

SWT Planning Committee

Thursday, 3rd October, 2019,
1.00 pm



Somerset West
and Taunton

Council Chamber - West Somerset
House

Members: Simon Coles (Chair), Roger Habgood (Vice-Chair),
Ian Aldridge, Sue Buller, Ed Firmin, Marcia Hill, Martin Hill,
Mark Lithgow, Chris Morgan, Simon Nicholls, Ray Tully,
Brenda Weston, Gwil Wren, Craig Palmer and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee held on Thursday 12 September 2019.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 10)

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|---|------------------------|
| <p>5. 10/19/0011
Erection of dog kennel and log store at Fairfield Stables.
Moor Lane, Churchinford</p> | <p>(Pages 11 - 18)</p> |
| <p>6. 3/37/17/019
Outline Planning Application with all matters reserved, except for means of access for the erection of up to 139 dwellings and associated works on Land south of Doniford Road and Normandy Avenue, Watchet, Taunton</p> | <p>(Pages 19 - 44)</p> |
| <p>7. 3/39/18/009
Outline planning application (with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access, provision of open space and other associated works Land to East of Aller Mead, Doniford Road, Williton, TA4 4RE</p> | <p>(Pages 45 - 46)</p> |
| <p>8. 49/19/0045
Variation of Condition 2 (approved plans) of planning permission 49/14/0078 at Oakhampton Park, Ford Road, Wiveliscombe</p> | <p>(Pages 47 - 52)</p> |
| <p>9. Latest Appeals and Decisions received</p> | <p>(Pages 53 - 58)</p> |



**JAMES HASSETT
CHIEF EXECUTIVE**

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If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

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SWT Planning Committee - 12 September 2019

Present: Councillor Simon Coles (Chair)

Councillors Roger Habgood, Mark Blaker (In place of Gwil Wren), Sue Buller, Marcia Hill, Martin Hill, Mark Lithgow, Simon Nicholls, Craig Palmer, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Martin Evans, Jo Humble, Alex Lawrey, Tracey Meadows, Rebecca Miller and Andrew Penna

Also Present: Councillors Kravis, Rigby, Stone and Ann Elder Chair of the Standards Committee

(The meeting commenced at 1.00 pm)

54. Apologies

Apologies were received from Councillors Aldridge, Morgan and Wren

55. Minutes of the previous meeting of the Planning Committee

(Minutes of the meeting of the Planning Committee held on 22 August 2019 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 22 August 2019 be confirmed as a correct record.

Proposed by Councillor Marcia Hill, seconded by Councillor Habgood

The **Motion** was carried.

56. Declarations of Interest or Lobbying

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

Name	Item No.	Description of Interest	Reason	Action Taken
Cllr S Buller	36/19/0009 & 36/19/0010	Ward Member. She declared that she had not fettered her discretion.	Personal	Spoke and Voted
Cllr S Coles	36/19/0009 & 36/19/0010	SCC & Taunton Charter Trustee. Cllr Coles declared that he	Personal Personal	Spoke and Voted Spoke and Voted

		knew one of the objectors. He declared that he had not fettered his discretion.	
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57. **Public Participation**

Application No.	Name	Position	Stance
36/19/0009	M Frost	Local Resident	Objecting
	A Yaskin	Local Resident	Objecting
	L Hembrow	Local Resident	Objecting
	K Davidson	Local Resident	Objecting
	Mrs Grant	Local Resident	Objecting
	L Goddard	Local Resident	Objecting
	Cllr P Stone	Ward Member	Objecting
	C Alers-Hankey	GTH Agent	Infavour
	A Goddard	Applicant	Infavour
36/19/0010	M Frost	Local Resident	Objecting
	A Yaskin	Local Resident	Objecting
	L Hembrow	Local Resident	Objecting
	K Davidson	Local Resident	Objecting
	Mrs Grant	Local Resident	Objecting
	L Goddard	Local Resident	Objecting
	Cllr P Stone	Ward Member	Objecting
	C Alers-Hankey	GTH Agent	Infavour
	A Goddard	Applicant	Infavour
43/18/0065	S Collier	Collier Planning	Infavour

58. **36/19/0009**

Erection of an agricultural building for the housing of livestock at Lower Huntham Farm, Huntham Lane, Stoke St Gregory

Comments by members of the public included;

- Scale of the building;
- Noise and amenity impact on local residents;
- Drainage and flooding;
- Concerns with safety with increased traffic movements;
- Concerns with the disposal of the slurry and waste materials;
- Visual impact on the rural setting;
- Concerns with factory farming;
- Environmental impact;
- Pollution issues;
- Concerns with the cumulative impact of this application;

- Concerns with the location of the slurry pit and how this will be spread; How will the large amounts of feed be transported to the site; How much additional bedding would be required; slurry tanker movements; implications on Knapp Lane with increased traffic; risks of increased pollution.
- The development would not produce any extra farming traffic or increased stock;
- The Parish Council supported both applications;
- Existing slurry infrastructure was being used;
- The new building would increase welfare standards for the cattle;
- The applicant had recently sponsorship from the Woodland Trust and Sainsbury's for woodland planting;

Comments by members included;

- Concerns with the scale of the building;
- Concerns with the smell of the slurry in the summer months;
- Ecological harms, flooding, transport, landscape, environment, waste generation, community impact;

Councillor Marcia Hill proposed and Councillor Buller seconded a motion that the application be **REFUSED** with the recommendation for Officers to investigate potential breaches of planning control. Noted that this was a unanimous decision.

The **Motion** was carried.

59. **36/19/0010**

Erection of an agricultural building for the housing of livestock at Lower Huntham Farm, Huntham Lane, Stoke St Gregory

The applicant was invited to speak on his application by the Chair. His comments included;

- Planning permission for multiple units were historically applied for on the site;
- The current buildings were not suitable for the current stock due to animals contracting phenomena and other health issues;
- The new building would provide better management of the stock and improved ventilation;
- Less animals would be housed in the new application;
- At present there was multiple trips to the site to feed the animals. The new development would reduce this as all feed would be stored on site;
- No changes would be made as to the disposal of the slurry;
- No increased traffic movements;
- The site was not expanding and cows would not be milked there;
- Meetings had been held to engage with the local community;

Comments made by members included;

- Concerns with the lack of information received on the application;
- Concerns that the building that had been erected was not what was applied for;
- Concerns that the building was erected very quickly;

Councillor Marcia Hill proposed and Councillor Lithgow seconded a motion that the application be **REFUSED** with the recommendation for Officers to investigate potential breaches of planning control. Noted that this was a unanimous decision.

The **Motion** was carried

60. **43/18/0065**

Erection of 23 No. dwellings including 5 affordable units with vehicular access, public open space, landscaping and associated works on land off Taunton Road, Wellington as amended by revised Flood Risk Assessment and revised plans

Comments made by member of the public included;

- The previous Green Wedge boundaries had been formally amended so that part of the site on which housing was proposed was now no longer a part of the Green Wedge;
- Due to delays out of the applicants control the housing mix had to be reviewed so a mix of 2 & 3 bedroom houses were now proposed so that it was still relevant to market needs and trends;
- Public Open Space exceeded requirement;
- The 23 developments proposed was still in the original development foot print;
- 25% affordable housing on the site would not be provided by additional housing on the site;
- No objections from Highways;
- Parking strategy approved;
- The site was compliant with no comments from consultees;

Comments made by members included;

- Concerns that the spine road to the development would not be adopted so a Management Company would be employed to oversee this putting extra cost onto the owners of the new properties;
- Parking issues, no mention of visitor parking;
- The points raised by SCC Transport Group still remained relevant and outstanding;
- Outstanding tree survey;
- Additional information was needed from Wessex Water regarding the flood plan;
- EA objections regarding flood risk assessment;
- Concerns with the amount of housing squeezed into a small area;

- Already a designated an open space, no benefit;
- Concerns that the development was going to retain only 1 tree to hide 23 houses;
- A sustainable area for Dormice was needed on site;
- Concerns with cycling access onto the main road;
- Social housing not affordable housing was needed;
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Councillor Habgood proposed and Councillor Coles seconded a motion that the application be **APPROVED** the motion **failed**.

Councillor Habgood proposed and Councillor Coles seconded a motion that the application be **APPROVED** as per Officer Recommendation.

The **motion** was carried.

61. **Appeals Lodged**

Noted that there were no appeals lodged

62. **Appeals Decided**

Noted that there were five appeal decisions received and noted.

(The Meeting ended at 3.25 pm)

10/19/0011

MS S LOCK

Erection of dog kennel and log store at Fairfield Stables, Moor Lane, Churchinford

Location: FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD, TA3 7RW

Grid Reference: 321855.112392

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

A1) DrNo JW/1110/0216 200.11 Existing Plans and Elevations
(A1) DrNo JW/1110/0216 200.13B Proposed Plans and Elevations - Kennels
(A1) DrNo 200-10C Site Location and Block Plan
(A1) Dr No 200.12 Proposed Proposed plans and elevations - Log store

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

3. No dogs other than those kept for breeding purposes shall be kept on the site and the number of dogs shall be limited to no more than 15 breeding bitches and their puppies awaiting sale.

Reason : In the interest of the amenity of neighbouring occupiers, impact on the tranquility of the AONB and in accordance with Policies DM1 and CP8 of the Core Strategy.

