

<b>Application No:</b>	<a href="#">3/05/19/007</a>
<b>Parish</b>	Carhampton
<b>Application Type</b>	Variation of conditions
<b>Case Officer:</b>	Richard Hawkey
<b>Grid Ref</b>	Easting: 300972    Northing: 142634
<b>Applicant</b>	Mr Ware
<b>Proposal</b>	Variation of Condition No. 02 (approved plans) of application 3/05/17/012
<b>Location</b>	Land north of Church Lane, Carhampton
<b>Reason for referral to Committee</b>	

## Recommendation

Recommended decision: Grant

### Recommended Conditions

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

(A2) DrNo 2478-PL-01 Rev E Landscape & Drainage plan  
(A1) DrNo 2478-PL-02 Rev B Proposed Ground Floor Plan  
(A1) DrNo 2478-PL-03 Rev B Proposed First Floor plan  
(A3) DrNo 2478-PL-04 Rev F Proposed Elevations  
(A3) DrNo 2478-PL-05 Rev E Proposed Elevations

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

- 2 The area allocated for parking and turning on the hereby approved plans shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure suitable parking and turning area are provided and retained, in the interests of highway safety.

- 3 There shall be no obstruction to visibility greater than 600mm above the adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be retained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access,

in the interests of highway safety.

- 4 The materials to be used in the construction of the approved dwelling shall be carried out in strict accordance with the approved details contained in the letter from the Local Planning Authority dated 12th May 2017 on application 3/05/14/011.

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

- 5 The approved sample panel of the natural stone approved under condition 4 must be kept on site for reference until the development is completed. The works shall thereafter be carried out only in accordance with the details so approved.

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

- 6 No further works, including vegetative clearance or groundworks in connection with the construction of dwelling 1 shall be undertaken unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to the Protection of Badgers Act 1992 authorising the development to go ahead; or
- b) a statement in writing from the licensed badger ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interest of the strict protection of a UK protected species.

- 7 The mitigation measures in relation to the badgers and reptiles identified in the Reptile Survey and Badger Monitoring by Clarkson and Woods dated April 2015 shall be incorporated into the development in accordance with the schedule of implementation identified in the Ecological Survey by MWA dated October 2014 and the Reptile Survey and Badger Monitoring by Clarkson and Woods dated April 2015 and subsequently retained.

Reason: To ensure that suitable mitigation measures are incorporated into the development to minimise the impact on species protected by law.

- 8 The hard and soft landscaping works shall be carried out in accordance with the approved details as approved by letter dated 17th May 2017 on 3/05/14/011 and as subsequently partially updated by drawing No. 2478-PL-01 Rev E. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development.

- 9 The existing trees and hedges to be retained as shown on drawing no. 2478-PL-01 Rev E shall be retained. Any retained tree or hedge which within five years of the approved development being occupied or completed, whichever is the sooner, dies, are removed or become seriously damaged or diseased shall be replaced by a similar species to be first approved in writing by the Local Planning Authority during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the development and the surrounding area.

- 10 The details as approved by letter dated 25th April 2017 from the Local Planning Authority on 3/05/14/011 of the protective measures and methods of working in relation to existing planting on the site shall be implemented in accordance with those details. Such protected areas shall be kept clear of any building, plant, material, debris and trenching or landscape works. The protective measures shall be retained until the development hereby approved has been completed.

Reason: To safeguard existing trees and planting to be retained within the site.

- 11 Prior to the occupation of the development, the refuse store indicated on the approved plans shall be provided and shall be permanently retained thereafter solely for this purpose. No refuse shall be stored outside the buildings other than in the refuse store hereby approved.

Reason: In the interests of the appearance of the development and of the amenity and character of the area.

## **Informative notes to applicant**

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

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application [certain elements of the proposal were deemed to be unacceptable / issues/concerns were raised by a statutory consultee / neighbour in respect of xxx]. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

## Proposal

This application is for a variation to condition No. 2 (approved Plans) of application 3/05/17/012 at Land north of Church Lane, Carhampton. This current application differs from the most recent consent in that:

- \* the low stone walls to the front of Plots D1, D2 and D4 have been removed
- \* Plots D1 and D2 have been separated to create two detached dwellinghouses
- \* Minor elevation differences to D2
- \* Erection of boundary treatments to plots D1 and D2.

