SuDs hierarchy, and therefore further information will need to be received at reserved matters stage, and a condition imposed to that effect in the event of approval at outline stage. The layout of the development reflects the topography of the site.
28. The Design Guide gives guidance on how to develop a design concept, and on general principles of layout and design. The scheme generally accords with the principles within the guide, being an outward looking scheme, minimising parking in the front of houses, and with some attempt to provide a hierarchy of buildings. The existing hedgerows have been maintained and balancing ponds incorporated, with a range of paths and green spaces through the site. Further design details and elevation details would be required at the reserved matters stage.

### Quality of Accommodation

29. The application in its outline form does not detail the appearance, layout or scale of the proposed development. A palette of proposed materials is shown with the Design and Access Statement, and reference to nearby properties which are considered to be of a good quality. Details would need to be considered at the reserved matters stage.

### Affordable Housing

30. The application proposes 25% of housing to be affordable, in line with the policy requirement. This would equate to 7 dwellings. Full details of the type and tenure of the dwellings would need to be agreed and included within a Section 106 agreement, in line with Policy CP4 of the Core Strategy.

### Access, Highway Safety and Parking Provision

31. Access is proposed via a spur from the existing Derham Close, between properties numbered 37 and 38. Revised plans have been submitted which show a vehicular access narrowing to a single width of 3 metres, with a 1.5 metre path, flanked by transition strips. Pedestrian accesses are also proposed in the south east corner of the site, adjoining the canal, to link to the existing Derham Close open space, in the south west corner to continue the path along the northern edge of the canal, and in the north west corner to connect with the footpath which runs from Hyde Lane to the M5 and Bathpool.
32. A number of concerns have been raised by the Highway Authority (HA). This includes the fact that the current Travel Plan is inadequate, although it is acknowledged that this can be dealt with by condition.
33. The access into the site has been assessed by the HA. This acknowledges that the access had to be amended due to ownership issues into a single lane, with a footway. The HA states the need to widen the proposed width from 5.0m to 5.5m, but to remove transition strips for pedestrians. The details at the access are unclear, for example whether concrete kerbs are included and what street lighting is being proposed. As a result, it is recommended that revised details are submitted for approval before works can commence.
34. Other concerns relate to the specific design of the internal road layout, including width of footways and ability of delivery and refuse vehicles to navigate bends. In this respect, it has to be acknowledged that layout is a reserved matter, and there is the ability to redesign the layout to allow for turning to take place, and for swept path analysis diagrams to show how this can be achieved. This would still allow for the proposed number of dwellings to be delivered within the scheme, and for a layout to be achieved which would comply with both the design guide and manual for streets. The response from the Highway Authority is that the application can proceed to determination, with highway conditions being imposed.
35. This is in accordance with the requirements of the NPPF paragraphs 110-113, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF outlines the need for priority to be given to pedestrians and cyclists, and for a Travel Plan to be provided.

### The impact on the character and appearance of the locality

36. Proposed development would extend the extent of the village further west, adjoining the existing recently built development at Derham Close. Footpath linkages offer opportunities to link with existing paths which currently terminate at the Derham Close open space, whilst views of the site would be limited by the proposed planting to the west and adjacent to the canal.

### The impact on neighbouring residential amenity

37. The existing hedge which forms the eastern boundary of the site will maintain privacy for the existing residents of Derham Close. It is not considered to be likely that there will be any issues of overlooking or overshadowing existing

properties. Whilst an indicative layout is shown, full details will need to be submitted at the reserved matters stage. This is considered to be in accordance with Policy DM1 of the Core Strategy by making efficient use of land whilst not impacting on the character of the existing settlement.

#### The impact on trees and landscaping

38. The proposal includes numerous on and off-site planting proposals, including commercial orchards and a woodland belt which would soften the appearance of the development when seen from the M5 direction. This is considered to be a positive benefit to the proposal. However, there remains a concern that the application lacks sufficient detail on type and species of planting. However, the principle of the amount and location of planting is supported therefore it is suggested that this can be achieved by agreeing details at the reserved matters stage. This would be in accordance with Policy ENV2 of the Site Allocations and Development Management Plan.

#### The impact on ecology and biodiversity

39. The Preliminary Ecological Assessment submitted with the application has been assessed by the County Ecologist and Natural England. The conclusions are that there are habitats within the existing hedgerows for nesting birds, reptiles and amphibians, that bat roost features have been identified within a tree on the boundary, and that there is extensive badger activity along a boundary. The proposed phosphates mitigation sites will result in a gain of optimal habitat for the species, conditional on the re-instatement of grassland around the orchard and wildflower planting. Conditions are recommended in respect of bats, including lighting, and great crested newts. A Section 106 is proposed to include biodiversity enhancement and Landscape and Ecological Management Plan (LEMP).
40. The NPPF in paragraph 180 requests that opportunities to improve biodiversity in and around developments; this requirement would seek to achieve that.

#### Flood risk and energy efficiency

41. The site falls from north to south towards the canal. It is situated within Flood Zone 1, with the exception of a small area adjacent to the canal which is in Flood Zone 2. It is not proposed to develop the area adjacent to the canal, and therefore there is not considered to be any increased risk of flooding to the area. Nonetheless, risks of surface water flooding need to be considered. There is a small area of surface water flooding in the north of the site, where the land is relatively flat. The surface water strategy is to discharge all water into the canal to the south. As a result the Canal and River Trust have been consulted on the application, in addition to the Lead Local Flood Authority.
42. Policy I4 of the Development Plan requires that adequate drainage, including surface water disposal, should be provided for all new development. The LLFA have therefore requested infiltration tests to be undertaken prior to development.