Notes to Applicant

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

Proposal

The proposal is to erect housing, in the form of 8 kennels, to the rear of the stable block and adjacent to the existing set of kennels. This housing will be used for whelping and for the young, post weaning, to enable them to be housed away from their mother, prior to being sold. The applicant breeds four different breeds of dog which produce upto 15 litters of puppies per year, one from each breeding bitch and the puppies remain on site after birth for a minimum period of 8 weeks before leaving for new homes.

The new housing will be masonry. The roof will be corrugated metal sheets. The enclosure will be steel heras fencing.

The new log store would be sited to the rear of the existing kennels formed with timber posts and corrugated metal sheeting for the roof.

Site Description

The application site concerns Fairfield Stables; a former equestrian site, situated approximately 400m from the edge of the village of Churchinford within the Blackdown Hills AONB. The site is accessible via Moor Lane to the south. The site currently operates a dog breeding business approved on appeal.

The site is situated in a reasonably remote and rural location, with agricultural land surrounding the majority of the site. However, there is a residential property, Fairhouse Farm, situated some 100m to the south east of the site on the opposite side of Moor Lane. The next nearest property is some 200m to the west along Moor Lane. A sewage treatment works is situated to the west of the site.

The dogs are currently all housed in the concrete block kennels formed inside the existing pole barn. In front of each kennel and extending out into the field, there are outdoor run areas utilising temporary (moveable) metal fencing panels, a separate pedestrian walkway and direct access to an exercise area which runs alongside the neighbouring sewage works. A mobile home is located to the east of the kennels. An isolation kennel exists in one of the stables.

Relevant Planning History

E/0196/10/15 – Enforcement application relating to the unauthorised mobile home. Appeal decision ref. APP/D3315/C/16/3149290.

10/14/0025 - Permission for a new detached dwelling was sought in association with the equestrian business. However, the financial information submitted was insufficient to demonstrate that the business was financially viable and was refused

on these grounds 2nd October 2014. An appeal decision (ref. APP/D3315/A/14/2228121) was subsequently dismissed 19th February 2015.

10/08/0026 – Change of use of land for the provision of a temporary occupational dwelling in the form of a mobile home for a period of three years. Permission was refused 27th November 2008, as the development was considered to be visually intrusive within the AONB and would result in increased traffic generation to a site that would have been car dependant. However, permission was subsequently allowed at appeal (ref. APP/D3315/A/09/2105152) 3rd September 2009.

10/16/0008 -Change of use of the land and buildings from equine to commercial dog breeding business and retention of a mobile home for use as a temporary workers dwelling refused 7.11.16

10/16/0028 -Change of use of the land and buildings from equine to commercial dog breeding business and retention of a mobile home for use as a temporary workers dwelling refused 3.2.17 Allowed on appeal 4.8.17 One of the conditions stated:

"No dogs other than those kept for breeding purposes shall be kept on the site and the number of dogs shall be limited to no more than 15 breeding bitches and their puppies awaiting sale"

Consultation Responses

CHURCHSTANTON PARISH COUNCIL - Object. The parish are generally supportive of the extension of rural businesses, however in this case a limit of 15 breeding bitches and their puppies has been imposed for a specific reason to protect the tranquility of the AONB. This application appears to unreasonably expand the scope for general numbers of dogs that can be kept on site and to make/provide adequate measures to protect the special qualities of the AONB. The PC therefore objects to the proposal on the basis of insufficient justification or explanation of the proposed use.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION -

Thank you for consulting on the above application regarding concerns about noise and a noise report has been provided

- Sound impact assessment for the erection of dog kennel and log store at Fairfield Stables.6th August 2019,. Soundguard Acoustics

The proposal is for some additional kennels at an existing dog breeding business, which are to be used for whelping and the young dogs. The report states that there are no proposals to increase the number of dogs breeding at the site over the existing condition.

A noise assessment was carried out in July 2016 for the previous application and the recent report states that as there are no significant changes the information from these has been re-purposed within this report.

The report gives information on the design of the proposed kennels. The kennels will be masonry blocks, insulated roof and GRP roof lights. The doors open to the south and there is an external run with a Perspex roof.

Modelling of noise in the area was carried out. The predicted noise levels were compared to a range of criteria, however, as the report itself states there are no set methods for measuring and assessing noise from dog barking.

The report concludes that the proposal will not result in an adverse noise impact, or

annoyance.

Comment

The proposal says that this will not increase the number of dogs at the site. So this should limit any potential increase in noise.

There is an existing condition on the site giving a limit of 15 breeding bitches.

No dogs other than those kept for breeding purposes shall be kept on the site and the number of dogs shall be limited to no more than 15 breeding bitches and their puppies awaiting sale.

However, I note that the report states that there are 3 dogs on the site in addition to the 15 breeding bitches.

The proposed kennels are closer to the nearest residential properties. Also, the open/exercise area for the new kennels are on the south west side, which is facing the direction of the nearby properties. The existing kennels were designed so that the open area was facing north east, and away from the nearest properties, with a bund on the southeast side. The report does state that the existing stables will provide a barrier to the noise and minimise disturbance to any dogs from cars or people in the yard

Noise from a structure will escape through the weakest points, in this case it is likely to be the roof-lights for the kennels, and for the runs perspex roofing provides minimal acoustic attenuation (although the walls appear to be blockwork).

It is also not clear whether separating puppies from their mothers will generate any more noise.

Assessing the potential noise from dogs/kennels is not straightforward, as there is no standard way to measure or assess noise from dog barking, and no criteria against which to compare any predicted noise levels. Also, noise from dogs can be very varied depending on the individual dog and the management of the operation. Therefore, it is not possible to confirm whether or not the noise from the proposed kennels will lead to an unacceptable increase in noise levels in the area.

If the proposal is to go ahead there are some things that could help to minimise any disturbance, for example, ensuring that the kennels are constructed using best practice to minimise noise breakout; keeping the restriction on the number of dogs at the site and managing the dogs in kennels/runs/exercise areas to minimise any noise.

SCC - TRANSPORT DEVELOPMENT GROUP - There is no increase in the level of vehicle movement to the site, therefore no highway objection.

Representations Received

Ward Cllr Ross Henley: Formal objection as I am concerned about noise issues from barking dogs and there could be a significant increase in noise if approved as this constitutes a significant expansion of the business on-site.

Five letters received including a statement from Collier Planning with the following comments:

- Increasing number of kennels can only lead to increased noise levels
- Already an isolation kennel for the whelping bitches and puppies, no reason for any more
- Previously imposed condition not being complied with regarding number of dogs.
- Will increase visual impact on AONB
- Indicates expansion of business with no measures to mitigate effects.

- Number of inconsistencies with the permission and enforcement issues relating to the activities that have occurred on site.
- New building will house grown dogs closer to client's property which has the potential for increased noise disturbance.
- Should permission be granted, the number of breeding dogs on site should be limited by condition.
- Runs should be north facing toward the field so noise impact is reduced.
- Clarity on building materials.
- Previous appeal permission included a 1.5m high earth bund which has still not been formed and not shown on the plans, a suitably worded pre-commencement condition should be attached to any permission.
- New building would be better sited behind the existing kennel building to the north-west of the site.
- The calculations used in the Sound Impact assessment report are based on numbers of dogs and puppies anticipated to be on site and this assumption that there will not be any puppies older than 2 months implies that they will not be contributing to any new noise, which is far from the case for 11 week old and older puppies, as we can hear.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,
 CP8 - Environment,
 DM1 - General requirements,
 DM2 - Development in the countryside,

PD 5/A - Blackdown Hills AONB Management Plan

Local finance considerations

Community Infrastructure Levy

N/A

New Homes Bonus

N/A

Determining issues and considerations

1. COMMERCIAL DOG BREEDING BUSINESS

In relation to the first matter, the main issues for consideration in this application include the principle of the development, noise impacts in relation to residential amenity and the tranquility and character of the AONB, impact upon visual amenity / landscape and impact upon highways.

Principle of development

The application site itself is situated outside defined settlement limits, which, in accordance with Policy SP1 of the Taunton Deane Core Strategy (TDCS), is considered to be development within the 'open countryside'.

It is proposed to erect a new housing, in the form of 8 kennels, to the rear of the stable block and adjacent to the existing set of kennels. This housing will be used for whelping and for the young, post weaning, to enable them to be housed away from the mother, prior to being sold. Following the appeal decision above, the site is currently in use as a commercial dog breeding business, with the number of dogs limited to 15 bitches and their puppies.

Given that the number of dogs on-site is restricted, the principle of the new kennels for the above use is considered to be acceptable as it would not lead to the increase in number of dogs on-site, subject to it not harming the amenity of residents or the character of the area, discussed below.

Noise – Residential amenity

In relation to noise, the NPPF states, at paragraph 123 "planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development".