## Site Description

The application site comprises a parcel of land totalling approximately 0.3 hectares. This location is within the settlement of Carhampton with the site being located on the northern edge of the village. Access to the site is via Church Lane which is a no through road. To the north of the site are open fields and immediately to the south west is St John the Baptist Church (a Grade 1 listed building). Work has commenced on the site such that four out of the five dwellings are nearing completion. Dwelling D1 has not commenced with any above ground construction work.

## Relevant Planning History

3/05/14/011 Development of 4 houses, extension to vicarage to provide new benefice office and provision of parking for church and benefice office use. Granted 3rd July 2015

3/05/17/012 Variation of condition No.2 (approved plans) of application 3/05/14/011. Granted 30th January 2018.

3/05/17/013 Erection of No.1 additional detached dwelling. Granted 30th January 2018.

## Consultation Responses

*Carhampton Parish Council* - The following is the objection of the Parish Council:

Planning Application 3/05/19/007 - suggested comments

Omission of Garden Walls to 01, 02 and 04

Summary: The omission of front garden walls to 01, 02 and 04 should be refused. The proposal compromises the following policies:

### 1. Planning Policy NH13 - SECURING HIGH STANDARDS OF DESIGN

New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development should demonstrate that where appropriate:

The proposal makes a positive contribution to the local environment and creates a place with a distinctive character;

The proposal lowers the standards of design. Removing the walls homogenizes the overall appearance removing character and individual features.

## 2. Planning Policy NH13 - SECURING HIGH STANDARDS OF DESIGN

New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development should demonstrate that where appropriate:

The public realm has been designed to ensure that it is attractive, safe, accessible and well connected to its surroundings, including walking and cycling routes to and within the development, to encourage their use in the interests of public health;

Reasons in detail:

### I. Standards of design.

The garden walls form part of the approved plans of application 3/05/17/012. They are specified as 0.9m stone built garden walls to the front of D1, D2 and D4, their form being a substantial division between the front gardens of these houses and the road space. The maximum height allowed by general planning conditions between a garden and road space is 1metre. In the Planning Statement the applicant describes these walls as 'low' (6.3.5) suggesting they are insignificant -but they are clearly just below the maximum height that planners allow without special planning permission. At 0.9m, they are not easily stepped over and are a significant barrier to young children and pets.

The Design and Access Statement (DAS) of the approved plans lists these walls as a design feature. They are there for a purpose, not simply an optional decorative add-on.

The applicant's proposal is to replace these walls with a low set kerb, set so low, in fact, that the kerb top is level with the tarmac surface of the roadway. The effect of this may well be to open up the vista of each and every house along with garden planting for all to admire, but it also removes individual character from each of the houses by homogenising their appearance (further emphasised by the applicant's proposal to make each of the five buildings detached).

In addition the garden walls protect the amenity of the residents of the development. It may be overlooked but the front gardens of these houses face south and are more likely to be in sunshine during the morning and afternoon than in the small, north facing rear gardens. The walls provide some form of privacy through detachment from the roadway and neighbouring gardens that allows residents to sit out without being totally visible to all. This is especially so with D2 where the applicant's planning statement describes the walls as 'serving no practical function other than to create a small yard area that can be used for no practical purposes'

(6.3.5). Edging this area bounded by the garden wall 02 has a sitting room with large, full height opening glass doors. The stone wall adds a degree of privacy and allows these doors to be opened during the day, especially in summer, allowing direct access to the small courtyard front garden rather than onto, if the walls were omitted, a roadway. There is plenty of room for chairs, even a table. This space has a function, as do the walls.

Design matters. The form and function of the garden walls matter. There is a reason why the walls are there. Omitting them lowers the standard of design.

