

SWT Planning Committee

Thursday, 9th January, 2020,
1.00 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
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, Craig Palmer,
Ray Tully, Brenda Weston, Loretta Whetlor and Gwil Wren

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.

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 - 14)

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|---|------------------------|
| <p>5. 3/05/19/007
Variation of Condition No. 02 (approved plans) of application 3/05/17/012 at Land north of Church Lane, Carhampton</p> | <p>(Pages 15 - 30)</p> |
| <p>6. 24/19/0046
Erection of 1 No. bungalow with detached garage on land to the rear of 16 Town Farm, North Curry</p> | <p>(Pages 31 - 40)</p> |
| <p>7. 3/37/19/002
Erection of 10 No. dwellings with associated works at Land to the south of Stoates Mill, Watchet</p> | <p>(Pages 41 - 68)</p> |
| <p>8. Latest appeals and decisions received</p> | <p>(Pages 69 - 82)</p> |



JAMES HASSETT
CHIEF EXECUTIVE

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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 - 5 December 2019

Present: Councillor

Councillors Roger Habgood, Ian Aldridge, Caroline Ellis (In place of Sue Buller), Marcia Hill, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Brenda Weston, Loretta Whetlor and Gwil Wren

Officers: John Burton, Martin Evans (Shape Legal Partnership), Jo Humble, Tracey Meadows (Democracy and Governance), Andrew Penna (Garden Town Coordinator) and Alex Lawrey

Also Present:

(The meeting commenced at 1.00 pm)

95. **Apologies**

Apologies were received from Councillors Buller, Firmin, Martin Hill, Nicholls

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

(Minutes of the meeting of the Planning Committee held on 14 November circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 14 November 2019 be confirmed as a correct record.

Proposed by Councillor Marcia Hill, seconded by Councillor Habgood

The **Motion** was carried.

97. **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	Agenda item	Description of Interest	Reason	Action Taken
Cllr S Coles	38/19/0294	SCC & Taunton Charter Trustee. Lobbied by Mr Raby, Collier Planning and Cllr Henley	Personal	Spoke and Voted
Cllr C Ellis	38/19/0294	Taunton Charter Trustee.	Personal	Spoke and left the room for the debate and vote.

Cllr R Habgood	38/19/0294	Lobbied by Mr Raby, Collier Planning and Cllr Henley.	Personal	Spoke and Voted
Cllr Mrs Hill	38/19/0294	Taunton Charter Trustee. Lobbied by Mr Raby, Collier Planning and Cllr Henley	Personal	Spoke and Voted
Cllr M Lithgow	38/19/0294	Wellington	Personal	Spoke and Voted
Cllr C Morgan	3/32/19/019 38/19/0294	Stogursey PC Lobbied by Mr Raby, Collier Planning and Cllr Henley.	Personal	Spoke
Cllr C Palmer	38/19/0294	Minehead. Lobbied by Mr Raby, Collier Planning and Cllr Henley	Personal	Spoke and Voted
Cllr R Tully	38/19/0294	West Monkton. Lobbied by Mr Raby, Collier Planning and Cllr Henley	Personal	Spoke and Voted
Cllr B Weston	38/19/0294	Taunton Charter Trustee. Lobbied by Mr Raby, Collier Planning and Cllr Henley	Personal	Spoke and Voted
Cllr L Whetlor	38/19/0294	Watchet. Lobbied by Mr Raby, Collier Planning and Cllr Henley. Lobbied by Mr Raby, Collier Planning and Cllr Henley	Personal	Spoke and Voted
Cllr G Wren	38/19/0294	Clerk to Milverton PC. Lobbied by Mr Raby, Collier Planning and Cllr Henley	Personal	Spoke and Voted