The development would involve the formation of a new building housing 8 kennels, sited to the rear of the stable block. The kennels would face south toward the stable building. This location has the benefit of screening the kennel and the stable building will aid in reducing noise impact. It is also away from the arrival area to reduce activity in close proximity to the dogs which could lead to barking. This is also a breeding kennel, the dogs being familiar with the kennel owners. As such the dogs are more settled. The issue of noise was addressed by the above appeal decision. In allowing the appeal the Inspector stated:

"...the breeding of dogs has the potential to introduce noise which is not capable of strict control...the likely receptors of any noise resulting from dogs barking are walkers along Moor Lane or the occupiers of Fairhouse Farm...it would not reach the level where it would have significant adverse effects on health and quality of life. It is not possible to predict or place strict controls on the level of noise resulting from breeding dogs. However by restricting the operation to housing only breeding dogs and limiting the numbers by condition, it would be possible to limit the likely levels of noise to that which would not adversely affect the tranquility of the AONB..."

A comprehensive noise impact assessment has been prepared and submitted by

'Soundguard Acoustics' in order to assess the significance of potential noise disturbance on residences. Environmental Health have provided comments in relation to the submitted details and, although they have not formally objected to the proposal, they have advised that there is no recognised criteria for assessing the impact of noise from dog barking at kennels. They have concluded that therefore, it is not possible to confirm whether or not the noise from the proposed kennels will lead to an unacceptable increase in noise levels in the area.

It is acknowledged that there is no specific guidance, standard or criteria available to assess noise impact from dog barking. The submitted noise report however concludes that this noise impact assessment is not an assessment of inaudibility of dogs, it is expected that they will be heard, but it is an assessment of the context of that noise within the environment. When considering the LA_{max} levels and the published data in regards to 'annoyance' then these levels can be met and no significant 'annoyance' is expected. Similarly, within the methodology used and with good kennel management it is expected that the barking level is below the threshold at which an adverse noise impact becomes likely and therefore the guidance within NPPF and NPSE (Noise Policy Statement for England Defra 2010) can be demonstrated as met.

Given the above comments and the fact that the kennels are not intended to house an increase in the number of dogs on site (a condition restricting numbers is recommended), it is not considered that the proposal in terms of noise would be contrary to the development plan policies or within the Framework.

Noise – Blackdown Hills AONB

The application site is situated within the Blackdown Hills; a designated area of Outstanding Natural Beauty (AONB), where careful consideration has to be given to development proposals to ensure that they contribute to conserving and enhancing the natural beauty of the area and are not detrimental to the AONB's special qualities.

Paragraph 123 of the NPPF states that "planning policies and decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason." Additionally, the Blackdown Hill AONB Management Plan encourages quiet enjoyment of the AONB, and supports the restriction of developments and activities that detract from the tranquillity of the Blackdown Hills. Most notably, Policy PD5/A states that the tranquillity of the AONB should be conserved and enhanced by restricting or reducing noise and the Local Planning Authority should avoid or restrict development which would detract from the tranquillity of the Blackdown Hills.

The impact of noise on the tranquility of the Aonb was assessed by the previous Inspector who concluded that:

...by restricting the operation to housing only breeding dogs and limiting the numbers by condition, it would be possible to limit the likely levels of noise to that which would not adversely affect the tranquillity of the AONB..

Given the amount of dogs on site will be limited by condition it is not considered that the proposal would be contrary to development plan policies outlined above.

Visual amenity / Landscape

The site is reasonably well screened by trees and other vegetation planting that are situated along the boundary, with the only direct sightlines of the site available through the access gate itself. The new kennels would be sited adjacent to the existing kennels and behind the existing stable block. The kennels would be constructed in masonry with corrugated steel roof sheets with GRP rooflights and GRP roof sheets over the runs. The enclosure would be formed with steel harris fencing. These materials are consistent with other buildings on the site and would be seen against the backdrop of the stable building. The new log store is sited behind the kennels and not visible from public view. The proposal should not therefore be contrary to Policy DM1 or give rise to harm to the visual amenity of the area and surrounding landscape.

Highways

There is sufficient parking and turning space available within the site and the development is not expected to give rise to any significant increase in vehicle movements that would cause harm to highway safety.

Other issues

The above comments have raised issues with regard to compliance with the conditions of the planning appeal and on-going enforcement issues with regard to dogs not being kept within the kennels. This application in seeking to provide additional kennel space addresses to some extent, the accommodation space for the dogs. Notwithstanding the considerations of this application, any conditions attached to the appeal decision should be complied with regardless of the outcome of this planning application.

Conclusion

Whilst this application is for an increase in the number of kennels, this represents an increase in the accommodation for the dogs to improve the site conditions for breeding, There is no proposal to increase the number of breeding dogs at the site over the existing limiting condition. As such the application is seen to comply with the policies of the development plan as outlined above.

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

Contact Officer: Jackie Lloyd

Application No:	3/37/17/019
Parish	Watchet
Application Type	Outline Planning Permission
Case Officer:	Andrew Penna
Grid Ref	
Applicant	Grass Roots Planning Limited
Proposal	Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works
Location	Land south of Doniford Road and Normandy Avenue, Watchet, Taunton
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

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

(A1) DRNO 000-HYD-XX-XX-DR-TP- 01 REV P PROPOSED ACCESS ARRANGEMENT

(A3) DRNO 150103 L 01 01 LOCATION PLAN

(A1) DRNO 0000-HYD-XX-XX-DR-TP- 02 REV P PROPOSED ACCESS SWEPT PATHS SOUTH

(A0) DRNO 06743-HYD-XX-XX-SK-TP- 0001 REV P 02 SOUTHER ACCESS

ELEVATION

(A1) DRNO 15-04-PL-139 DONIFORD ROAD ENTRANCE: ILLUSTRATIVE CROSS SECTIONS

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

- 3 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 4.5 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 70 metres either side of the access. Such visibility shall be fully provided prior to occupation of any dwelling hereby permitted and shall thereafter be maintained at all times.

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

- 4 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

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

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

Reason - In the interests of highway safety

- 6 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

- 7 No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Detailed drainage layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drainage calculations that demonstrate there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Consideration of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Demonstration of how the first 5mm of rainfall (or 'first flush') will be managed to promote infiltration/evaporation/evapotranspiration, and with focus on the removal of pollutants;
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Demonstration of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water drainage system;
- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

- Demonstration that appropriate access is available to maintain drainage features, including pumping stations.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

- 8 The details submitted in accordance with condition 1 of this planning permission shall include Finished Floor Levels of each dwelling and shall be a minimum of 150mm above current ground level in accordance with the recommendations of the Hydrock Flood Risk Assessment.

Reason - To limit the impact of flood risk on the development.

- 9 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Grass Roots Ecology submitted reports, dated July 2017 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of habitat and places of rest for wildlife
4. A Construction Ecological Management Plan (CEMP) and a
5. Landscape and Ecological management plan (LEMP)
6. Details of lighting
7. Arrangements to secure the presence of a licenced dormouse worker to be present to monitor the removal of hedging on site

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for dormice, bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new dormice, bird and bat boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

- 10 The planting details submitted pursuant to condition 1 of this permission shall include a phasing programme for the implementation of the landscaping 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 or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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

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

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

- 12 The details submitted in accordance with condition 1 of this planning permission shall include a Travel Plan will be submitted for approval. The approved Travel Plan will then be implemented in accordance with the delivery schedule therein and in any event prior to first occupation.

Reason: In the interests of highway safety and the safety of users of the local highway network.

- 13 The details submitted in accordance with condition 1 of this planning permission shall include full details of the proposed children's play area (LEAP) including the layout of the area and the equipment to be installed.

Reason: To ensure that adequate children's play facilities are provided as part of the development.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application issues were raised. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address the issue and further information was submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Proposal

Outline Planning Application with all matters reserved, except for primary means of access, for the erection of up to 139 dwellings and associated works at Land south of Doniford Road and Normandy Avenue, Watchet, Taunton

Note: the application was amended, following consultations to exclude the access road from the northern part of Doniford Road to Normandy Avenue, across agricultural fields, east of Knights Templar school.

Access is now proposed to be solely from the southern part of Doniford Road, south of Alamein Road.

Whilst access is not a Reserved Matter, the applicants have confirmed that this relates to the primary access points and not internal roads or indicative footpath/cycle links.

The application is submitted with the following supporting documents:

- Transport Assessment
- Interim Travel Plan
- Landscape Visual Impact Assessment
- Flood Risk Assessment
- Agricultural Land Classification Assessment
- Design and Access Statement
- Tree Report
- Planning Statement
- Statement of Community Involvement

- Archaeology Report including geophysical survey
- Ecology Report

Site Description

The site lies on the eastern edge of Watchet, to the south of Doniford Road, between Normandy Avenue and Cherry Tree Way/Alamein Road. It comprises 4 irregularly shaped fields that provide approximately 10 hectares of agricultural land.

A further 5th field which is within the applicants control, lies to the east on more elevated land above the existing housing on Normandy Avenue. This land will be retained and enhanced for ecological purposes as part of the mitigation strategy for the site. The central and southern parts of the site are used for the grazing of horses and are well managed.

The northerly parcels of the site are more overgrown with part of this area comprising a ridge that divides the rest of the site from Doniford Road to the north. Existing residential development lies within close proximity to the north and west on Doniford Road. Houses at Admirals Close and Cherry Tree Way abut the application area along the western boundary.

Residential properties at Normandy Avenue and Alamein Road lie immediately adjacent to the site to the east with vehicular and pedestrian access gained to Cherry Tree Way, via Normandy Avenue.

Relevant Planning History

Proposal Screened for EIA: No EIA required.

No relevant site planning.