### Any other matters

43. Whilst it is stated that there is insufficient infrastructure to support the additional housing, no objections have been raised from the Education department in terms of the need for additional school accommodation, and no response has been received from the NHS. It is acknowledged that a significant number of trips are likely to be by private car, although there is a bus service into Taunton which could be used by residents, which stops at the end of Hyde Lane.
44. Any permission would be subject to a Construction Management Plan, which would consider issues of access by construction vehicles, dust and mud control and routing of vehicles through the site
45. No development is proposed within the flood plain, however concerns have been raised regarding drainage through the site. It is therefore not proposed to adopt the drainage layout as submitted, but to require details which address the concerns of the Local Lead Flood Authority at the reserved matters stage.
46. Finally, there is a policy requirement (D13) for public art to be introduced into developments of this size. This is not shown at this stage, but we would require a suitable scheme to be submitted at the reserved matters stage.

### Heritage impact

47. The site is not within a Conservation Area and there are no listed buildings close to the site. The Bridgwater and Taunton Canal is listed as a heritage asset but due to the distance between the built development and the canal it is not considered that the heritage value of the canal will be harmed by development.

### Planning balance

48. It is acknowledged that the site is outside of the development boundary for Creech St Michael as shown in the adopted Development Plan. The village has seen a number of new developments in the past ten years, in accordance with the allocations outlined within the Development Plan. This development would therefore increase the number of dwellings in a village which has seen recent new development. It is also acknowledged that the village does suffer from congestion at times, due to its position between Taunton and the A358, particularly at the moment due to the closure of Bridgwater Road at the Creech Castle junction.
49. Balanced against this, is the considerable amount of landscaping and planting proposed and the creation of further public open space adjacent to the canal. In addition, the proposal will deliver more housing, including much needed affordable housing, in a location close to facilities such as shops, a health centre and schools, and deliver some employment benefits during the construction phase.
50. This is an outline application so whilst there are concerns over the details of landscaping and uncertainty in relation to the size and appearance of dwellings, these matters would be subject to a further reserved matters

application which would need to be determined by the authority. Whilst there are some concerns over the details of the submitted highway arrangements these can be achieved by imposition of conditions.

51. A S106 legal agreement would be required to deliver a number of aspects of the scheme, including the delivery of the woodland mitigation, biodiversity, and affordable housing.
52. The NPPF is clear that decisions must be taken in accordance with an up to date Development Plan, whilst considering the principles of sustainable development. It is considered that, whilst the site sits outside of the development boundary and therefore could be considered to be contrary to Policy SP1, it would be difficult to sustain an objection in principle due to Policy CP8, which gives criteria where development outside of settlement limits would be permitted. Furthermore the development meets the accessibility tests set out in Policy A5 of the Development Plan. In terms of the Creech St Michael Neighbourhood Plan, it is considered that the proposal meets the policy requirements of CSM1, CSM2, CSM3, CSM4 and CSM6. For the reasons outlined above it is considered that the proposal accords with the Development Plan.

## **Local Finance Considerations**

### Community Infrastructure Levy

53. (Response based on original proposal for 35 homes) Creation of dwellings is CIL liable.

Outline application so no detailed plans available.

Accurate CIL liability will be calculated at Reserved Matters approval.

Using Residential Testing Assumptions for medium density development (40dph) at outline stage this proposed development measures approx. 3240sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £405,000.00. With index linking this increases to approximately £575,000.00.

## **Conclusion**

54. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that outline planning permission is granted subject to a S106 legal agreement requiring the following:
  - Development carried out in accordance with the Nutrient Neutrality Assessment and Mitigation Strategy as submitted
  - Provision and maintenance of on-site and off-site orchard planting
  - 25% housing to be affordable with tenure mix to be agreed by officers

55. In preparing this report the planning officer has considered fully the

implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.



## Appendix 1 – Planning conditions and Informatives

### Conditions

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

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

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

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

(A3) DrNo 15.37.100B Site Location Plan  
(A3) DrNo 15.37.101A Illustrative Layout  
(A3) DrNo 15.37.102 Landscape Plan  
(A3) DrNo 15.37.201 Boundaries Management Plan  
(A1) DrNo 3205.001A Wider Landscape Plan

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

3. Further details showing drainage and proposed sewage and attenuation systems shall be submitted at the reserved matters stage. Such details should include rates of discharge, details of infiltration testing, demonstration of the SuDs hierarchy and overland flow routes.

Infiltration testing shall be carried out in accordance with the BRE365 with infiltration logs / data provided, prior to any further submission of reserved matters applications in relation to this outline planning permission.

Reason: In order to demonstrate that flood risk is not exacerbated by the proposal, and to incorporate sustainable drainage systems within the development, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy and Policy I4 of the Site Allocations and Development Management Plan

4. Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority,

Reason: To reinforce the local character and distinctiveness of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Local Plan Policies DM4 and DM5.

6. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Core Strategy policies DM4 and DM5

7. The Development hereby permitted shall not be occupied until parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles in accordance with current policy standards have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason:- In the interests of highway safety

8. No removal of scrub or demolition of buildings shall take place between 1st March and 31st August inclusive in any year, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist

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

9. Prior to the commencement of development of the site the following information is to be submitted and agreed in writing with the Local Planning Authority:

- Demonstration of how proposed flood risk and resilience measures have been incorporated into the proposed development, including provision of safe access and egress;
- Detailed construction layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Detailed construction drawings of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures;

- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 Soakaway Design methodology;
- Should infiltration be proposed, confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 year return period storm event;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 year return period storm event;
- Calculations that demonstrate there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year return period storm event and allowing for the potential effects of climate change;
- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- Details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawings demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- If discharge to the public sewerage system is proposed, confirmation that this has been agreed with the relevant authority;
- Calculations to inform the assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority;

- Demonstration that appropriate access is available to maintain drainage features, including pumping stations; and,
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third-party management company

Reason: To minimise the impact of flooding in accordance with CP8 of the Core Strategy.