98. **Public Participation**

Application No.	Name	Position	Stance
19/19/0009	G Knight	Local Resident	Objecting
	R Fowler	Local Resident	Objecting
	P Fowler	Local Resident	Objecting
	L O'Connor	Local Resident	Objecting
	K Comer	Local Resident	Objecting
	A Knight	Local Resident	Objecting
	A	Local Resident	Objecting
	Withstandley	Local Resident	Objecting
	K Bristow	Local Resident	Objecting
	D Graham	Chair of Hatch Beauchamp PC	Objecting
3/32/19/019	R Crowther	Local Resident	Objecting
	C Heal	Local Resident	Objecting
	G Hart	Local Resident	Objecting
	R Preece	Local Resident	Objecting
	S Goss	Stogursey PC	Objecting
	J Ody	Stogursey PC	Objecting
	S Collier	Collier Planning	Infavour
38/19/0294	M Raby	Local Resident	Objecting
	L Robb	Local Resident	Objecting
	Clr C Ellis	Ward Member	Objecting
10/18/0017	Mrs Stanswood	Local Resident	Objecting
	P Radice	Local Resident	Objecting
	G Chaplin	Local Resident	Objecting
38/19/0003	W Redstone	Local Resident	Infavour
	R Russell	Agent GTH	

99. **19/19/0009**

Erection of 12 No. Dwellings with associated works in a field located to the west of Station Road and south of Home Orchard, Hatch Beauchamp.

Comments from members of the public included;

- The development lies out of the village boundary;
- The development was not sustainable due to lack of public transport;
- No facilities in the village;
- Concerns with parking on Station Road;
- Safety concerns for residents due to no main footpath;
- Other sustainable sites were available for development in the area;
- The trees that were ripped out from the Orchard needed replacing;
- The development did not meet the climate change policy and would increase carbon emissions;
- Limited employment in the village;
- Flooding issues;

- Concerns with the odour from the sewage plant as the existing drains cannot cope with the new dwellings;
- Affordable housing was not required in the village due to the lack of infrastructure and amenities;
- Week landscape designs;
- The village has exceeded its housing limit;

Comments from Members included;

- The application was not sustainable;
- Poor design and layout;
- Concerns that the application did not have the Parish Council or local Community support;
- Concerns with the sewage treatment works;
- No mention of the wildlife survey in the report;
- The development did not comply with policies DM2, CP6, CP1 and DM1;
- Concerns with lack of facilities in the village;
- Flooding issues;
- Accessibility concerns;
- This development was contrary to the Council's development plan;

Councillor S Coles proposed and Councillor M Lithgow seconded a motion for the application to be **REFUSED**

Reasons

1. The sustainability of the site, with particular reference to policy CP6 of the Core Strategy accessibility and the inevitable reliance upon the private motor vehicle that would result;
2. The proposal did not rely upon a small cross subsidy for the affordable housing units and is therefore contrary to the relevant provisions of the NPPF; and;
3. Poor design and layout for the site, with particular reference to DM4 (Core Strategy), D7 (SADMP) and paras 124 – 131 (design) of the NPPF;

The motion was carried.

100. **3/32/19/019**

Erection of a residential development comprising of 27 No. dwellings, relocation of children's play area and associated works on land a Paddons Farm, Stogursey

Comments from members of the public included;

- Concerns with the 52% increase on the original 44 dwellings originally permitted;

- The dwelling are small with no garages so would prevent social cohesion on the site;
- The development was uncharacteristic for the village of Stogursey;
- The repositioning of the Children’s playground would compromise the safety of the children ;
- Unacceptable cramped form of development;
- Impact on the conservation area;
- The previous site was abandoned and not finished;
- Concerns with the graded play area;
- Over development of the site;
- Parking issues;
- Concerns with noise and disruption;
- Previous scheme was no longer viable as it was over 10 years old and did not comply with the Councils current policies;

Comments from Members included;

- No public transport to the village;
- Previous development not finished;
- Overdevelopment of the site;
- Concerns on the impact of the conservation area;
- Concerns with increased traffic;
- Flooding issues;
- Concerns with impact on the village setting;
- Concerns with the lack of responses from statutory consultees;
- Concerns with the relocation of the play area;

Councillor Morgan left the chamber whilst the application was debated and voted on.

Councillor I Aldridge proposed and Councillor C Ellis seconded a motion to **REFUSE** the application.