A number of applications adjoining the site and in close proximity are referred to in the Report and Consultee responses below:

3/37/17/020 Liddymore Farm, Watchet: Outline application for up to 250 dwellings.

Awaiting completion of S106 Agreement.

3/39/18/009 East of Aller Mead, Williton: Outline application for approximately 90 dwellings. Awaiting completion of S106 Agreement.

3/37/16/003 Land at Doniford Road, Watchet: Variation of Permission 3/37/13/035 to amend the design of housing development. Approved 18 August 2016.

Consultation Responses

(The comments of the Town Council and Williton Parish Council are shown in full below together with Planning Policy comments which are of particular relevance to the consideration of the application; full copies of all consultee comments are available on the Councils website).

Watchet Town Council -

27 November 2017

Land South of Doniford Road and Normandy Avenue, Watchet, Somerset

Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works - The Committee objects to this application. They believe that it does not meet planning policies, and would like to challenge the 'Planning Statement' within the Developers planning report with reference to section 6.1:

- Whether housing is needed in this location.
- Whether the proposed development constitutes sustainable development in respect to the aim of providing housing in the right location, and whether the principle of the development here is acceptable.
- Whether the proposals comply with the policies of the Development plan.

The Committee has concerns over access and whilst they support in principle the need for social housing within Watchet, they do not support houses being built without the appropriate infrastructure being addressed. The Committee reserves the right to make further comment until more comprehensive information is received.

Further comments 27 February 2019

The Committee refers to its previous observations.

They believe that it does not meet planning policy, and would like to challenge the 'Planning Statement' within the Developers planning report with reference to section 6.1:

- Whether housing is needed in this location

Whether the proposed development constitutes sustainable development in respect to the aim of providing housing in the right location, and whether the principle of the development here is acceptable.

Whether the proposals comply with the policies of the Development Plan.

The Committee has concerns over access and whilst they support in principle the need for social housing within Watchet, they do not support Commercial Housing being built without the appropriate infrastructure being addressed.

The Committee has serious concerns for road safety due to obvious increase in journeys on narrow footpath-less lanes. It is believed collisions and pedestrian injuries (or worse) will ensue if this development goes ahead, and they reject the points made in the traffic assessment.

Account should be taken to the amenity of the existing residents who will look onto the development, in terms of human rights and planning policies. There are also serious concerns that flood mitigation measures and prevention may not be practical long term.

The Committee reserves the right to make further comment until more comprehensive information is received.

Williton Parish Council, September 2019

Part of the application lies within the Parish of Williton, namely the land to the south of the first section of Alamein Road up to the access to Liddymore Farm

1. The proposed access points are shown to be on Doniford Road, Williton and Doniford Road, Doniford. On the illustrative plan it shows these two access points linked by a road. This is likely to become a rat run. Also no vehicular access is shown that goes directly into Watchet so residents of the new development will have to get to Watchet either via Doniford or Williton. Both Doniford Roads are well used, in particular the section into Williton which is also well used by pedestrians with or without pushchairs who have to walk in the road as there are no pavements and it is not lit until you reach Aller Mead. This road is not safe and there have been a number of accidents as identified on the website CrashMap

The map above is for accidents in the last 15 years (2004 – 2018). No data for 2019 is shown on the website .As can be seen there was a fatality in 2009, one accident in 2007 on Normandy Avenue and one on Doniford Road, south of the roundabout in 2004. On the section of Doniford Road from near St Peters School to the junction of North Street with Fore Street (next to the Co-op) there were 15 accidents.

Between 1999 – 2003 there were another 5 accidents on the Doniford Road to Williton including a serious accident. On the Doniford Road towards Watchet there was one accident. With an increase in traffic with an additional 139 houses it is likely that there will be more accidents and Doniford Road into Williton will be even more hazardous for pedestrians.

The use of the Williton Doniford Road has long been recognised by residents and the Parish Council as an unsafe route to walk not only to and from the married quarters but to Doniford where some local residents work due to the windy nature of the road without pavements for the majority of the road and not being lit as well as flooding issues. The Parish Council have tried to initiate a footpath from Doniford to Williton inside the field edge to make access easier and safer.

The new development at Aller Mead now has a footpath link for the section next to Doniford Road and it is hoped that the proposed extension to Aller Mead (3/39/18/009) will increase the length of footpath for pedestrians. This will not however include all the section of road to the married quarters or onto Doniford. Should planning permission be granted it is considered that a footpath link should be created that links up with the existing footpath at Aller Mead.

This has also been requested as part of application 3/39/18/009. It should also be noted that the Highway Authority on application 3/39/18/009 has stated: The TA has shown that in the year 2024 without the development, that the A39 Long Street / North Street / Fore Street junction and A358 High Street / Fore Street / Bank Street junction will already be operating at or slightly over capacity, however, evidently traffic generated by the proposed development will worsen the operation of these two junctions.

The TA has not mentioned any mitigation or improvements to lessen the traffic impact on these junctions. The junction capacity assessment results for the A39 Long Street / North Street / Fore Street junction and the operation of the A358 High Street / Fore Street / Bank Street junction are predicted to significantly exceed their theoretical Ratio-of-Flow Capacity (RFC) and will result in increases to the Max PCU Queue on some of the junction arms.

The result of this may lead to 'rat-running' on streets that are unsuitable to significant increases in traffic due to their residential nature and on-street parking. Further information was submitted at the request of the Highway Authority and concluded that: However, the Transport Assessment would indicate that the A39 Long Street / North Street / Fore Street junction and A358 High Street / Fore Street / Bank Street junction will already be operating at or slightly over capacity by the year 2024 without the proposed development.

The proposed development will increase the queue lengths at these points and exacerbate the operation of these junctions. If this is the case on the Aller Mead application surely the additional traffic from the proposed 139 dwellings and the 250 houses from the Liddymore site that has been resolved to approve subject to a S106 but has not yet been approved (as the traffic is likely to use the junctions at the Co-op (A39) and at the mini roundabout (A358) when visiting Williton or wanting to travel to Taunton) will exacerbate the problems mentioned by the Highway Authority further.

This is not acceptable especially as there are often queues within the village especially on Butlins change over days. In addition as there is no direct vehicular link into Watchet, residents will be relying on their cars and as such it is considered that the proposal is not in accordance with policy TR2 of the Local Plan as the site is not seen as sustainable or Policies CF2 and SD1 as the proposal does not maximise the attractiveness for cycling or walking and so is not sustainable. Will there be any vehicular inter connectivity with the married quarters development as the roads are privately owned?

If the proposed development is not able to join up with the married quarters site for vehicles and pedestrians the Parish Council object to this as it does not aid having a healthy community and will mean that the married quarters are isolated.

There is no easy direct pedestrian access into Watchet (or Williton as noted above) as the path from Cherry Tree Way to the school in Watchet is not a public right of way and so presumably pedestrian access by those who have no right to use it could be blocked. The public footpath from near Liddymore Farm (in

particular 28/20) can get wet and so is not seen as a convenient route for the new residents when it is wet. Footpath WL 28/21 does not formally link into the application site to the west of Liddymore Farm and it is considered that it should be to improve the accessibility of the site. Extract from Footpath Map supplied by SCC

2. There are number of applications in or near Watchet that are windfall sites, alongside this application for up to 139 houses, the other Liddymore application (3/37/17/020) for up to 250 houses which has been resolved to approve in January 2018 subject to a S106 and the Paper Mill site application (3/37/19/021) is for up to 400 dwellings, up to 10 No. live/work units, residential care village (including up to 160 No. sheltered apartments and 60 bed retirement home), local centre (up to 1,500 sqm), aparthotel with associated leisure facilities, land for employment within use classes B1 and B2 (up to 8,000 sqm), visitor/interpretation centre, community facilities/function room, public car park. This amounts to 959 dwellings plus a 60 bed care home. It does not appear that the effects of these developments have been taken into account as part of the assessment of this application, in particular traffic and the increase in demand for Doctors and Schools. Will any financial contributions be sought to cover the increase that may be required for these services?

3 .It is noted that the Strategy Group have recently made their comment (which was before the paper mill site application was registered) including the following: With regard to the principle of residential development - along with other sites in the locality, the land in question was promoted by private developers who made representations to the West Somerset Local Plan. Based on the evidence submitted at that time, the Inspector in his report concluded that the development of the site would be acceptable in principle and was needed for housing land supply reasons.

Specifically:

- “Given that the plan strategy and policy SC1 envisage development in close proximity to the contiguous built-up area of Watchet, once WAT9 (Liddymore Farm) has been developed both other sites will meet this criterion. I see no reason why all three of the suggested sites should not come forward. All would be in accordance with the plan strategy and policy SC1 and thus acceptable in principle”. As the Liddymore site has not been developed and after a year of resolving to approve the scheme planning permission still has not been granted, the Parish Council cannot see how policy SC1 is complied with, in particular point 4 and especially point 4A as the proposed development is not well related to existing essential services and social facilities for the reasons given above, 4B - there is no safe and easy pedestrian access to the essential services and social facilities, again for the reasons outlined above and 4C – there will be a significant additional traffic movements over minor roads as noted above. It is considered that Policy OC1 is the relevant policy and that none of the criteria are met.