## 2. Safety

Not only does omitting the walls lower the standard of design, there is a safety aspect that has not been addressed in this proposal. The substantial barrier that the walls form delineates the roadway area from the gardens. With the kerb set low as it has been (it has already been constructed) there is no division between garden and road.

A large proportion of the public areas of this site form a mix of roadway and parking, the latter organised in several shared areas, not just in driveways/garages for each house. Consequently there are car movements, forward and in reverse, around the front gardens of each and every house, movements that are not necessarily related directly to the occupants of that house. In addition there will be regular heavy movements such as refuse trucks that will involve reversing and daily delivery/service vehicles, some of which are not known for their modest speed.

The garden wall to D4 clearly protects the occupants by providing a substantial physical barrier preventing the incursion of vehicles into the front garden. The planning amendment proposal removes this element of protection - there is nothing to stop a vehicle reversing or running into the garden area of the house (D4 is at the end of a downwards slope forming the entrance to the site - an icy drive in winter has the potential for vehicles to slide into the garden of D4).

These are also 'family' houses. The wall also prevents children from running out of the front door into potential traffic. Most vehicle movements on site pass the front garden of D4. The swept path analysis of drawing 2478A- PL-02 rev A (September 2017) clearly demonstrates the potential hazard with refuse vehicles reversing right to the edge of the building's front garden boundary (the kerb). With a garden wall in place occupants have protection - and the optional of adding a small garden gate, which does not require planning permission, adding a further layer of safety should they have children or even pets. This applies equally to the other properties with garden walls.

The garden wall to D1 serves a similar purpose. Immediately to the front of the garden is a row of 6 parking spaces. The garden wall provides some screening of the parked cars but also delineates the garden from the road space as cars move in and out of the spaces. The wall is another safety barrier between occupants of D1 and moving vehicles which will, of necessity, have to reverse in or out of those parking spaces.

Likewise, D2 also gains the protection of a garden wall from reversing vehicles as they move into or out of the open fronted 'garage' parking spaces attached to D2 and the row of 6 spaces nearby.

D3 has a small front garden and no wall. It is set back and protected by the forward positioning of the bulk of D4. Vehicle movements directly in front of D3 are limited, of necessity, to the occupants of D3 with the substantial garden stone wall of D4 preventing reversal movements of heavy vehicles (see swept path analysis) into the area immediately in front of D3. Removal of that wall removes that protection. It is a safety feature.

DS was added by a different architect and has no front garden wall. Perhaps it should, being at the turning head of the heavy vehicle movement, again highlighted by the swept path analysis.

Surely, safety should be non-negotiable, and that is the prime function of each of those garden walls that the applicant seeks to remove. There are 14 parking spaces for residents and 8 spaces for church visitor use. There is the potential for other vehicles to seek parking or turning. Separating vehicle movements from residential spaces is a matter of protection. This application degrades the design particularly with respect to safety of the occupants.

Separating 01 and 02

Summary: The application to separate D1 and D2 to form two detached houses should be refused. The proposal compromises the following policies:

WEST SOMERSET LOCAL PLAN TO 2032 -ADOPTED NOVEMBER 2016 1.  
Planning Policy NH13 - SECURING HIGH STANDARDS OF DESIGN  
New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development should demonstrate that where appropriate: The proposal makes a positive contribution to the local environment and creates a place with a distinctive character.

The proposal lowers the standard of design of this development, the standard being that set out in the original, approved, Design and Access Statement.

2. Planning Policy NH6: NATURE CONSERVATION AND THE PROTECTION AND ENHANCEMENT OF BIODIVERSITY

Planning permission for development will be granted subject to the application demonstrating that:

- \* the proposed development will not generate unacceptable adverse impacts on biodiversity;

- \* measures will be taken to protect or mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity. Measures shall ensure a net gain in biodiversity where possible. The Somerset 'habitat evaluation procedure' will be used in calculating the value of a site to species

affected by a proposal as appropriate. Where habitat is replaceable, mitigation techniques need to be proven;

\* the local planning process will be used to protect, enhance and restore the ecological network within West Somerset. The weight of protection afforded to a site that contributes to the district's biodiversity will reflect its role in maintaining connectivity and resilience of the local ecological network;

The proposal will impose a negative impact on the registered Main Badger Sett immediately adjacent to the proposed building site through extensive and lengthy disturbance.