10. Prior to first occupation of the development hereby permitted, access to covered cycle and electric vehicle charging points will be made available to all dwellings. This is to be provided through garages or shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development

11. No development shall take place (including ground works or 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:
  - i) Risk assessment of potentially damaging construction activities.
  - ii) Identification of “biodiversity protection zones”.
  - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including for habitats (trees, hedgerows and watercourses, including pollution prevention measures) and protected species (amphibians, badgers, bats, birds, dormice, reptiles, otters and water vole), followed by appropriate mitigation, as required.
  - iv) The location and timing of sensitive works to avoid harm to biodiversity features.
  - v) The times during construction when specialist ecologists need to be present on site to oversee works.
  - vi) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
  - vii) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
  - viii) Use of protective fences, exclusion barriers and warning signs.
  - ix) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP: Biodiversity 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.

The provisions within the submitted Landscape and Ecology Management Plan (LEMP) shall be adhered to and the recommendations carried out, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the integrity of a European site, the ‘Favourable Conservation Status’ of populations of European Protected Species 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 Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest states of the development.

12. No development shall commence until a lighting design for bats has been submitted to and approved in writing by the Local Planning Authority. The design shall:
- Identify those areas/features on site that are particularly sensitive for lesser horseshoe bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging.
  - Show how and where external lighting will be installed (through the provision of lighting contour plans illustrating Lux levels accords with Step 5 of *Guidance Note 08/18 Bats and artificial lighting in the UK*) and do not exceed 0.5 Lux so that it can be clearly demonstrated that areas to be lit will not disturb or prevent lesser horseshoe bats using their territory or having access to their breeding sites and resting places. The design will also include any amenity and or security lighting where needed.
  - Show the use of shields and other methods of reducing light spill (such as the installation of physical barriers) to prevent light spill.

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 approved details. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest states of the development.

13. No development shall take place (including ground works or vegetation clearance) until the Local Planning Authority has been provided with either:
- A copy of the licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the development to go ahead; or
  - A statement in writing from the licensed Great Crested Newt ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest states of the development.

14. No development shall take place until a landscaping and boundary treatments scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hard surfaced areas. Any such planting which within a period of 5 years of implementation of the landscaping die, removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented prior to the first occupation of any buildings.

Reason: to comply with Paragraph 174 of the NPPF and to improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of an area. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting. Landscaping affects how the waterway is perceived

15. Notwithstanding the plans submitted prior to the commencement of development details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: to comply with Paragraph 185 of the NPPF as the lighting at waterside developments should be designed to minimise the problems of glare, and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure

16. Further details of the proposed access, as indicated on drawing 21040-SK01 Rev A, shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement and thereafter constructed in accordance with the agreed details and be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety

17. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang

margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety

18. None of the dwellings hereby permitted shall be occupied until a scheme for a network of cycleway and footpath connections within the development site and with appropriate links through the site boundary to the existing external network has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall thereafter be constructed and be made available for use in accordance with a phasing strategy to be agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policy CP6 of the Taunton Deane Core Strategy

19. 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: In the interests of highway safety and residential amenity

20. The development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of sustainable development in accordance with Policy A2 of the Taunton Deane Adopted Site Allocations and Development Management Plan

21. No development shall commence unless a Construction Environmental Management Plan (Highways) 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 the following details:
  - a. Construction vehicle movements;
  - b. Construction operation hours;

- c. Construction vehicular routes to and from site;
- d. Construction delivery hours;
- e. Expected number of construction vehicles per day;
- f. Car parking for contractors;
- g. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- h. A scheme to encourage the use of Public Transport or car sharing amongst contractors;
- i. Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To ensure that the development does not prejudice the free flow of traffic or highway safety nor cause inconvenience to other highway users or nearby residents

22. All vehicles leaving the site shall be 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 works commencing on site, and thereafter maintained until the construction phase is completed.

Reason: In the interests of controlling pollution in accordance with Policy DM1 of the Taunton Deane Core Strategy

23. A Condition Survey of the existing public highway shall 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 to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety

Notes to applicant.

1. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
2. In accordance with Paragraph 38 of the National Planning Policy Framework



21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

3. WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out in the breeding season (February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

4. The application will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
5. A Section 50 licence will be required for sewer connections within or adjacent to the highway, the application form for which is available from the Traffic and Transport Development Group, Somerset County Council: Tel – 01823 357521



Application Details	
Application Reference Number:	<u>3/07/22/004</u>
Application Type:	<u>Listed Building Consent</u>
Earliest decision date:	07 April 2022
Expiry Date	12 April 2022
Decision Level	Planning Committee
Description:	Raising of rear chimney by 250mm
Site Address:	<u>Lawford Farm, Stickle Hill, Crowcombe, TA4 4AL</u>
Parish:	07
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	No
AONB:	No.
Case Officer:	<u>Maureen Pearce</u>
Agent:	Architectural Studio
Applicant:	Mr A Trollope-Bellew
Committee Date:	26 May 2022
Reason for reporting application to Committee	Applicant is a Ward Councillor for SWT.

## Recommendation

Grant subject to conditions.

## Executive Summary of key reasons for recommendation

The proposed increase in the height of the existing chimney would increase the resilience of the building to risk from fire and the alterations are considered to preserve the special architectural or historic of the building. Consequently, the proposal would comply with local and national policy.