4. It is well known that the roads at the married quarters are not of an adoptable standard. Mr Ross is well aware of this as when a meeting was held between him

and the Parish Council about a footpath link into Williton from the married quarters he said he was willing to look at the route going across his land provided the Parish Council made the roads up to adoptable standard which could not be done by the Parish Council. This is an issue that probably will never be resolved for the whole estate but in terms of good planning surely the Alamein Road could be made up to adoptable standards by widening the road on the Southern side as it is in the application site together with using the roundabout (and perhaps improving it) so that another new access is not required and will mean that the existing hedgerow can be retained. The hedgerow is an important feature along this road which is hedge lined that should be retained. In addition using the existing roundabout would go some way to removing the Parish Councils objection concerning the proposed development having vehicular links to the married quarters so that the married quarters are not isolated in this respect.

In conclusion, the Parish Council object to the proposal in its current form on the basis of the comments outlined above

- increase in traffic on Doniford Road in particular into Williton as it is narrow, windy with no pavements for part it and no street lights making it hazardous to pedestrians who use the road to access Williton and Doniford
- Over burdening the Co-op junction and the roundabout junctions in Williton by 2024 as concluded by the Highway Authority and this is before the Aller Mead extension is built which could lead to more queues in the village and rat runs through residential streets that already have a lot of on street parking. The proposed developments at the paper mill and the Liddymore permission could also exacerbate the use of these junctions
- Not enough pedestrian connectivity into Williton and Watchet and not enough vehicular access between the proposed development, the Liddymore site (3/17/17/020) and the married quarters as no points of access are shown to the married quarters or the Liddymore site on the outline plans except to both Doniford Roads.
- Premature as the Liddymore site has not been developed and does not have the benefit of planning permission so does not comply with Policy SC1 (as the Inspector noted that the Liddymore site should be developed before this one would meet the criterion of Policy SC1.)
- Loss of the substantial roadside hedge which is an important rural feature of Doniford Road. It is considered that the existing roundabout should be used for the access into the proposed site. The fact that the roundabout does not belong to the applicant does not mean that the roundabout cannot be used if the landowners are happy for it to be used. Has this been looked at as part of the application before it was submitted?
- A footpath/cycle link (not on Doniford Road but in the adjoining fields) is required into Williton as Doniford Road is not a safe road.

Highways Development Control -

Final Comments, July 2019:

- A minor mistake regarding the stated scaling on the submitted access visibility plan should be corrected for clarity;
- Visibility has still not been clarified for Normandy Avenue and Liddymore Farm, although please note my previous comment that the Highway Authority would not object to the current application in regard to this matter *providing* the LPA are comfortable that details of other vehicular, pedestrian and cycle facilities within the development and linking to the existing networks can be considered as part of a future reserved matters application (bearing in mind access is not a reserved matter in the current outline application);
- Visibility for pedestrian (informal) crossings within the site have still not been demonstrated (although my comment above would also apply in this instance);
- Visibility for pedestrians at the Doniford Road junction has not been demonstrated (and this should be clarified at this stage, as access is not a reserved matter and the proposals must show that appropriate visibility is available for pedestrians discharging from the proposed new footway onto the existing live carriageway); and
- While the needs of non-motorised users have now been appropriately assessed, no mitigation measures are proposed and issues such as the poor surfacing of the route remain. It is recommended that a Travel Plan be secured under a S106 agreement which could address cover any necessary improvements. However, an outstanding point is whether the routes shown within the NMU have been confirmed as available for the uses proposed (bearing in mind that these include routes along private roads for which the right of public access is not clear within the application). I would recommend this be confirmed prior to the determination of this application, else it is unclear whether the routes assessed are available in practice for the uses you propose (ie by cyclists and pedestrians to link to the wider network).

A number of conditions are recommended.

Biodiversity and Landscaping Officer -

Biodiversity: No objection subject to conditions and a S106 agreement to secure management of County Wildlife Site and additional land within the applicants ownership.

Landscape: Disagree with conclusions of part of the LVIA with regards to the landscape impact of the 'northern' access and road. (now removed from proposals)

Housing Enabling Officer -

No objection subject to delivery of 35% affordable housing, to be secured through a S106 Agreement.

Open Space -

No objection subject to provision a LEAP on site, to be secured through a S106 Agreement.

Planning Policy -

Thank you re consulting the SWT strategy team on the above proposal.

Since being consulted in 2017, in line with officer requests, we welcome the revised access arrangements to the east onto Doniford Lane. On the information supplied, they avoid the engineering works, impacts to the landscape and the Locally designated Wildlife Site – matters which were identified by the planning policy team when they were first consulted.

With regard to the principle of residential development - along with other sites in the locality, the land in question was promoted by private developers who made representations to the West Somerset Local Plan. Based on the evidence submitted at that time, the Inspector in his report concluded that the development of the site would be acceptable in principle and was needed for housing land supply reasons. Specifically:

- *"Given that the plan strategy and policy SC1 envisage development in close proximity to the contiguous built-up area of Watchet, once WAT9 (Liddymore Farm) has been developed both other sites will meet this criterion. I see no reason why all three of the suggested sites should not come forward. All would be in accordance with the plan strategy and policy SC1 and thus acceptable in principle".*
- *"No insurmountable barriers to development were identified to prevent those sites coming forward. Indeed, all the evidence was to the contrary. Given the strength of the evidence given about the deliverability of each site, it is not clear what additional security will be afforded by allocation in the Plan for those advocating development."*
(Paragraph 109 of the Inspectors Report)
- The application site would contribute towards demonstrating a suitable supply of housing, including the 5-year Housing Land Supply.
(Paragraph 103 of the Inspectors Report).

These sites (including the application site) did not become formal plan allocations due to concerns raised by the West Somerset Council that this may cause further delays in the Examination process and adoption of the Local Plan. Instead West Somerset Council made it clear that they would rely on such windfall proposals to come forward via the development management process under Local Plan policy SC1 and the Inspector confirmed he was happy with this approach (see

Paragraph 109 of the Inspectors Report).

Accordingly, based on the information supplied, the revised proposal would appear to be consistent with the locational requirements as set out in criteria 4 of Policy SC1 of the adopted West Somerset Local Plan (2016). Accordingly, there are no policy objections to this proposal on these grounds.

Please come back to me should you require further information or planning policy advice on this matter.

Tree Officer -

No objection subject to appropriate conditions.

Environment Agency -

No objection.

Avon & Somerset Police -

Very Low crime area; advice on Secured by Design.

SCC - Ecologist -

No objection following receipt of Ecology Report

Somerset County Council - flooding & drainage -

No objection subject to suitable conditions.

Rights of Way Protection Officer -

No objection; note opportunities to link provide links to existing network.

Somerset County Council Education -

No comments received.

Wessex Water Authority -

Infrastructure is available to provide appropriate connections.

SCC - Historic Environment -

No objection following receipt of Archaeological Report, including geophysical survey, subject to appropriate conditions.

Representations Received

21 letters received during initial consultation; 11 letters received following

reconsultation.

Main issues:

- Need for additional housing
- Large numbers of houses permitted in Watchet
- Landscape impact
- Traffic and local road conditions
- Location of the site and proximity of facilities
- Availability of local facilities such as doctors surgery
- Potential for water run-off from the site
- Use of Cherry Tree Way

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

- SD1 — presumption in favour of sustainable development
- SC1 — hierarchy of settlements
- SC2 - total housing provision
- SC3 — appropriate mix of housing types and tenures
- SC4 - affordable housing
- SC5 — self-containment and sustainability of settlements
- WA1 — general policy covering Watchet
- WA2 - key strategic allocation in Watchet
- TR1 — access to and from West Somerset
- TR2 — reducing balance on private car
- CF1 — maximising access to health, recreation and cultural facilities
- CF2 — planning for healthy communities
- CC2 — flood risk management
- CC5 - water efficiency in developments
- CC6 — water management and safeguarding from flooding
- NH4 - archaeological sites of local significance
- NH5 — landscape character protection
- NH6 — nature conservation and biodiversity
- NH7 - green infrastructure
- NH8 — protection of best and most versatile agricultural land
- NH13 — securing high standards of design

WEST SOMERSET DISTRICT LOCAL PLAN 2006 SAVED POLICIES

TW/1 — trees and woodland protection
TW/2 — hedgerow protection
NC/1 — sites of special scientific interest
W/4 — water resources and development
T/8 — Residential car parking
T/9 — Existing footpath protection
R/5 — Public open space and large developments

Local finance considerations

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£37,498
Somerset County Council	£149,990

6 Year Payment

Somerset West and Taunton	£224,986
Somerset County Council	£899,943

Determining issues and considerations

The following are considered below:

- 1) Background
- 2) Principle and Planning Policy
- 3) Location
- 4) Visual Impact
- 5) Highways and traffic impact
- 6) Pedestrian and Cycle routes
- 7) Ownership matters
- 8) Ecology and trees
- 9) Flood risk
- 10) Design
- 11) S106 matters

1) Background

A pre-application request was made to West Somerset Council in May 2015 seeking advice in relation to a residential development on the application the site which broadly reflected those proposals forming part of this application submission. In response to the proposals at that time, the Council were of the view that the

proposals would be premature.

The applicant submitted Representations to the emerging (at that time) Local Plan making the case for its inclusion in the Plan as a housing allocation. The site was considered as part of the examination. The Local Plan was adopted in 2016.

