

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

## Recommendation

Recommended decision: Grant

### Recommended Conditions

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

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

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

(A1) DrNo: 06.05.084DS01 Rev PO1 Drainage Strategy Plan  
 (A2) DrNo: 06.05.084DS02 Rev PO1 Drainage Strategy Plan of Site Sewer Works  
 (A1) DrNo: 06.05.084103 Rev PO1 Long and Cross Sections Road 2  
 (A1) DrNo: 06.05.084105 Rev PO1 Long Section Road 1  
 (A1) DrNo: 06.05.084109 Rev PO1 Long Sections Main Road and Lane 1  
 (A1) DrNo: 06.05.084110 Rev PO1 Cross Sections Road 1 - Sheet 1 of 2  
 (A1) DrNo: 06.05.084111 Rev PO1 Cross Sections Road 1 - Sheet 2 of 2  
 (A1) DrNo: 06.05.084112 Rev PO1 Cross Sections Main Road - Sheet 1 of 2  
 (A1) DrNo: 06.05.084112 Rev PO1 Cross Sections Main Road - Sheet 2 of 2  
 (A1) DrNo: 06.05.084120 Rev PO1 Section 278 Plan  
 (A1) DrNo: 06.05.084123 Rev PO1 Section 38 Layout

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

- 3 Unless otherwise agreed in writing by the Local Planning Authority, the estate road, footpaths, junctions, visibility splays, individual accesses, including the pedestrian access and link between the site and Lime Street, street lighting installations and highway surface water drainage shall be completed to at least base course level prior to the commencement of any other works on site and shall be provided finished and ready for use in all respects in accordance with the approved plans to current County Highway Authority adoptable standards prior to the first occupation of any part of the development hereby permitted.  
Reason: In the interests of highway safety.
- 4 The existing children's play area is to remain open, usable and well maintained to a standard acceptable to the Council until such time as the replacement children's play area has been completed (in accordance with a specification to be firstly submitted to and agreed in writing with the Local Planning Authority) and is open and ready for use and shall thereafter be retained in the approved form.  
Reason: To ensure proper provision and maintenance of open space facilities to serve the area.
- 5 (i) An updated landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.  
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development  
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.  
Reason: To ensure that the proposed development does not harm the character and appearance of the area.
- 6 If, during the course of the works hereby granted consent, any items of archaeological or historic interest are uncovered, the Local Planning Authority shall be notified immediately. The Local Planning Authority, or a person nominated by them, shall be allowed access to the site at all reasonable times for the purpose of recording such items or features prior to their disturbance, removal or covering up.  
Reason: The Local Planning Authority wishes to ensure that any items of archaeological interest are properly recorded for posterity.
- 7 Prior to the first occupation of the buildings (approved under 3/32/20/009), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with updated details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.  
Reason: To prevent discharge into nearby water courses. To ensure the adequate provision of drainage infrastructure.

- 8 Measures to minimise the impact on ground and surface waters shall be carried out strictly in accordance with the hereby approved Method Statement to the time scale and programme of works detailed therein.

Reason: Previous activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site, and thus may present a threat to the quality of controlled waters of Stogursey Brook, especially as a result of the proposed development and the additional work is required to ensure the development will not cause pollution of Controlled Waters.

- 9 Prior to any further construction of the development (following approval of application 3/32/20/009), hereby permitted, updated samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the visual amenity and character of the area.

- 10 All materials to be used in boundary treatments and means of enclosure to the development and gardens abutting the open landscaped areas on the site shall be carried out strictly in accordance with this permission and prior to occupation of the development.

Reason: To ensure that the appearance is in harmony with the traditional character of development in the area in the interests of visual amenity.

- 11 The protection and enhancement of the existing woodland and badger foraging habitat along the Stogursey Brook shall be maintained in accordance with the submitted scheme (and any amended scheme approved by the Local Planning Authority thereafter) for the management and landscaping of this area and the open ground associated with same. The area of land identified for potential burial ground provision shall be maintained as species rich grassland, in accordance with a detailed scheme for same which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site.

Reason: In the interests of biodiversity and to enhance the character and quality of the area.

- 12 The stone features shown on the drawings shall be in local natural stone laid in a traditional manner with flush or recessed pointing with lime based mortar. Prior to the features being constructed, representative samples of the stone to be used and a one metre square sample panel shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the stonework will be in harmony with the traditional character of development in the area in the interests of visual amenity

- 13 The applicant shall ensure that all vehicles leaving the construction site are in such condition as not to emit dust or deposit mud, slurry or other debris on the

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

Reason: To safeguard the general amenities of neighbouring dwellings.

- 14 No development shall commence unless a Construction Environmental Management Plan (updated following approval under 3/32/19/019) has been submitted and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

Reason: To safeguard the general amenities of neighbouring dwellings.

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

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

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

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

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

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

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

occupants

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

## **Proposal**

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

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

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

The application is accompanied by a suite of supporting documents

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

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

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

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

## **Site Description**

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

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

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

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

## **Relevant Planning History**

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

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

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

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

Paras 16 and 17 of the appeal decision (reproduced as appendix 1) are relevant

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

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

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

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

## **Consultation Responses**

### *Stogursey Parish Council -*

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

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

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

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

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

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

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

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



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

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

#### *SCC - Ecologist -*

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

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

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

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

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

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

*Avon & Somerset Police* -

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

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

*Planning Policy* -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For information:

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

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

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

*Conservation Officer* - No comments received

*Somerset County Council - flooding & drainage* -

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

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

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

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

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

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

*Development Enabler Comments - Play and Open Space*

West Somerset Local Plan POLICY CF1 requires the appropriate provision of

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

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

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

meet the particular needs of the elderly and disabled.