## Planning Obligations and conditions and informatives

### Conditions (full text in appendix 1)

- 1 Time limit
- 2 Approved Plans
- 3 Matching materials

### Informatives (bullet point only)

- 1 Proactive Statement

## **Proposed development**

1. Listed Building Consent is sought to increase the height of 1 no brickwork chimney located on the southwestern wing by 250mm, approximately three courses of brick. The reason for the proposed alteration is reduce the risk of sparks from the chimney igniting the thatched roof and to satisfy current fire safety regulations.
2. The works would be carried out in brickwork to match the existing chimney.

## **Sites and surroundings**

3. The property is a Grade II Listed Building of late C16 – early C17 origin and subsequently enlarged in the 1980s. The farmhouse is 'L' shaped, one and half storeys high, rough cast over cob with a thatched hipped roof with two brick chimney stacks.
4. The site does not lie within a Conservation Area.
5. The listing details for the property contained in the statutory list are as follows

“ Category: Listed Building  
Grade: II  
List Entry Number: 1057450  
Date first listed: 16-Nov-1984  
Statutory Address: LAWFORD FARMHOUSE

Details  
ST1336 CROWCOMBE CP LAWFORD

15/51 Lawford Farmhouse  
- II

Farmhouse. Late C16 - early C17, enlarged C18. Roughcast over cob, thatched roof hipped to right, brick stacks left gable end and right of entrance, C20 aluminium flue protruding from ground floor end bay right. Probably 3 cell and cross passage plan enlarged to "L"-plan. One and a half storeys, 2 bays, dormer windows 3-light C20 wooden casement windows, ground floor altered 3-light leaded casement windows flanking partially glazed C20 door with thatched porch on wooden uprights; raking buttress end bay right. Long 4 bay right return. Interior: flag stone cross passage and rear passage, remains of square headed plank and muntin screen renewed with C17 panelling to right, hollow chamfered beads, empty stair bay to right of open fireplace, to left modern grate in fireplace set against cross passage wall, very shallow chamfered beads, It is quite possible this is an earlier building with a more complex and interesting building history but only the ground floor 2 rooms were accessible at time of survey (July 1983).

Listing NGR: ST1343136378

The farm had an overshot water wheel with a small leat from the nearby stream. There is open countryside around and one dwelling forming part of the courtyard with Lawford farm. “

#### **Site (and enforcement) history**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
3/07/21/012	Various repairs and recovering of the failed thatch	Approved	19 Aug 2021
3/07/18/015	Replacement windows to include heritage double glazing and the installation of secondary glazing	Approved	27 Nov 2018

#### **Environmental Impact Assessment**

6. Not applicable

#### **Habitats Regulations Assessment**

7. The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site and the proposed works do not raise phosphate issues requiring an appropriate assessment

#### **Consultation and Representations**

##### *Statutory Consultees*

8. The listed building consent application has been advertised in the press and by site notice.
9. Crowcombe Parish Council was consulted and raises no objection.

##### *Local consultees*

10. Neighbourhood notifications letters were sent in accordance with the Councils Adopted Statement of Community Involvement.
11. No comments have been received.

#### **Relevant policy and guidance**

12. The application seeks listed building consent and therefore the key issue is the impact on the historic significance and setting of the listed building.
13. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
14. Listed Buildings are designated heritage assets, and Paragraph 195 of the National Planning Policy Framework (NPPF) states that: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
15. The NPPF directs that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
16. The adopted West Somerset Plan to 2032 includes the following relevant policies:

NH1	Historic Environment
NH2	Management of Heritage Assets

Supplementary Planning Documents  
District Wide Design Guide, December 2021

## **Determining Issues and Considerations**

17. The main relevant issue in the assessment of this application for listed building consent is the impact on the character and setting of a listed building.
18. The proposal comprises increasing the height of one chimney by 250mm in order to reduce the risk of sparks catching light to the thatched roof and to satisfy current building regulations. The additional chimney element would be constructed in brickwork to match the existing chimney.
19. Given the scale of the proposed addition and the materials is considered that the proposal would not cause harm to either the architectural or historic features of the heritage asset. The proposal is therefore considered to comply with the NPPF, Policies NH1 and NH2 of the West Somerset Plan to 2032 and the District Wide Design Guide SPD.

## **Recommendation**

20. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that listed building consent 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 and the Equality Act 2010.

## **Appendix 1 – Planning conditions and Informatives**

### **Recommended Conditions**

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

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

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

(A3) DrNo 1821.1/200 Proposed Site Plans

(A1) DrNo 1821.1/201 Proposed Plans & Elevations

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

- 3 The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses.

### **Informative Notes**

- 1 In accordance with Paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed conditions to enable the grant of listed building consent.



Application Details	
Application Number:	3/26/21/022
Application Type	Full application
Description	Change of use of land with siting of 6 No. static caravans for holiday let use (retention of works already undertaken)
Site Address	Caravan, The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP
Parish	Old Cleve
Conservation Area	No
Somerset Level and Moors RAMSAR Catchment area	No
AONB	No
Case Officer	Briony Waterman
Applicant	Mr Marcus Kravis

## Recommendation

That planning permission be GRANTED subject to conditions

### Recommended Conditions

- 1 The works hereby permitted shall be removed and the use hereby permitted shall be discontinued, the caravans removed and the land restored to its former condition on or before five years from the date of the permission, in accordance with a scheme of work submitted to and approved by the Local Planning Authority and all materials and equipment brought on to the site in connection with the use shall be removed by the aforementioned time.

Reason: Due to the rates of coastal erosion along this stretch of coastline.

- 2 A soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The scheme shall include details of the tree and shrub species, siting and numbers to be planted.

(ii) The approved scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of approval of the scheme. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority within 10 working days thereof.

(iii) For a period of five years after the completion of the approved landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

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

- 3 The caravans shall be occupied as holiday accommodation only between the 1st April to 31st October each year.