The current Outline application was received in 2017, initially with an access road linking two parts of Doniford Road. Following assessment of the application during early 2018, the part of the proposal was removed.

Following consultations in late 2017, the applications submitted archaeological and ecology Reports.

Reconsultation took place in December/January 2018/19.

Negotiations to resolve outstanding highways details including routes for cyclists and pedestrians were concluded in summer 2019.

Following an administrative error at the time of registration of the original application, Williton Parish Council were not consulted on the application. The Parish Council were consulted in July 2019 and, their comments, reproduced in full above, were received in September 2019.

2) Principle and Planning Policy

The Inspectors Report, following the Local Plan Examination considered the development of the site to be acceptable in principle given its proximity to the contiguous built-up area of Watchet and in context of neighbouring site allocations and proposals.

It was noted that the application site would be required to contribute to the delivery of the Local Plans housing supply/trajectory, and it's development would be consistent with the Plan's strategy.

This is confirmed in the Council's Strategy comments:

Since being consulted in 2017, in line with officer requests, we welcome the revised access arrangements to the east onto Doniford Lane. On the information supplied, they avoid the engineering works, impacts to the landscape and the Locally designated Wildlife Site – matters which were identified by the planning policy team when they were first consulted.

With regard to the principle of residential development - along with other sites in the locality, the land in question was promoted by private developers who made representations to the West Somerset Local Plan. Based on the evidence submitted at that time, the Inspector in his report concluded that the development of the site would be acceptable in principle and was needed for housing land supply reasons. Specifically:

- *"Given that the plan strategy and policy SC1 envisage development in close*

proximity to the contiguous built-up area of Watchet, once WAT9 (Liddymore Farm) has been developed both other sites will meet this criterion. I see no reason why all three of the suggested sites should not come forward. All would be in accordance with the plan strategy and policy SC1 and thus acceptable in principle”.

- *“No insurmountable barriers to development were identified to prevent those sites coming forward. Indeed, all the evidence was to the contrary. Given the strength of the evidence given about the deliverability of each site, it is not clear what additional security will be afforded by allocation in the Plan for those advocating development.”*
(Paragraph 109 of the Inspectors Report)
- The application site would contribute towards demonstrating a suitable supply of housing, including the 5-year Housing Land Supply.
(Paragraph 103 of the Inspectors Report).

It continues:

These sites (including the application site) did not become formal plan allocations due to concerns raised by the West Somerset Council that this may cause further delays in the Examination process and adoption of the Local Plan. Instead West Somerset Council made it clear that they would rely on such windfall proposals to come forward via the development management process under Local Plan policy SC1 and the Inspector confirmed he was happy with this approach (see Paragraph 109 of the Inspectors Report).

Accordingly, based on the information supplied, the revised proposal would appear to be consistent with the locational requirements as set out in criteria 4 of Policy SC1 of the adopted West Somerset Local Plan (2016). Accordingly, there are no policy objections to this proposal on these grounds.

Comments have been received in relation to the phasing of development in Watchet. There is no phasing policy in the adopted Local Plan. There was no recommendation from the Local Plan Inspector to introduce a phasing policy or amend the strategy or locational policies for Watchet. There are planning approvals (subject in some cases to unsigned S106 Agreements) on the edge of Watchet, in the absence of a phasing policy or requirement, these existing 'commitments', this is not a reason to refuse the development of the application site. The Local Plan housing figures are a minimum, not a maximum. Government policy urges decision makers to significantly boost the supply and delivery of housing.

It is concluded that the development of the site is acceptable in principle and is consistent with the Local Plan Strategy and settlement policies.

3) Location

As noted above the site lies adjacent to the edge of Watchet. The location of the site is consistent with the criteria for development sites in the town set out in the adopted Local Plan.

The lies within close proximity, and comfortable walking distance, of the local primary school (450m), and convenience/food store (850m). The applicant has prepared a Transport Assessment and a Non Motorised User (NMU) Report (March 2019) which assesses in detail the location of the site and its accessibility by non car modes - bus, pedestrians and cyclists. The Report also assesses the safe routes to the primary and Secondary School.

As set out above, there is no policy objection to the location of the site: it is consistent with the locational criteria of the adopted Local Plan policies for Watchet.

SCC, the highway authority have confirmed that there is no objection to the location of the site nor with the submitted TA and NMU.

4) Visual Impact

The submitted LVIA concluded that the submitted application would only have local landscape impact. Consultees agreed with the LVIA in so far as it found that the housing element of the proposals were would not have a significant or harmful visual impact. However, consultees, including the Landscape Officer, considered that the proposed access road, extending south from Doniford Road, and cutting across/up a sloping field was likely to be visually intrusive. As noted below this field is also a Local Wildlife site.

As a result of these objections, (and concerns expressed by SCC Highways about the potential for rat-running), this part of the proposal was removed from the application.

It is considered that the application is acceptable in landscape visual impact terms.

5) Highways and traffic

The submitted TA, Interim Travel Plan and NMU have been carefully assessed by SCC, the Highway Authority. As noted above, subject to the imposition of planning conditions, and securing the works/proposals in the NMU by means of a S106 Agreement, SCC have no objection to the proposals.

The application is submitted in Outline: only the main access onto Doniford Road is to be approved at this stage. There are no objections to this access. The detailed alignment of the internal road network, and the connections to the existing road and footway network is a matter for the Reserved Matters. SCC and the applicants are content with this approach, as set out above.

The Parish Council refer to the opportunity for rat running: by virtue of the deletion of the northern link through the County Wildlife site no such rat running will occur.

The Parish Council also refer to the propensity for more accidents and refer to 'Crashmap' data. If crashmap data is examined for the whole area it also reveals accidents on all key routes; the concentration of accidents in Williton itself is actually far higher than on roads surrounding the site. The TA notes *'it can also be*

concluded that the level of accidents (two in five years) could be considered low for the type and extent of highway network covered.

SCC Highways has raised no safety concerns in respect of the application; this includes an assessment of the speed of traffic on local roads, accident data and the generation of traffic arising from the development.

6) Pedestrian and Cycle Routes

As noted above the application is supported by an NMU. This Report, prepared in response to issues raised by local residents and the County Council, includes a detailed assessment of the location and condition of all the footways and footpaths within, adjoining and in proximity to the application site, as well as those routes proposed to provide linkages to local schools, shops and other local facilities. Improvements are recommended by the NMU/SCC. These can be secured through the Travel Plan and through Reserved Matters.

A number of linkages are proposed to existing residential areas; there is a network of public rights of way around the site and surrounding area. Some of these paths cross fields. They are not relied on by the application in order to provide convenient, safe routes to key local services and facilities.

The application does not require any other permitted/committed development to be delivered in order to secure appropriate pedestrian/cycle links to/from the application site.

The Parish Council make reference to a link to the development on the edge of Williton at Aller Mead. The outline application for that site shows the potential for a new link into the existing PROW network. The land between the Aller Mead site and the application site is not controlled by either applicant. Given that all of the key local facilities identified in the TA and NMU do not require this route it is unreasonable to require it to be delivered.

SCC Public Rights of Way have noted the potential to deliver additional linkages but no requirement to deliver them. The applicants have set out that they would be willing to work with the Councils to deliver such links and are working with the project officer for the Steam Coast Trail who is looking at improved footpath linkages in the area.

7) Ownership Matters

Land ownership, including covenants etc is typically not a matter for the planning application process provided applicants have complied with the legal requirement to serve Notice on owners affected by the development.

In this case some local residents and the County Council have sought clarification on the ability of the applicants to use some local roads which are marked as 'private'.

There are two key points: firstly, whilst these routes are shown as part of routes to local services and facilities in the submitted NMU, there are alternative routes shown

which avoid the 'private' roads. Secondly, the applicants have provided evidence that they have appropriate rights to use these routes, including Title documents.

It is not considered that the issue of the local road network ownership is a matter on which the application can be rejected.

8) Ecology and Trees

The proposal will not impact on trees protected by a TPO. A comprehensive Tree Report has been prepared. Existing trees will be protected; this is part of planning conditions set out above.

The northernmost of the three development parcels is identified as a Local Wildlife Site. The submitted Ecology Report shows this parcel of land to be of less ecological value than the lower slopes of the Site. Nonetheless, the applicants are proposing to provide land in their ownership to offset the loss of the protected area.

This land is shown within the blue line of the application. Subject to the delivery of this off-set ecological mitigation, to be secured through a S106 Agreement, there are no objections to the proposal on ecological grounds.

9) Flood Risk and drainage

The site lies within flood zone 1: low risk. A local watercourse and ditches run through the site. The applicants FRA has considered the potential flood risk associated with this. Whilst there is no evidence to show that there is a risk, the applicants have proposed adding a planning condition setting floor levels well above any theoretical risk associated with these features.

Drainage is shown indicatively as part of the application. The FRA sets out that run off will be attenuated to a better than greenfield level. Further details will be part of Reserved Matters.

There is no EA or Flood Authority objection.

10) Design

The application is submitted in Outline with all matters Reserved with the exception of the main access. Reserved Matters will provide details of the layout and scale of the proposed dwellings together with details of the appearance of the buildings and overall site and landscaping.