Reasons

1. Overdevelopment of the site;
2. Unsuitability of the proposed new location for the children’s play area in terms of health and safety issues and relationship with the stream.

The motion was carried.

101. **38/19/0294**

Erection of two storey extension to side elevation at 44 Richmond Road, Taunton (resubmission of 38/19/0204)

Councillor Morgan returned for this item

Comments from members of the public included;

- Concerns that the application was not subservient to the original property;
- Concerns with pedestrian safety;
- Overlooking and loss of light;
- Overshadowing;
- The development would cause harm to the amenity of the area;
- Impact on the street scene;
- Concerns that there were only 11 meters between the proposed development and the nearest property;
- Parking issues;

Comments from Members included;

- Concerns with the insufficient room for the proposed car parking area;
- Concerns with the proximity of the development to the neighbouring property;
- All materials need to be of the same design as the original dwelling;
- Concerns with pedestrian safety on the corner;

Councillor R Habgood proposed and Councillor Tully seconded a motion for the application to be **APPROVED** subject to the inclusion of two additional conditions;

1. Withdrawal of Permitted Development rights in respect of the garage to guarantee it is provided and kept available for the storage of a motor vehicle and to ensure that any alternative use (such as residential or business accommodation) would need to be the subject of a planning application to the LPA first, and
2. A condition to ensure that the external material for the new build matched those used on the existing dwelling.

The motion was carried.

102. **10/18/0017**

Change of use, conversion and extension of existing buildings and new build to create 2 No. dwelling houses (as amended by revised site plan including the access lane within the red edge) at Pay Farm, Willand Road, Churchstanton

Councillor Whetlor left the chamber at the start of this item.

Comments from members of the public included:

- Unstable location;
- Poor design;
- No heritage grounds to retain the structures on site;
- The application was a new dwelling in the open countryside;

- The application was in the area of the ANOB;
- Concerns with the increased traffic flow;
- Concerns that the access track would not cope with heavy construction traffic;
- There were no mains water or sewage disposal to the property;

Comment made by Members included;

- Concerns with asbestos in the existing buildings;

Councillor M Lithgow proposed and Councillor C Morgan seconded a motion for the application to be **REFUSED**.

The motion was carried

Reason

The proposed development is considered to be in an unsustainable location and the scale, size, extent of new building and poor design would detract from the character and appearance of this part of the AONB. The Local Planning Authority also considers that the proposed development would result in substantial rebuilding and alterations to the existing barns. The development is therefore considered to be contrary to the Core Strategy Policies SP1, SD1, DM1, DM2, DM4, and CP8 and Policies SB1 and D7 of the Sites Allocations and Development Management Plan.

At this point in the meeting a half hour extension was proposed.

103. **38/19/0003**

Redevelopment including the erection of 22 No. dwelling houses with associated access, parking and Local Equipped Area for Plan (LEAP) at Fairwater Yard, Higher Palmerston Road, Taunton

Comments from members of the public included;

- Concerns with flood risk;
- Impact on wildlife;
- Boundary issues;
- This application was new housing in a sustainable development;
- This development was more appropriate of a Brown field site;
- The development would be energy sufficient and enhance the site;

Comments from Members included;

- Perfect example of a brown field site;
- Concerns with flooding issues;
- Concerns with contamination on the site;

- Concerns with the loss of social housing;
- Car parking issues;
- Concerns with the increased traffic;
- Concerns that the cycle route was not clear or safe;
- Concerns with on street parking;

Councillor G Wren proposed and Councillor S Coles seconded a motion for the application to be **APPROVED** with the inclusion of an additional condition to ensure that any contamination remediation is carried out before the flood risk measures are undertaken in case any unforeseen contamination impacts upon the flood risk measures.

The motion was carried.

At this stage in the meeting a half extension was proposed.

104. **3/26/19/016**

Erection of 9 No. Dwellings with associated access, landscaping, public open space, drainage and footpath works at former nursery site, Washford, Near Watchet

Application **Deferred**

Reason

This application was deferred from consideration at the applicant's request. The Applicant needed further time to revisit the layout of the site to ensure inclusion of a 6 metre (minimum) ecological zone as per the County Ecologist's recommendation.