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

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

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

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

## Representations Received

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

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

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

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

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

Policy SC1 - Hierarchy of settlements

Policy SC3 - Appropriate Mix of housing types and tenures

Policy - NH1 Historic Environment

Policy NH13 - Securing High Standards of Design

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

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

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

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

## **Determining issues and considerations**

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

### **Principle of residential development**

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

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

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

### **Design, residential amenity and character of the conservation area**

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

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

### **The adequacy of the proposed play space**

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

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

### **Access and parking considerations**

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

### **Miscellaneous**

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

### **Section 106 Legal Agreements**

Supplemental Section 106 legal agreement to secure:-

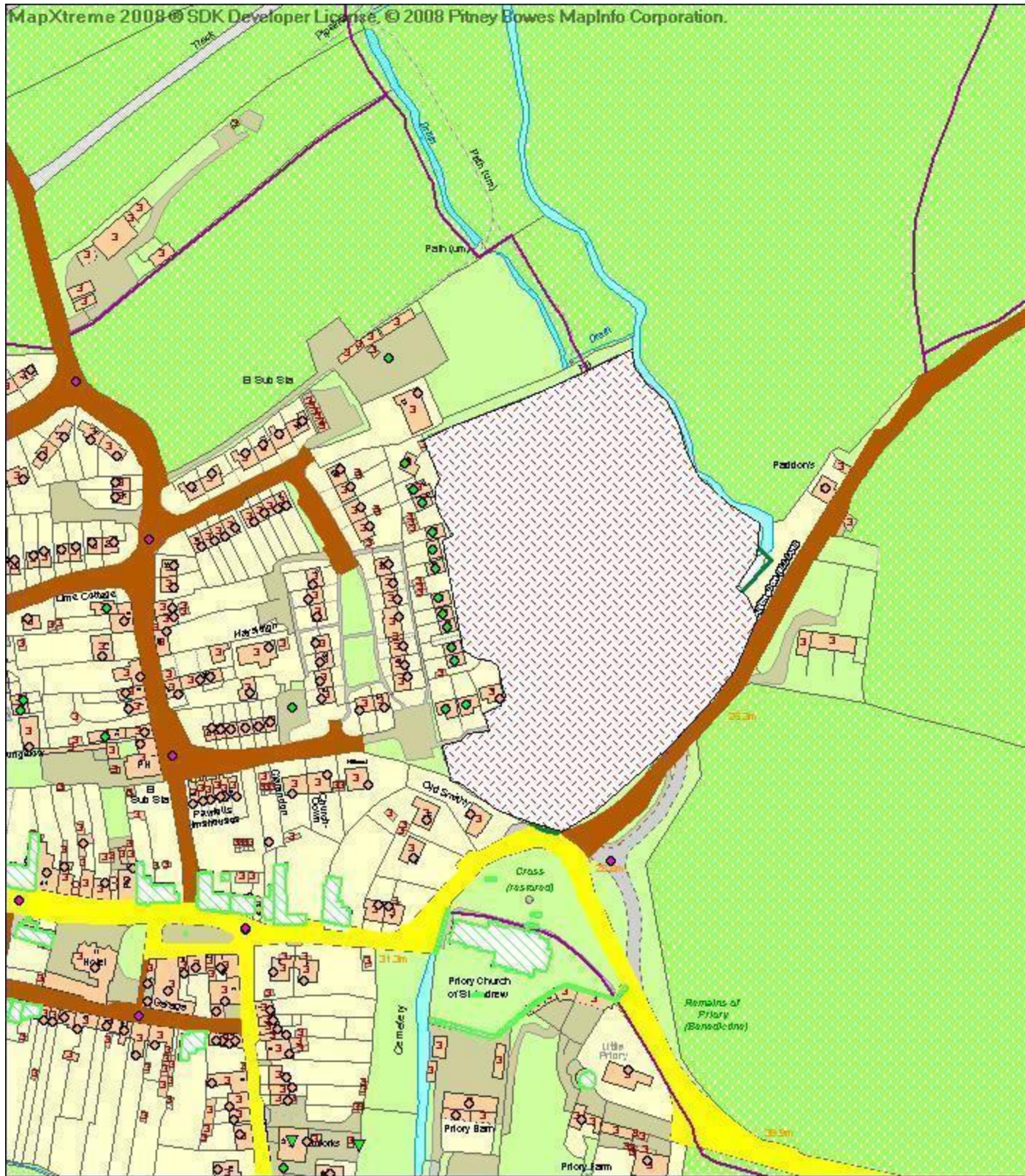
- Relocated play area
- Public car park and £15,000 contribution towards its provision

### **Conclusion**

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



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





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## Appeal Decision

Site visit made on 26 May 2020

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

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

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

Land at Paddons Farm, Stogursey TA5 1BG

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

### Decision

1. The appeal is dismissed.

### Procedural Matters

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

### Background and Main Issues

3. As noted above, the description of development in the banner heading has been taken from the application form. However, the appeal site is part of a larger development site which was granted permission for the erection of fifty nine dwellings, and associated works, in April 2007<sup>1</sup> (the Original Scheme). Whilst that planning permission was implemented, the development was only partially completed with thirty nine of the fifty nine dwellings being constructed in full. This appeal concerns a scheme which would seek to provide an additional twenty seven dwellings at the site, which would represent an overall increase of seven dwellings when compared to the Original Scheme.
4. Although the Council has given two reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify three main issues.

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<sup>1</sup> Local Planning Authority Reference: 3/32/07/008

5. The main issues are:

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

Reasons

*Site Description*

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

*Amenity Space and Recreation Facilities*

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



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

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

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

#### *Parking Provision*

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

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

#### *Character and Appearance*

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



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

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

#### Other Matters

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

#### Conclusion

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

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

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

*A Spencer-Peet*

INSPECTOR