### 3.Planning Policy NH2: MANAGEMENT OF HERITAGE ASSETS

Development proposals that;

A. Are likely to affect the significance of a heritage asset, including the contribution made to its setting should demonstrate an appropriately evidenced understanding of the significance in sufficient detail to allow the potential impacts to be adequately assessed.

The proposal will impose a negative effect on the setting of the adjacent church and churchyard of the Grade 1 listed St John the Baptist church.

Reasons in detail:

#### 1. Standards of design.

In the original Design and Access Statement (DAS) of the approved plans that this proposal seeks to alter the semi-detached DI and D2 represent a barn conversion in size and stature. To separate the two with a gap in between loses this significant design feature. They could no longer be considered to represent a barn conversion. This loses yet another element of the original, approved design which has a 'farm setting' theme appropriate to location.

The accumulated effect of this and the previous changes already made to the site results in a development consisting of a row of box like houses lacking in character. The DAS provides a specific focus on DI and D2 as being "formed as a single storey (room in the roof) long low building to minimise impact on the nearby church and churchyard and avoid an 'executive estate' appearance to the development".

The result of this proposed change would be to significantly degrade the entire design concept and the impact would lower the standard of design.

#### 2. The impact on biodiversity.

The site on which DI is to be placed is immediately adjacent to an important badger sett, registered as a main site and therefore given protection in law. In the Reptile Survey and Badger Monitoring report by Clarkson & Woods that forms part of the planning conditions for the approved plans for DI to DS there are specific



requirements for the protection of the badger sett adjacent to DI. The report, which is still applicable, contains a set of recommendations that include building DI before any of the other buildings on the site to reduce sustained disturbance to the sett. This did not happen. Whilst the foundations of the approved version of DI went in two years ago (and then covered over) the section of site that DI sits on has been used as a storage area for rubble, building materials and heavy machinery. It has also been used as a roadway for the heavy machinery to travel around the site. This has resulted in constant disturbance to the badger sett.

If the proposal is granted the impact on the sett will be as follows:

The site will need to be excavated again to remove the large quantity of spoil dumped on top of the existing foundations. These foundations will have to be removed and fresh foundations dug and formed in order to accommodate the new footprint of DI. The disturbance to the adjacent sett will be excessive.

Moving DI to the proposed position brings the southern gable wall to the very edge of the site. Here there is a buried badger protection net and a key entrance to the sett which the applicant chased back under license to its present position. It cannot be chased back any further. The bank, into and under which the sett entrance runs, forms the site boundary and belongs to the churchyard. The badger access cannot be squeezed any further and should be protected.

### 3. The impact on the church and churchyard.

As has been already noted, the DAS makes clear the reasons for the approved design for DI and O2. If the design is changed in accordance with the applicant's proposal then the changes will impact on the setting of the Grade 1 listed church and its churchyard.

Moving DI as the applicant seeks to do (by at least 1.5 metres) will bring it to the very edge of the building site and therefore to the very edge of the adjacent churchyard. This section of the churchyard currently consists of a small copse of young, low quality hedge elm, sycamore and elderflower along with the badger sett. The vegetation might currently screen the bulk of DI from the churchyard in the summer, but it will be clearly visible in the winter. Hedge elm also has a tendency to clear itself, as is happening around the site, through disease. If, in the future, this area of the churchyard is used for burials then DI will loom over it. In moving DI to the edge of the churchyard there must, logically, be a greater impact on the churchyard.

The question to ask is, if this was an application to build DI from scratch without O2 to DS would the planners allow the building to be erected in the proposed new location immediately adjacent to the churchyard? Such permission would be very unlikely. To reduce the impact the location of the building would be moved away. How far? We know that the approved position is acceptable and in these circumstances that is the only acceptable option. Compromising the setting of a Grade 1 listed building is not acceptable.