105. **3/37/19/002**

Erection of 10 No. dwellings with associated works at Land to the south of Stoates Mill, Watchet

Application **DEFERRED**

Reason

This application was deferred from consideration in order to allow the parish Council the requisite period for responding to the latest re-advertisement.

106. **Latest appeals lodged and decisions received**

(The Meeting ended at 5.45 pm)

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

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 DI 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 DI 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.

24/19/0046

MR A SALT

Erection of 1 No. bungalow with detached garage on land to the rear of 16 Town Farm, North Curry

Location: LAND TO THE REAR OF 16 TOWN FARM, NORTH CURRY

Grid Reference: 331796.125261

Full Planning Permission

Recommendation

Recommended decision:

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:

(A3) DrNo 16.16.101 Site Location Plan
(A3) DrNo 16.16.103 Block Plan
(A3) DrNo 16.16.104 Site Plan
(A3) DrNo 16.16.105 Bungalow Floor Plan
(A3) DrNo 16.16.106 Bungalow Elevations
(A3) DrNo 16.16.107 Garage Plans & Elevations
(A3) DrNo 16.16.110 Orchard Location Plan
(A2) DrNo 3039.001 Rev B Landscape Structure Plan

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

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

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

4. Retained trees and hedgerows shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works and construction and to ensure materials are not stored at the base of trees through the use of protective fencing. The fencing shall be installed prior to any vegetative clearance and maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of protected species, hedgerows and biodiversity generally and in accordance with policy CP8 of the Taunton Deane Local Plan.

5. Prior to occupation, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Local Plan

6. The following will be integrated into the dwelling:
 - a. A Habibat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows beneath the apex of the southwest elevation.
 - b. A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level beneath the apex on the northeast elevation
 - c. A bee brick built into the wall about 1 metre above ground level on the southeast elevation of the dwelling

Photographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

7. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available

planting season from the date of commencement of the development.

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

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

8. Prior to the construction of the building above DPC level samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

9. i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
- ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
- iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: To ensure protection of trees on site.

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 application proposes the erection of a detached single storey dwelling with three bedrooms and a detached double garage. Vehicular access to the site is from an existing private drive which serves one dwelling and a BT exchange building.

Site Description

The site is located within the settlement boundary of North Curry and is surrounded by residential properties in a mix of styles. The site lies to the rear (north-west) of 16 Town Farm and was formerly used as an orchard.

The site measures 1056m² and is relatively flat. The site is well screened from public realm, behind existing dwellings.

Relevant Planning History

24/01/0033 - Erection of three houses and two flats for Social Housing and alterations to existing barn at Town Farm, North Curry - Conditional approval - 8 March 2002

24/01/0034 - Residential development (total of 14 units) including conversion and extension of existing building to form two units at land to the rear of Town Farm, North Curry - Conditional approval - 8 March 2002

24/18/0012 - Erection of bungalow - Refused -

24/19/0021 - Erection of bungalow - Refused - 6 September 2019 - Appeal against the refusal has been lodged with the Planning Inspectorate

Consultation Responses

NORTH CURRY PARISH COUNCIL - Strongly object to this application.

- The Parish Council believes the Section 106 Agreement/Covenant of the Town and County Planning Act 1990 is still binding and would expect Somerset West and Taunton

Council Planning to abide by that.