A Design and Access Statement has been submitted which provides an assessment of the character and appearance of the local area. It predates the removal of part of the access road described above. Indicative plans are included showing illustratively how the site could be developed. A parameter plan has been submitted. The housing part of the site can in principle accommodate the 139 dwellings (at a density of c32dph) which the applicant has proposed as part of the description of the development.

The Design and Access Statement refers to the potential to accommodate 3 storey homes on the 'central' parts of the residential area of the site. The acceptability of 3 storey dwellings, having regards to the local landscape and the amenities of nearby homes is a matter which falls to be assessed as part of the Reserved Matters process. 'Scale' for the purposes of Reserved Matters includes height.

11) S106 Matters

As noted in this Report a number of matters are required to be secured by means of a Planning Obligation under S106 of the Planning Act.

These matters are:

- Affordable Housing provision (35%)
- Travel Plan including further details set out by SCC Highways including the NMU;
- Provision of a LEAP and its maintenance;
- Ecological safeguarding and provision of off-set/mitigation area under the applicants control.

Conclusions

The development of the site for housing is acceptable in principle. The site meets the settlement, strategy and locational criteria policies of the adopted Local Plan, having previously been considered in principle to be in accord with the Plan at Examination.

The proposal has been carefully assessed having regard to the policies of the adopted Plan.

The proposal will not have and adverse landscape, ecological or arboricultural impact, subject to securing the provision of land for ecological mitigation.

The highways proposals and traffic implications of the proposals have been carefully considered, including footpaths, cycle routes and routes to schools and other local services and facilities. There is no objection from the highways authority. On the basis of this assessment there is no objection to the proposals in highway terms.

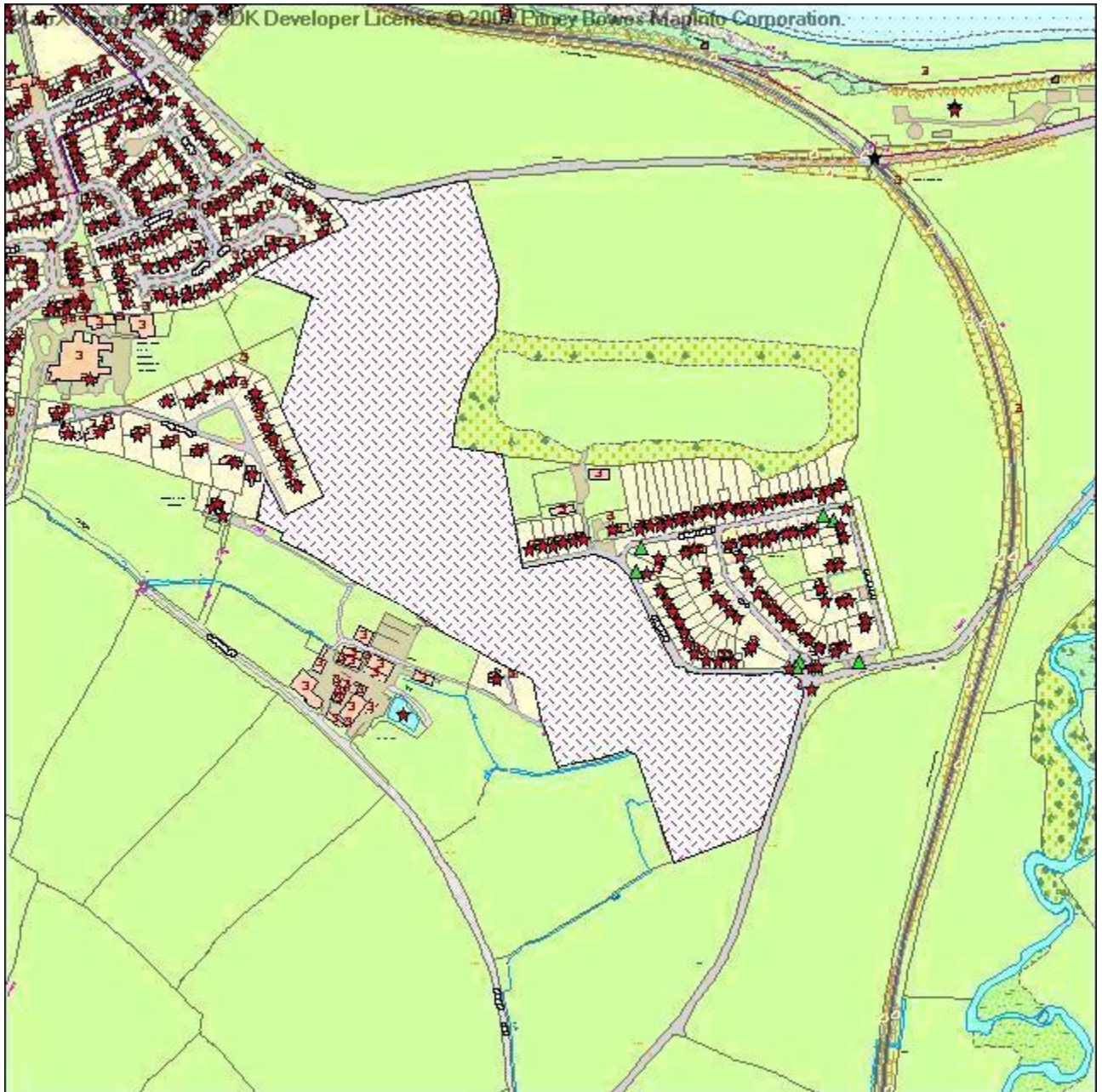
Having regard to the policies of the Local Plan and the material considerations considered in this Report it is recommended that Outline Planning Permission be granted subject to a S106 and the conditions set out above.

It is considered that this outline proposal is acceptable. It is recommend that delegated Authority be granted to the Assistant Director Planning and Environment (or equivalent chief planning officer) to grant planning permission subject to the completion of an appropriate legal agreement to secure:

- An appropriate mix and tenure of affordable housing at a rate of 35% of the total number of dwellings provided.
- Provision and maintenance of on-site play and open space (including LEAP)
- Provision of lands for ecological mitigation within the applicants ownership.

· Travel Plan, including monitoring costs, and measures set out in the submitted NMU.

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



Application No 3/37/17/019
Outline Planning Application with
all matters reserved, except for
means of access, for the erection
of up to 139 dwellings and
associated works

Land south of Doniford Road and
Normandy Avenue, Watchet

Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

West Somerset Council
Licence Number: 100023932



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Easting: 308045
Northing: 142625

Scale: 1:5000

Update to Planning Committee

3/39/18/009 - Outline planning application (with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access, provision of open space and other associated works on Land to the East of Aller Mead, Doniford Road, Williton TA4 4RE

This planning application was determined by West Somerset Council's Planning Committee on 7th February 2019. The resolution was to grant planning permission subject to:

The applicant entering into an appropriate legal agreement to secure 35% affordable housing on site

- *Provision and maintenance of future play and open in a local equipped play area*
- *Provision of a link for walking and cycling to Watery Lane*
- *Provision of walking and cycling link to Doniford Road through the site*
- *Travel Plan Monitoring Contribution of £13,750.00*

Recommend to approve, subject to S106, conditions in the report and amendments to the conditions on the Update Sheet

Since this committee resolution, two Unilateral Undertakings have been produced to legally secure the above. However, through this process, it has been identified that a condition was missed from the previous recommendation. Members are requested to approve an additional condition requiring a Travel Plan, the condition will state:

Prior to the commencement of development, a Travel Plan will be submitted for approval. The approved Travel Plan will then be implemented in accordance with the delivery schedule therein and in any event prior to first occupation.

Reason: In the interests of highway safety and the safety of users of the local highway network.

49/19/0045

MR J ELLIOT

Variation of condition 2 (approved plans) of planning permission 49/14/0078 at Oakhampton Park, Ford Road, Wiveliscombe

Location: Oakhampton Park, Ford Road, Wiveliscombe, Taunton, TA4 2RW

Grid Reference: 309575.129928 Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

- (A4) Site Location Plan
- (A3) DrNo 385.04 Block Plan
- (A3) DrNo 385-01G Proposed Floor Plans
- (A3) DrNo 385-02I Proposed Elevations
- (A3) DrNo 385-03C Indicative Section

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

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

3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Oakhampton Park and it shall not be used to provide habitable accommodation without the further grant of planning permission.

Reason: To prevent the building being used on for commercial purposes in this rural location in close proximity to the main dwelling house, and from forming a separate unit of residential accommodation.

4. The hereby approved works to the dormers shall be completed within six

months of the date of this decision.

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

Notes to Applicant

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

Proposal

The proposal is to vary the approved plans in order to retain the amendments made to a detached multi-purpose building which has planning permission to be used as garaging, gym, workshop and ancillary accommodation. The building was not constructed in accordance with the approved plans. A patio door and balcony have been erected above the garage door on the south west elevation, minor changes to the fenestration on the side and rear elevations have been made and rooflights have been omitted. There have also been changes made internally with the relocation of the staircase, the downstairs toilet now housing a shower and the upstairs shower room has become a bathroom. In addition, the materials have changed for the walls. The front elevation is stone on the ground floor with timber cladding to the first floor as approved, but the side and rear elevations are rendered rather than timber clad. The windows and doors were to be timber, but upvc has been used, apart from the garage door which appears to be white metal.