The caravans shall not be occupied as a person's sole or main place of residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To prevent permanent occupation of residential units within the open countryside.

- 4 Within three months of the date of this permission one log pile as a resting place for reptiles and/or amphibians shall be constructed on the eastern boundary details of which shall be first submitted to and approved by the Local Planning Authority in writing and thereafter retained as such.

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

- 5 Within three months of the date of this permission an invertebrates' hotel will be installed on the site, details of which shall be first submitted to and approved by the Local Planning Authority in writing and thereafter retained as such.

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

- 6 Prior to the first occupation of any of the caravans hereby permitted, the area allocated for parking and turning shown on the submitted plan, drawing number 2239.1/200A, shall be provided to the satisfaction of the Local Planning Authority. 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 there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

- 7 At the access to the site there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility plays shown on the submitted block plan, drawing no 2239.1/200B. Such visibility plays shall be maintained at all times.

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

- 8 Within three months of the date of this permission works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that agreed form.

Reason: To ensure the adequate provision of drainage infrastructure.

### **Informative notes to applicant**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

## **Proposal**

1. Permission is sought for the change of use of parking area with siting of 6no. static caravans for holiday let use (retention of works already undertaken).

## **Site Description**

2. The site lies to the south west of the “Blue Anchor” pub, it is accessed via a shared access with the pub car park from Cleeve Hill. At the time of the site visit on 10<sup>th</sup> January 2022, there were 5 caravans on the site which has been hard surfaced. Directly north from the site is an area of greenery and the public footpath and the cliff edge. This section of the cliff has undergone recent changes in both cliff retreat and the addition of coastal defences. The caravans are currently located approximately 55m away from the cliff edge.

## **Relevant Planning History**

3/26/08/025 - erection of two detached bungalows with attached garages - refused 13/11/2008

3/26/07/018 - permission for 2 existing caravans on the road side of the top field - refused 14/09/2007 - allowed at appeal for the temporary accommodation of seasonal staff, limited to a period of 5 years.

## **Consultation Responses**

*Old Cleeve Parish Council* - OBJECT to this application for the following reasons:

1. The unauthorized commencement of this development was reported to the former West Somerset Council in 2018 prior to the installation of the

caravans. It was reported again in 2019 to the current Somerset West and Taunton Council. Further reports were made in 2020 and 2021 and these were acknowledged by the Planning Enforcement Officer.

2. A major concern is that by stripping the previous pasture land of turf, excavation, the placing of porous stone surfacing and installation of services (water, power and foul drainage) will allow surface water to permeate the subsoil and provide conduit pathways for subsoil water to saturate the strata below and add to coastal erosion. This concern was expressed at the Dunster Panel meeting and acknowledged by the former Leader (A Trollope-Bellew) and Somerset Highways (D Peake). NO development should be placed between the B3191 and the cliff face. It is well acknowledged that this location is subject to coastal erosion and indeed has accelerated in recent years. The placement of rock armouring in November 2020 affords only a temporary protection from sea erosion but does not address erosion or slumping of the ground above due to soil saturation. Whilst there is a project for further protection works in June 2022, it is not a 'permanent' solution.
3. The agent cites a previous application dated 2007 for two staff caravans (ref: 3/26/07/018). The application was refused but approved following appeal. This was a time limited consent and subject to restrictive conditions. There is no submitted evidence that the works were implemented or conditions applied with, and therefore has little relevance to this scheme.
4. There are a number of problems or queries with the application form:
  - Question 5: This has been answered as 1-5-2017. This date is disputed as the Parish Council reported the commenced work prior to installing the caravans in July 2018 and subsequent reports to the Planning Enforcement Officer to ensure that the four-year rule for enforcement was applicable. The engineering works have been completed but only 5 of the 6 potential caravans have been installed.
  - Question 6, Existing use: This has been answered as parking area. In our opinion, this is an incorrect statement as the area now allocated formed part of a much larger pasture area known as Home Close. Reports have been made to the former Council regarding the dumped rubbish on this location, some of which is still evident at present.
  - Question 8, Pedestrian & vehicle access, roads and rights of way: A right of way (Coast Path) accessed through the 'Blue Anchor' vehicular access (B3191) to link to footpath WL18/62 is currently temporarily closed due to cliff subsidence north of Warren Farm.
  - Question 10, Hedges & trees: Part of this question has been answered 'yes'. However, no details are submitted as requested in part 3 of this question.
  - Question 11, Assessment of flood risk: How will surface water be disposed of? Both soakaway and main sewer have been indicated! No details are provided for proper evaluation.
  - Question 12, Biodiversity & geological conservation: The cliffs between Blue Anchor and Watchet are a designated SSI location.
  - Question 13, Fouls sewage: Reference is made to mains sewer disposal

and drawing reference 2239/201 proposed site layout plans. No details of drainage or main sewer connection are indicated.

- Question 24, Authority Member/ employee: This question has been answered 'yes'. However the second part of the question has not been completed.
  - Question 25, Ownership certificates & agricultural land declaration: The agent has signed and declared Certificate 'A' that the applicant (M. Kravis) to have sole interest in the premises. The Parish Council understands that the premises are in fact owned by Cara Strom and therefore questions the validity of this statement and Application.
5. Biodiversity Checklist: Section 2, Question 10 has been answered 'no'. This is not a true statement as the site is adjacent to rough pasture open countryside and confirmed in the applicant's design and access statement, at least two boundaries are hedgerows.
6. Climate Emergency Checklist: All answers are negative with no mitigation. As all caravans / mobile homes do not comply with building regulations, they are woefully inadequate in thermal insulation performance and of limited life expectancy. Some measures can be taken to reduce the energy consumption by limiting the occupancy to the months between April and October. Full year operating capacity will encourage the disproportionate use of fuels for both heating and lighting with an increase in water consumption.