2.2 “ the Developer shall not construct or permit to be constructed upon the Public Open Space Land as so defined any building or other structure whatsoever (other than hedges or fences dividing individual garden areas such fencing to be approved in writing to the council)”

6. “The developer hereby agrees (in consideration of the agreement by the Parish Council and the Council in clause 2) that

6.1 any area of land retained as paddock will be maintained in good agricultural order”

- The Parish Council understood that the Planning Authority were not happy with the ecological finding of the previous application. The applicant has now undertaken an ecological survey, which has involved removing all important species, and completely cleared the site to prevent any repopulation of wildlife at all. To emphasise these points raised we refer to the comments made by Mr Gareth Clifford, Planning Officer *‘The proposed development by reason of the design and location would be an inappropriate development in a backland location on historic orchard land that will result in the permanent loss of an historic orchard area contrary to policy ENVI of the Site Allocations and Development Management Plan and replacement planting is not considered to offset this and it would be detrimental to the character and appearance of the area contrary to policies CP8 and DM1d of the Core Strategy. In summary, the development would result in the loss of an historic orchard area that acts as a green*

buffer between residential developments within the village. A bungalow here would be backland development out of keeping with the character of the area and while the access is considered suitable for an additional dwelling the harm to the character of the area is not considered to be outweighed by the benefit of a single bungalow.'

- The Parish Council still feels that the visibility splay onto Knapp Lane is substandard, especially now a fence on the Northern side of the entrance has been erected. The PC also notes that a previous application at Knapp Lane Acre was refused partly due to access visibility issues. **24/14/0011** – (*Appeal Decision APP/D3315/A/14/2229087*), comments from Highways Safety, '16. *The highway authority seeks visibility spays of 2.4 m x 43 m to the east, and 2.4 m x 59 m to the west.'*

... '17. *The junction with Knapp Lane lies within an area where the national speed limit applies. For vehicles leaving the site, visibility at the junction with Knapp Lane is severely restricted'* The PC feels this site also does not meet these requirements.

The traffic flow along Knapp Lane has increased since the Lockyer's Field Development with Strongvox stating the following in relation to adding a footpath to Knapp Lane.

'Following an additional speed survey, undertaken in December 2018 at the location where the footpath connection is due to be made, that 85th % tile of the speed in both directions on Knapp Lane is 25 mph. This is a significant increase on the previous speeds of 18-20 mph, on which the original visibility splays were based'

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice

TREE OFFICER - The remnant orchard that was present on this site was unfortunately largely felled in April of last year. Of the 14 trees on the site, 10 of them were either felled, or partially felled or ring-barked. A TPO had been served, but the trees were cut before the TPO could be received. After this, it was considered that the site as an orchard was essentially lost, as only the remaining undamaged trees at the northern end were likely to survive. The 10 trees that had been cut were likely to die or would be likely to shed limbs from what remained. The TPO system does not allow for the protection of dead or dangerous trees.

The site is now very overgrown, but it appears that the remains of three trees are present in the middle of the site, one of which appears to have re-sprouted from the stump. These remains would not merit protection by TPO. However, there is a group of trees at the northern end of the site that is shown to be retained. Three of these are apple trees. There's also a birch and a palm tree. I think that these should be protected by a planning condition, and protected carefully during construction in the usual way. Also a good number of new trees should be included in a landscape scheme, as indicated on the current site plan.

SCC FLOOD AUTHORITY - We believe that this application is a minor application and falls below the requirements for LLFA statutory consultation. Therefore, the LLFA has no comments to make regarding this application.

SCC - ECOLOGY -An Ecological Appraisal of the application site was carried out by Blackdown Environmental in October following a Preliminary Ecological Appraisal produced in July 2019 (not submitted with the application)for the same site then known as Land off Knapp Lane.

The report noted that the shed on the site had potential to support nesting birds, e.g. blackbird or robin. The following condition will be required:

No removal of hedgerows, trees or shrubs or demolition of structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist

has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist

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

Reptile fencing has been installed in anticipation of the previous application, and a translocation exercise carried out of the slow-worm population to a suitable site in North Curry. A destructive search of the site was subsequently carried out in October 2019.

The report recommends that the remaining trees at the boundaries of the site are protected during the construction phase. This should be conditioned as follows:

Retained trees and hedgerows shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works and construction and to ensure materials are not stored at the base of trees through the use of protective fencing. The fencing shall be installed prior to any vegetative clearance and maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of protected species, hedgerows and biodiversity generally and in accordance with policy CP8 of the Taunton Deane Local Plan

Hedgerows around the site were considered potentially to support commuting bats. Lacking evidence to the contrary I have to assume the presence of light sensitive species. Therefore, the following condition is required:

- Prior to occupation, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Local Plan

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall. I recommend that the following is conditioned.