DI and D2 should not be separated. The foundations for DI are already in place.

The least disruptive and damaging course is to build the house on those foundations.

At that same meeting members of the public made comments about the application and these have been recorded in the minutes of that meeting and are set out below forming a further part of the Parish Council's objections:

3 members of the public made comments about the planning application 31051191007 - Land North of Church Lane - Variation of Condition No. 02 (approved plans) of application 31051171012 of which the following is a summary:

- \* Photographs of the site of plot 01 were provided and are attached to the signed copy of these minutes
- \* The original application was for 4 dwellings subsequently increased to 5
- \* Variation to stonework application had been refused but still changed
- \* Current application is to abandon the stone front garden walls and amending the 2 semi- detached dwellings to 2 detached but described as "minor" changes
- \* The character of the development has been changed extensively since the original application
- \* Two residents had already submitted letters of objection to the Local Planning Authority
- \* No Health & Safety assessment has been submitted in respect of the removal of the front garden walls
  
- \* The measurements for the now proposed detached dwelling on plot 01 moved it 1.29m closer to the boundary but the foundations, already built, were not shown as moving
- \* The new plans increased the size of the plot and impinged on the registered (protected) Badger Sett.

*Wessex Water Authority* - No comments received

*Somerset Drainage Board Consortium* - No comments received

*Highways Development Control* - Please refer to Standing Advice

*Environmental Health Team* - No comments received

*SCC - Ecologist* - I have recently discharged condition 12 with the submission a plan marking the badger corridor. However, as there is now an adjustment to the site layout the stated mitigation for badgers in the discharged condition may no longer be appropriate. If it is close to the badger sett work would require a development licence for badgers from Natural England. I do not know the status of the badger sett, i.e. whether it is a main or annex sett or an outlier. It is likely to require sett closure in any case. The sett's status will dictate what can be done, i.e. whether a replacement artificial sett is required or not. Therefore, a new condition needs to be applied to this application as follows:

Works, including vegetative clearance and groundworks shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to the Protection of Badgers Act 1992 authorising the development to go ahead; or

b) a statement in writing from the licensed badger ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of a UK protected species and in accordance with policy EQ4 of the West Somerset Local Plan

This would therefore require an up to date survey in order to make an application to Natural England or for a written statement by an ecologist before works start. If the sett needs closure, which is likely, than work would not be able to commence until next July now.

*Historic England* - We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation & archaeological advisers as relevant.

*SCC - Historic Environment* - No comments received

*Conservation Officer* - . I do not consider that either scheme will cause harm to the Church of St John the Baptist as the massing and materials of the proposed building sits well with the church. I agree with the parish council's comments in that the separation of the building is a retrograde design step as the initial design concept is that of a low level farm building/barn.

## Representations Received

Six letters of objection have been received in which the following issues have been raised:

\* The Standard of design has been reduced by the removal of the garden walls as approved under 3/05/17/012 and replaced with a low kerb. It removes individual character and also some privacy from the front gardens. To omit them lowers the standard of design.

\* The removal of the boundary walls from the proposal and their replacement with a low kerb will mean that there is no division between the garden and the road. There are car movements around the front garden areas of each house and there is nothing to stop a vehicle reversing or driving into the garden areas. The walls previously approved would of provided protection to children playing and pets.

\* Separating D1 and D2 will lower the standard of design and have a negative effect on the setting of the adjacent church and churchyard which is Grade 1 listed

\* The original plan was that the dwellings would have a barn like appearance in keeping with the surrounding farm, but by separating the two houses this barn like feature would disappear. By separating and moving the dwelling it would appear as though the house would be situated right on the churchyard boundary which would mean that a solid stone wall would form the boundary between the churchyard and house D1. The church would be screened from the house by vegetation in the summer but in the winter would be clearly visible.