Finally, the caravans are stated as being for holiday use yet the owners' website shows that they are already fully booked through 2022. There is therefore a likelihood that they may be used as residential

*Planning Enforcement* – have been monitoring the position

*Highways Development Control* - No objection subject to the following condition is recommended:

Prior to occupation of the development hereby approved the area allocated for parking and turning on the submitted plan, drawing number 2239.1/200A, 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.

Following further information that the pub was operating as a pub again highways have issued revised comments:

- The proposal will result in the intensification in the use of a substandard access
- level of intensification will be material it is likely to be substantially less than generated by the pub now being operational again
- no evidence that the access is unsafe
- whilst the risk of vehicle conflict is increased slightly not considered significant to justify objecting to the application
- no obstruction to visibility condition and parking and turning condition.

*Wessex Water Authority* - no objections

SCC - *Ecologist* - Enhancement conditions

- Log piles for reptiles
- Planting around perimeter
- Invertebrates hotel

*Economic Regeneration and Tourism* - no comments received

*Tree Officer* - no comments received

*Landscape* - no comments received

## Habitats Regulations Assessment

1. The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## Representations Received

1. No comments received.

## Planning Policy Context

2. 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.
3. 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).
4. The Somerset West and Taunton District wide Design Guide SPD adopted in December 2021 is a material consideration
5. The National Planning Policy Framework 2021 (the NPPF) is a material consideration.
6. Relevant policies of the development plan are listed below.

### West Somerset Local Plan to 2032

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development
EC9	Tourism outside settlements

NH9          Pollution, contaminated land and land instability

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

OC1          Open Countryside development  
SD1          Presumption in favour of sustainable development  
EC9          Tourism outside settlements  
NH9          Pollution, contaminated land and land instability

## **Determining issues and considerations**

7. The main issues in considering this application are the principle of development, the impact upon the visual amenity, coastal erosion and land stability and the impact upon the highway network.

### Principle of development

8. The site lies outside any defined settlement limits as such Policies OC1 and EC9 are considered relevant.
9. Policy OC1 allows for new build development where it would benefit existing employment activity already established in the area that could not easily be accommodated in a settlement identified in Policy SC1. Whilst it is considered that the occupiers of the caravans would utilise the services and facilities in the surrounding areas, occupiers would be reliant on the private car.
10. Policy EC9 allows for tourism outside settlement limits where it can be demonstrated that it does not affect the vitality and viability of neighbouring settlements and complements the existing tourism service and facility provision in neighbouring settlements without generating unsustainable transport patterns. Whilst this has not been demonstrated, the relatively modest number of caravans are located within walking distance of the other pub within Blue Anchor and the cafes located along the seafront and is adjacent to a number of public footpaths and the proposal is not considered to have a detrimental impact upon the neighbouring settlements.
11. Paragraph 85 of the National Planning Policy Framework (NPPF) states that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads. In this instance it is considered that with some further landscaping that the proposal would not have a significant impact upon the landscape qualities of the area.
12. The proposal is therefore considered to accord with the policies in the

Development Plan and is acceptable in principle. A condition limiting its use to holiday accommodation between the months of April and October inclusive is proposed. The proposed restrictions would be to prevent the site being occupied all year around and to ensure that the it is solely for holiday use only.

### Visual amenity

13. The caravans are located to the south east of the site and are well screened from views to the south and east by the existing trees and hedging. Glimpses of the caravans can be seen from the highway as you travel up Cleeve Hill and out of Blue Anchor. However it is considered that the proposal would not result in a significant impact upon the visual amenity of the area due to the existing planting. A condition has been included requesting details of further planting to further shield the development from the highway. There are a number of caravan sites in more prominent positions along Blue Anchor seafront and along Cleeve Hill and it is considered that the occasional vistas of the retained six caravans would not cause significant harm to the appearance or character of the area.

### Land stability

14. Policy NH9 (Pollution, contaminated land and land instability) states that "Development proposals will not be permitted on or in close proximity to land known to be, or which may be, unstable". Whilst this stretch of coastline is subject to coastal erosion there have been sea defence works installed at the base of the cliff, which aim to slow the rate of erosion. The caravans are located approximately 55m from the edge of the cliff edge. A stability report commissioned by Somerset County Council consultants has been submitted as part of the application which outlines that the whole length of coastal cliffs between Blue Anchor and Watchet are actively eroding and can be expected to result in future losses of land, and some properties to the sea. Figure 5 within the report shows the projected cliff retreat compared to the 2018 line, it shows that by 2050 it is projected for the cliff to have retreated to the middle of the current location of the caravans.
15. Since the stability report was published, cliff defence works have been installed at the base of the Blue Anchor Inn and a Coastal Defence Scheme delivered by the Council on behalf of and funded by Somerset County Council as Highways Authority to protect the B3191 in situ for the next 50 years. This site will be incidental benefactors. It is anticipated that the land used for the caravans will not be used when re-profiling the cliffs and Officers' view is that the coastal defence scheme will increase stability once the work is completed. Given the uncertainty of how and where the cliff will retreat, it is considered prudent to grant only a temporary permission for the caravans for five years. As such the proposal is not considered to be in conflict with Policy NH9 as the land where the caravans are sited is not currently, based on the submitted report, unstable.