The following will be integrated into the dwelling:

- a. A Habibat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows beneath the apex of the southwest elevation.

b. A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level beneath the apex on the northeast elevation

c. A bee brick built into the wall about 1 metre above ground level on the southeast elevation of the dwelling

Photographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

SOUTH WEST HERITAGE TRUST - No objections on archaeological grounds

Representations Received

Representations have been received from 33 local residents objecting to the proposal on some or all of the following grounds:

- principle of development has previously been rejected by the Council
- backland development, which would set a precedent
- development would require an ancient orchard of apple trees to be removed
- any replacement orchard should be on additional land not already part of an existing development
- access to the site is dangerous
- increased traffic along narrow lane
- lack of footpath along Knapp Lane
- increased noise and disturbance for local residents during construction
- village is being over-developed and becoming a commuter belt
- valuable green spaces within the village should be retained
- habitat for wildlife and biodiversity will be lost
- used to provide a buffer between open countryside and housing, but now provides space between 14 houses
- trees should be replanted
- land has been cleared
- the alternative orchard site is in a neglected state
- land protected as a green buffer through a S106 agreement and covenant

One representation received in support of the application.

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,
SP1 - Sustainable development locations,
DM1 - General requirements,
A1 - Parking Requirements,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
ENV4 - Archaeology,
CP8 - Environment,

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.
Proposed development measures approx. 160sqm.

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 £20,000.00. With index linking this increases to approximately £26,750.00.

Determining issues and considerations

The proposal is for the erection of a single bungalow on land to the rear of existing two storey development at Town Farm and Sycamore Row within the historic village of North Curry. The land is within the settlement boundary identified in the local plan and surrounded by residential development. The main issues are suitability of the site in terms of location, character and design, biodiversity and the access.

The location is within the settlement limits of the village where development in principle is considered acceptable. It is in a backland position and was originally designated open space and possible allotment land for the Town Farm development granted in 2002. This land was referred to in the original Section 106 agreement for the site and was subsequently amended to paddock land with a clause in the legal agreement that it not be built on. Circumstances have clearly changed since the agreement was completed as the site no longer forms a buffer between development and open countryside and is now surrounded by residential development. This however is a legal issue that would need to be relaxed if development was to be granted. The covenant is not a relevant planning issue in the consideration of the application.

The land itself has been an undeveloped orchard area historically as evidenced from historic maps. The character of the area is as an overgrown orchard and a number of trees on the site have been subsequently felled prior to a TPO being formally served. The character of the surrounding area is of mainly two storey dwellings and while a bungalow design could be argued to be out of keeping with the general character of the village, there is a bungalow immediately to the east. However this site is not in the conservation area and has no specific designation and a bungalow would not have any adverse impact on the amenity of neighbours.

Policy ENV1 of the SADMP seeks to minimise the loss of trees and orchards among other natural features and seeks a net gain where possible. Replacement trees are proposed to be replanted within the site, and an alternative public orchard area planted on open space in the village has been provided to compensate for the loss of the area. The site is privately owned and trees will be planted to supplement those already on the site which would result in a net gain. This being the case the impact of a single storey property and tree planting is not considered to adversely impact on the character of the area to warrant a refusal of the proposal and it is considered to comply with policies ENV1 and ENV2.

The access to the site is proposed via an existing access onto Knapp Lane in a location around 45m with the junction with Queen Square. The access serves existing properties and the addition of a single dwelling is not considered to generate significant traffic to warrant a highway concern, particularly as the visibility in both directions is considered adequate. The proposal has parking and turning within the site which complies with policy A1 of the SADMP. The Highways Authority has raised no objection. Given the concerns raised by local residents further comments has been requested from the Highway Authority.