Dormer windows have been added to the side elevations, which have promoted the sub-division of the increased floor space into three rooms upstairs (excluding the bathroom) rather than one. These dormer windows are currently large and appear incongruous and overly dominant, and led to the refusal of a previous application to regularise the changes (49/18/0033). This current application seeks approval for the above plus changes to the scale and design of the dormers, with roofs which do not meet ridge level, but are 1m lower and are flat with the hips and cheeks omitted.

This application is identical to approved application 49/19/0007 but a Section 73 application has been submitted in order to regularise the financial situation with regards to the Community Infrastructure Levy.

Site Description

Oakhampton Park is a large residential property surrounded by open countryside, agricultural and residential holding. The main dwelling is a large detached stone two-storey dwelling under a slate hipped roof with gable dormers. To the east there is a range of large outbuildings which are used for accommodation and storage. The site is surrounded by dense groupings of mature trees with the land generally rising to the north and north-west.

Relevant Planning History

49/14/0049 - Erection of detached multipurpose building to be used for dance, fitness, gym and sport classes in association with applicants business, together with garaging and storage - withdrawn 21 November 2014.

49/14/0078 - Erection of detached multipurpose building to be used as garaging, store, gym and workshop (resubmission of 49/14/0049) - conditional approval 23 January 2015.

49/18/0033 - Erection of detached multi purpose building to be used as garaging, store, gym, workshop and ancillary accommodation (retention of works already undertaken) - amended scheme to 49/14/0078 - refused 17 August 2018.

49/19/0007 - Erection of detached multi purpose building to be used as garaging, store, gym, workshop and ancillary accommodation (resubmission of 49/18/0033) at Oakhampton Park, Ford Road, Wiveliscombe (retention of works already undertaken) - conditional approval 14 April 2019.

Consultation Responses

WIVELISCOMBE TOWN COUNCIL - Wiveliscombe Town Council met last night and discussed the above application. The Town Council will object to this as it is out of character with the size of the house and by virtue of its design and height.

Representations Received

None received.

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
D6 - Ancillary accommodation,

Local finance considerations

Community Infrastructure Levy

Creation of residential floorspace over 100sqm is CIL liable.
Proposed development measures approx. 225sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £28,000.00. With index linking this increases to approximately £37,750.00.

New Homes Bonus

Not applicable.

Determining issues and considerations

The pertinent issues to consider are the impact of the proposed building upon visual amenity, appearance of the building and whether it has an acceptable ancillary relationship to the principal dwelling.

The existing property is a large, attractive rural stone and slate residence which is generally well screened by tree cover from views along the public highway to the south and east. Visually the proposed building will also be screened from any wider views within the landscape so will not be visible from the street scene or neighbours. The proposed dormers are subservient in scale and with the reduction in bulk will look less dominant, the simple flat roofed design is more in keeping with the style and purpose of the build and will be more in keeping with the existing gable dormers on the principal dwelling. The balcony is a feature which would not normally be associated with this type of outbuilding and does imply a possible habitable use, however, it does add interest to the front elevation and is not considered to adversely affect the appearance of the building. The use of different materials, such as upvc for the fenestration, is disappointing but not considered sufficiently detrimental in terms of the building's appearance or the affect on the main dwelling as to warrant a refusal.

The building was sought, as per permission 49/14/0078, for the storage of motor vehicles and to provide other ancillary functions including a home gymnasium, workshop and store. However, the change of wc to shower room on the ground floor and bathroom rather than shower room on the first floor, together with two extra rooms and balcony on the first floor raises questions over its current usage. Condition 4 of the permission states that the building should not be used for habitable accommodation without the grant of planning permission, and as there is no need for habitable accommodation on this site and no justification or information has been provided for the change of internal configuration, if the building is being used for habitable accommodation this would be considered as unacceptable. The

same condition will be added to this permission.

The Town Council have objected stating that as it is out of character with the size of the house and by virtue of its design and height. The size and height of the building (without the dormers) has been considered and found acceptable under the previous planning permission (49/14/0078), whilst the revised design, including the smaller dormers and balcony, is considered to be acceptable as they will not detrimentally harm the form and character of the principal dwelling.

The proposed development is thus acceptable and accords with policy DM1 of the Taunton Deane Core Strategy and policy D6 of the Taunton Site Allocations and Development Management Plan. It is recommended for conditional approval.

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

Contact Officer: Mrs S Wilsher



Appeal Decision

Site visit made on 5 September 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2019

Appeal Ref: APP/W3330/W/19/3230445

Staplegrave Inn, 206 Staplegrave Road, Staplegrave, Taunton TA2 6AL

- 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 Stone Holdings SW Ltd against the decision of Somerset West and Taunton Council.
 - The application Ref 34/18/0027, dated 20 December 2018, was refused by notice dated 26 April 2019.
 - The development proposed is for the change of use of public house (Use Class A4) to a 9-bed House of Multiple Occupation (HMO).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of public house (Use Class A4) to a 9-bed House of Multiple Occupation (HMO) at Staplegrave Inn, 206 Staplegrave Road, Staplegrave, Taunton TA2 6AL in accordance with the terms of the application, Ref 34/18/0027, dated 20 December 2018, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. Since the refusal of this proposal, a scheme to change the use of the public house to an 11 No. bedroom house of multiple occupation has been granted on appeal¹. The earlier decision for the 11 bed HMO had been refused for similar reasons as the present proposal. In the light of the appeal decision, and as the present scheme is similar but would provide less beds, the Council has confirmed that it does not wish to contest the appeal and has set out recommended conditions to accompany any approval.

Main Issue

3. In the light of the recent appeal decision, such that the Council do not wish to contest the appeal, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.

Reasons

4. I have taken into account all the submissions from interested parties, including those from local residents, Staplegrave Parish Council and the Somerset Waste Partnership. A wide variety of concerns and objections have been set out in detail, including the parking and highway situation, quality of the accommodation and the intensity of occupation. The previous Inspector

¹ APP/D3315/W/19/3221218 – decision dated 25 June 2019.

examined these matters in respect of the 11 bed HMO proposal and came to the conclusion that the scheme was acceptable and would not prejudice highway safety and operation, and that the outdoor amenity space would not lead to unacceptable living conditions for future occupiers. That Inspector also made reference to a variety of other matters raised by interested parties, such as fire safety, ventilation and disabled access. I have examined all the concerns and objections which have been raised in this appeal, but I have found no substantive or convincing evidence that would lead me to a different conclusion to that reached in the earlier appeal decision, particularly as this proposal is for 2 fewer beds within the HMO.

5. I have not been presented with any clear reason why this revised proposal would conflict with the relevant policies of the development plan or the National Planning Policy Framework, such as to justify withholding permission.
6. After considering all the evidence and visiting the site, and having regard to the analysis and conclusions in the earlier appeal decision for the 11 bed HMO, I conclude that there are no other considerations that indicate that this appeal should be dismissed.

Conditions

7. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The standard time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
8. In the interests of highway safety is it necessary to require details of the proposed two parking spaces to be submitted to and approved by the Local Planning Authority, and to require the provision and retention of the spaces for that sole purpose thereafter.
9. It is necessary for details of the layout and boundary treatments to the first floor amenity area to be submitted and approved by the Local Planning Authority in the interests of the character and appearance of the area, the safety of future occupiers and the privacy of occupiers of the adjoining dwellings broadly to the north. Similarly, it is necessary for details of the front boundary wall to be submitted to and agreed by the Local Planning Authority in the interests of the character and appearance of the area.

Conclusion

10. Having regard to the above, and taking all other matters into account, I conclude, subject to the specified conditions, that the appeal should be allowed.

David Wyborn

INSPECTOR

Appeal Ref: APP/W3330/W/19/3230445
Staplegrove Inn, 206 Staplegrove Road, Staplegrove, Taunton TA2 6AL

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3898-BB -XX -XXX -DR-A-0200 Rev B Location Plan, 3898-BB-XX-XXX-DR-A-0320 rev A Proposed Ground Floor Plan, 3898-BB-XX-XXX-DR-A-0321 Rev A Proposed First Floor Plan, 3898-BB-XX-XXX-DR-A-0600 Rev C Proposed Elevations, 3898-BB-XX-XXX-DR-A-0601 Rev A Existing Elevations, 3898-BB-XX-XXX-0310 Existing Ground Floor Plan, 3898-BB-XX-XXX-0311 Rev A Existing First Floor Plan and 3898-BB-XX-XXX-DR-A-0602 Existing and Proposed Sections.
- 3) Before the development hereby permitted is first occupied, a parking area providing for a maximum of two vehicles shall have been laid out in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The area allocated for parking on the approved plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 4) Before the development hereby permitted is first occupied, a scheme detailing the layout and boundary treatments to the rear first floor amenity area, together with an implementation timetable, shall have been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and in accordance with the agreed implementation timetable.
- 5) Prior to any development above ground level, details of the ground floor boundary wall shown on plan No 3898-BB-XX XXX-DR-A-0320 Rev A, together with an implementation timetable, shall have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with the agreed implementation timetable.

End of schedule

APPEALS RECEIVED September 2019

Site: The Barn at Ayton Fields, Hillfarrance

Proposal: Siting of mobile home for use as office and respite at the Barn, Ayton Fields, Hillfarrance (retention of works already undertaken)

Application number: 27/19/0009

Appeal reference: APP/W3330/W/19/3236069