### Highways



16. The site utilises an existing substandard access which leads to the Blue Anchor pub and the caravans. However, the Highway Authority have stated that the slight increase in risk is not significant to justify a refusal and have recommended conditions to maintain visibility splays and the parking and turning on site. The proposal incorporates sufficient parking per unit and there is sufficient space to be able to turn within the site. It is therefore considered to not cause significant harm to highway safety. Conditions 6 and 7 suggested by the Highway Authority are proposed

### Additional Matters

17. In relation to the comments received from the Parish Council it is acknowledged that it is frustrating to local communities and neighbours when works are undertaken prior to planning permission being sought. However, this is not matter that has any influence on the determination of the application which remains to be determined solely on the basis of its planning merits.
18. The response from the Parish Council raises concerns with the application form including when the work had begun, and the existing use of the land. The Council are aware that there has been an enforcement breach on the site which this application seeks to rectify. The footpath has been redirected to avoid the closure due to cliff subsidence north of Warren Farm, there are no changes required to the trees and hedges within the site. A condition has been included requesting further clarification on drainage in response to the query raised by the Parish.

### Biodiversity

19. The proposals are not considered to have a significant impact upon the habitats and biodiversity of the area, there are no significant alterations to the hedgerows. However, despite the recommendation being for a temporary period, there is the opportunity to increase biodiversity net gain through enhancements such as the log pile for reptiles, this is in accordance with the National Planning Policy Framework (NPPF) and the Environment Act. Somerset Ecology Service (SES) suggest a landscaping condition to be included for additional planting around the site. Whilst the permission is for five years it is considered that the additional planting would help screen the site and pub car park after the caravans have been removed and would assist with the increase in biodiversity, resulting in a positive addition to the development and would have long lasting positive impacts upon the surrounding areas.

## **Planning Balance and Conclusion**

20. Given the above it is considered that the proposal would not have a significant impact upon the amenity of the area, and accords with both the West Somerset Local Plan policies and the general principles of the NPPF, specifically Policies OC1, EC9 and paragraph 85 of the NPPF.
21. It is therefore recommended that planning permission be granted.

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

## APPEALS RECEIVED – 26 MAY 2022

**Site:** Cloverfield Barn, Lower Weacombe, Taunton, TA4 4ED

**Proposal:** Demolition of agricultural building and erection of 1 No. dwelling with associated works utilising the Class Q fallback position

**Application number:** 3/28/21/006

**Appeal reference:** APP/W3330/W/22/3292573

**Decision:** Refusal – Delegated Decision

**Enforcement Appeal:**

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**Site:** Ground Floor Flat, Little Stoke, Blenheim Road, Minehead, TA24 5QB

**Proposal:** Erection of a detached annex

**Application number:** 3/21/22/004

**Appeal reference:** APP/W3330/W/22/3292874

**Decision:** Refusal – Delegated Decision

**Enforcement Appeal:**

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**Site:** Little Stoke, Blenheim Road, Minehead

**Proposal:** Erection of a detached dwelling with associated vehicle access and parking

**Application number:** 3/21/21/088

**Appeal reference:** APP/W3330/W/22/3294357

**Decision:** Refusal – Delegated Decision

**Enforcement Appeal:**

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**Site:** LAND AT JURSTON LANE, WELLINGTON, TA21 9PQ

**Proposal:** Application for approval of reserved matters following outline application 43/14/0130 for the erection of 190 No. dwellings, formation of pedestrian and cycle routes, public open space and associated works for Phase 3 at Jurston Farm, Wellington

**Application number:** 43/19/0106

**Appeal reference:** APP/W3330/W/22/3296248

**Decision:** Refusal – Chair Decision

**Enforcement Appeal:**

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# APPEAL DECISIONS – 26 MAY 2022

**Site:** Newton Farm, Newton Lane, Bicknoller, TA4 4EU

**Proposal:** Change of use of agricultural land to holiday use with creation of access track and 2 No. hardstanding areas to site 2 No. glamping units [showmans wagons]

**Application number:** 3/01/21/003

**Reason for refusal:** Dismissed

**Original Decision:** Appeal against Non-Determination with timeframe allowed



The Planning Inspectorate

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## Appeal Decision

Site visit made on 11 April 2022 by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

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### Appeal Ref: APP/W3330/W/21/3285152 Newton Farm, Newton Lane, Bicknoller, Somerset TA4 4EU

- 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 Rucklidge against Somerset West and Taunton Council.
- The application Ref 3/01/21/003, is dated 23 April 2021.
- The development proposed is a change of use of agricultural land to holiday use along with the creation of an access track and 2 No hardstanding areas to site 2 No glamping units (showman's wagons).

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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The appeal is against non-determination by the Council. However, the Council have produced a statement which makes clear that, contrary to a report by a planning officer, had they determined the application then they would have refused planning permission. Their statement indicates that this refusal would have been based on the unsustainable location of the proposal. From this I have elicited the main issue to be as follows.

## Main Issue

- a) Whether or not the proposed development would accord with planning policy in respect of sustainable development.

## Reasons

3. The appeal site is part of a field and lies to the north-west of Newton Farm. The appeal site and farm are approached from the A358 via a relatively long narrow lane. From the site there are extensive views of the countryside to the west. The proposal is for two showman's wagons to be placed on hardstanding areas with associated access track.
4. The site is not within a settlement boundary and therefore in planning terms is within the open countryside. Policy OC1 of the West Somerset Local Plan (LP) to 2032 deals with the issue of development outside of settlements. It makes clear that such development is generally not appropriate and that the policy is designed to protect the open countryside from damaging development whilst exceptionally allowing development which is beneficial to the health of the community and/or to the economy to take place. The policy lists five circumstances where development could be allowed.
5. These are: where the development is essential for a rural worker engaged in agriculture and other rural occupations; the conversion of existing buildings; to meet an identified need for affordable housing; where the proposed development can be classified as an affordable housing exceptions scheme adjacent to a settlement or; a new build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1.
6. The proposed showmen's wagons would not comply with the first four of these criteria. As regards the last criteria mentioned above, while I note that the applicants already provide some tourist accommodation, I have been given no significant information to indicate if or how the proposed development would benefit existing employment activity already established in the area. It follows that without such information, conflict with OC1 occurs.
7. Policy EC9 of the LP deals with tourism outside of settlements. This identifies that tourism development in such areas will only be supported where it can (a) be demonstrated that the proposed location is essential to the business and that it could not be located elsewhere, (b) would not adversely affect the vitality of the neighbouring settlements and (c) complements existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns.
8. Taking each of the above criteria in turn, I have been provided with no significant evidence to demonstrate that the proposed development is essential to the business, although I accept that its location, being close to the applicants' property, would be logical. I also accept that the proposed development would be very unlikely to adversely affect the vitality of neighbouring settlements.
9. As regards transport patterns, the nearest bus stop is about half a mile away on the A358 and the nearest shop is the community shop in Bicknoller which is about a mile away on the other side of the A358. It seems reasonable to assume therefore that most journeys undertaken by holidaymakers staying in the proposed accommodation would utilise the private car, although I accept that this is not uncommon with tourist facilities in rural areas.

