

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

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

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

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

### **Informative notes to applicant**

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

### **2 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. The proposal was considered to be unacceptable in principle because it was contrary to [the strategic policies within the Development Plan / policies within the National Planning Policy Framework] and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

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

environmental conditions of the area].

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

## Proposal

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

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

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

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

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

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

## Site Description

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

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

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

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

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

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

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

## **Relevant Planning History**

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

### Land adjoining 16 Castle Street

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

### Paddons Farm

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

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

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

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

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

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

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

### Land off Shurton Lane

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

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

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

## Consultation Responses

### *Stogursey Parish Council -*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

***COMMENTS FROM ENABLING SPECIALIST – AFFORDABLE HOUSING -***

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

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

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

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

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

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

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

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

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

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

The Council recommends the following standard of provision:

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

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

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

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

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

For equipped areas:

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

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

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

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

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

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

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

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

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

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

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

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

40x 0.005 = 2.00 (early years)

40x 0.32 =12.8 (13 primary)

40x 0.14 =5.6 (6 secondary)

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

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

*LANDSCAPE* - Landscape

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Representations Received**

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

### Comment on the application

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

The grounds of objection can be summarised as follows:-

CPRE grounds of objection

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

Grounds of objection from the public

Sustainable development

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

Traffic

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

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

#### Flood Risk

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

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

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

#### Nature conservation

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

#### Other

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



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

## Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

### West Somerset Local Plan to 2032

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

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

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

TW/2 Hedgerows

R/7 Amenity Open Space

R/8 Allotments

R/12 Informal Recreation Facilities

T/8 Residential Car parking

T/9 Existing Footpaths

UN/2 Undergrounding of Service Lines & New Development

11 Areas of High Archaeological Potential

AH/3 Areas of High Archaeological Potential

## **Determining issues and considerations**

### **The principle of residential development - housing requirements in Stogursey**

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

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

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

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

*Primary Villages (showing dwelling numbers at the start of the plan period): ,...*

*Stogursey (388), ... These are the larger villages with a shop and some built community facilities which are not significantly constrained by poor access from the County Highway Network.*

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

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

for the area.

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

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

**The design and appearance of the proposed development.**

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

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

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

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

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

## **Flooding**

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

## **Impact upon the historical environment**

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

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

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

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

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

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

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

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

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

### **The impact upon the local road network and proposed parking provision**

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

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

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

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

### **Infrastructure capacity**

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

### **Conclusion**

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