\* By separating D1 and D2 there would be a negative impact on the registered badger sett immediately adjacent to the proposed building site through lengthy and extensive disturbance

\* the changes are major variations from the approved plans

## **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**

NH1	Historic Environment
NH2	Management of Heritage Assets
NH13	Securing high standards of design
NH6	Nature conservation & biodiversity protection & enhancement
SC1	Hierarchy of settlements

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

NH1	Historic Environment
NH2	Management of Heritage Assets
NH13	Securing high standards of design
NH6	Nature conservation & biodiversity protection & enhancement
SC1	Hierarchy of settlements

## **Determining issues and considerations**

This application seeks consent for revisions to the scheme approved under ref: 3/05/17/012. Section 73 of the Town and Country Planning Act 1990 allows developers to apply to vary or remove one or more conditions attached to a planning permission. The Council is not required to readdress the principle of development since that is not at issue: the application is however required to be considered on its merits having regard to current relevant policies and other material considerations. It should be noted that the original planning permission will continue to exist whatever the outcome of the application under section 73. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the local planning authority may also impose new conditions – provided that the conditions do not materially alter the development that was subject to the original permission and are

conditions which could have been imposed on the earlier planning permission.

For this application the differences for consideration are:

- \* The low stone walls to the front of Plots D1, D2 and D4 have been removed
- \* Plots D1 and D2 have been separated to create two detached dwellinghouses
- \* Minor elevation differences to D2
- \* Erection of boundary treatments to plots D1 and D2

Under the original consent dwellings D1, D2 and D4 had a front boundary wall 0.9 metres in height which has been removed in the revised scheme. Whilst this would of provided a degree of separation of the front garden areas for some of the dwellings I do not consider that their removal would result in any significant detriment to the appearance of the scheme. The original concept for this development was to be akin to a barn conversion type development (although the buildings are actually newly built) so having garden areas with no formal hard definition would in my opinion align with this concept. Kerbs and brick pavers are used to define the boundary between the road and garden areas and this is in keeping with other open plan cul-de-sac developments and would not be unacceptable with regards to vehicle movements which in a cul-de-sac setting are likely to be limited and of low speed.

The revised plans also show dwellings D1 and D2 as being separated by approximately 70cm to create two detached dwellings rather than semi detached ones. Whilst this would result in a change to the appearance of the development it is not considered that the visual impact of the change would be significant. An important consideration in the assessment of this proposed change is the location to the south west of St John the Baptist Church which is a Grade 1 listed building. There is a thin screen of trees along the boundary between the application site and the adjoining church yard, however in winter when there are no leaves on the trees then there is greater intervisibility between the two sites. The Council's Conservation Officer has commented on this aspect of the proposal and whilst they consider that the separation of the two buildings is a retrograde step from the original design concept they do not consider that the change would cause harm to the listed building as both the massing and materials of the buildings sit well with the church.

The revised plans also seek to regularize some minor elevation changes to reflect the development as built. These relate to dwelling D2 and comprise the insertion of a door on the north elevation of D2 to provide access from the covered parking area into the rear garden area of the property as well as a first floor window in the north facing gable end which has been widened slightly so that it more closely matches the dimensions of the adjoining dormer window opening. There is no objection to these minor elevational changes. Similarly the 1.8 metre high boundary fencing proposed between D1 and D2 (which is to run to the rear of the properties only) would also be considered acceptable.

The ecologist has not raised objection to the proposal, however as dwelling D1 is to be located closer to a badger sett than the previous approval they have recommended that a condition is added to the consent which requires either a copy

of the licence issued by Natural England pursuant to the Protection of Badgers Act 1992 authorising the development to go ahead or a statement in writing from the licensed badger ecologist to the effect that he/she does not consider that the specified development will require a licence. Such confirmation will be required prior to further works commencing on the construction of dwelling D1

On the basis of the above I consider that this revised proposal would satisfactorily accord with policies NH1 (Historic Environment), NH2 (Management of Heritage Assets), NH6 (Nature Conservation and the Protection and Enhancement of Biodiversity), NH13 (Securing High Standards of Design) and SC1 (Hierarchy of Settlements) of the Adopted West Somerset Local Plan to 2032.

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