10. Nonetheless, given this scenario, and also the lack of evidence to show that the proposed development is essential to the business, some conflict with policy EC9 exists.
11. Policy TR2 of the LP has also been brought to my attention. This makes clear that development should be located and designed to maximise the attractiveness of modes of transport other than the private car, particularly where it (a) complements existing service and facility provision in the settlement and surrounding area without generating new unsustainable transport patterns and (b) does not generate significant additional traffic movements over minor roads.
12. The appeal site is accessed by via a minor road. However, this is a relatively short distance and the trip generation from two holiday units would be modest. Therefore it cannot be said that the proposed development would generate significant additional traffic movements over the minor road network. However, neither can it be said that it would be located and designed to maximise the attractiveness of modes of transport other than the private car. Conflict with policy TR2 would therefore occur.
13. My attention has also been drawn to policy EC1 of the LP which seeks to widen and strengthen the local economy. This indicates that new development for all types of employment generating activities will be encouraged. On the surface therefore, if the proposed development were to generate employment, support would be offered by this policy. However, I have been supplied with no evidence to show how much employment, if any, would be generated by the proposal.

## **Conclusion**

14. I have found that, from the evidence before me, conflict would occur with policies OC1, EC9 and TR2. Whilst some support could be forthcoming by virtue of policy EC1, I have no evidence before me to definitively conclude that this would be the case. In the absence of material considerations to outweigh the conflict with the LP, I therefore conclude that the appeal should be dismissed.

*John Wilde*

INSPECTOR

**Site:** 18 HIGH STREET, WIVELISCOMBE, TAUNTON, TA4 2JX

**Proposal:** Erection of porch to the front of 18 High Street, Wiveliscombe (resubmission of 49/21/0050)

**Application number:** 49/21/0060

**Reason for refusal:** Dismissed

**Original Decision:** Chair Decision



The Planning Inspectorate

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## Appeal Decision

Site visit made on 11 April 2022 by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

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### Appeal Ref: APP/W3330/D/21/3288949

### 18 High Street, Wiveliscombe, Taunton, Somerset TA4 2JK

- 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 B Salmine against the decision of Somerset West and Taunton Council.
  - The application Ref 49/21/0060, dated 15 October 2021, was refused by notice dated 8 December 2021.
  - The development proposed is a front porch.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:-

- a) Whether or not the proposed development would conserve or enhance the character or appearance of the Wiveliscombe Conservation Area.
- b) The effect of the proposed development on the setting of nearby listed buildings.



## **Reasons**

### **Effect on the conservation area**

3. The appeal building is an end of terrace rendered property situated at the southern end of the High Street. The front of the property abuts a narrow concrete/shingle strip which in turn is set directly behind the footway. The High Street lies within the Wiveliscombe Conservation Area (CA), and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The proposed development would result in a gabled porch being built over the front door. This would have a slate roof which would be supported on a green oak frame set on cast concrete saddle stones.
5. Whilst the windows of the shop at No 14 do project slightly forward of the front elevation, none of the other properties on the west side of the street have a protruding porch. The result of this is a uniform and coherent appearance to the front elevations of the properties.
6. The proposed porch would be incongruous in terms of both its design and materials, green oak not being a material that features elsewhere in the High Street. This cannot be construed as either conserving or enhancing the conservation area, and therefore harm would occur to the significance of the CA. I consider that this harm would be less than substantial.
7. Paragraph 202 of the National Planning Policy Framework (the Framework) indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset then the harm should be weighed against the public benefits of the proposal. In this case there are no public benefits.
8. It follows that conflict would occur with policy CP8 of the Taunton Deane Core Strategy. This policy seeks to ensure, amongst other things, that the historic environment is conserved or enhanced and that development proposals that harm the interest of the historic environment are not permitted.
9. My attention has been drawn to two porches to properties on the east side of the street. One of these is set above stone steps and a stone plinth whilst the other is set back from the rear of the footway. Both however are constructed in materials and colours that complement the respective host properties. To my mind neither of these can be taken as a compelling precedent for allowing the present appeal.
10. I also note that appeal property previously had a porch. However, this would appear to have been a simple flat roof with supports more or less integral to the front elevation of the property, similar to several others in the High Street. Its previous existence does not therefore lead me to arrive at a different conclusion.

### **Setting of listed buildings**

11. Two properties on the east side of the High Street are Grade II listed, these being Nos 15 and 17. I consider that any harm caused to the significance of the CA would also have a detrimental effect on the setting of these listed buildings, and this in itself would also cause conflict with policy CP8.

## **Conclusion**

12. For the above reasons, and having taken into account all other matters raised, including the lack of objection from the parish council, I conclude that the appeal should be dismissed.

*John Wilde*

INSPECTOR