A number of representations have been received objecting to the proposal on a number of grounds. However, with the exception of the ecological grounds (and the reason for refusal), the issues have been addressed in the assessment of the previous application and not considered to be grounds for refusal. The current application is a duplicate of the previously refused application and there have been no changes in circumstances.

To address the environmental aspects, the applicants have submitted an Ecological Appraisal prepared by Blackdown Environmental and dated October 2019. The Appraisal has been reviewed by an ecologist on behalf of the Council, who has raised no objection to the proposal subject to the inclusion of a number of conditions, including biodiversity enhancements.

In summary the development would result in the provision of a bungalow that would not impact on the amenity of neighbouring dwellings. The access is suitable to serve a single dwelling and the main issue is the loss of an historic orchard area. A replacement public orchard area has been provided and replacement tree planting for those previously lost can be conditioned as well as the protection of those trees to remain on the site.

The proposal complies with the adopted policies and approval is recommended.

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

Contact Officer: Denise Grandfield

Application No:	3/37/19/002
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 307018 Northing: 143282
Applicant	Savills (UK) Ltd
Proposal	Erection of 10 No. dwellings with associated works
Location	Land to the south of Stoates Mill, Watchet
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 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 1808 0010 REV E PROPOSED SITE LAYOUT
(A1) DRNO 1808 0111 REV E BLOCK PLAN
(A1) DRNO 1808 0112 REV C PROPOSED SITE LAYOUT
(A1) DRNO 1808 0451 REV B PROPOSED STREET ELEVATIONS
(A1) DRNO 1808 0453 REV A PROPOSED SITE SECTIONS
(A1) DRNO 1808 0911 REV A EXISTING SITE LAYOUT
(A3) DRNO 1808 0910 REV B SITE LOCATION PLAN

(A1) DRNO 1808 0212 REV F PROPOSED PLOT 12 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0211 REV G PROPOSED PLOT 11 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0213 REV G PROPOSED PLOT 13 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0214 REV G PROPOSED PLOT 14 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0215 REV F PROPOSED PLOT 15 PLANS AND ELEVATIONS

(A1) DRNO 1808 0216 REV F PROPOSED PLOT 16 PLANS AND ELEVATIONS

(A1) DRNO 1808 0217G PROPOSED PLOT 17 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0218 REV G PROPOSED PLOT 18 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0219 REV E PROPOSED PLOT 19 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0220 REV E PROPOSED PLOT 20 LAYOUT AND ELEVATIONS

(A1) DRNO 1808 0221 REV A PROPOSED PLOT 12 AND 14 GARAGES

(A1) DRNO 1808 0451 REV E PROPOSED STREET ELEVATIONS

(A1) DRNO 1808 0805 REV B PRECEDENT IMAGES CONNECTION TO ADJACENT MILL DEVELOPMENT

(A1) DRNO 1808 0808 REV A PROPOSED DEVELOPMENT SHADOW PATH ANALYSIS

(A1)DRNO 1808 9001 REV F PROPOSED HARD LANDSCAPING

(A1) DRNO 1808 9003 REV A PROPOSED SOFT LANDSCAPING

(A3) DRNO 1808 9004 REV A LANDSCAPE DETAILS BRICK BOUNDARY WALL WITH SOLDIER COURSE BRICK COPING

(A3) DRNO 1808 9005 REV A LANDSCAPE DETAILS FEATURE CAPPING TO PIERS

(A3) DRNO 1808 9006 REV A LANDSCAPE DETAILS DWARF RETAINING WALLS

(A3)DRNO 1808 9007 REV A LANDSCAPE DETAILS RENDER FINISHED BOUNDARY WALL WITH COPING

(A3) DRNO 1808 9008 REV A LANDSCAPE DETAILS RENDER FINISHED BOUNDARY WALL WITH DOMED CAPPING

(A3)DRNO 1808 9009 REV A LANDSCAPE DETAILS UNCOURSED RANDOM STONE WALL WITH DOMED MORTAR CAPPING

(A3) DRNO 1808 9010 REV A LANDSCAPE DETAILS FENCES

(A3) DRNO 1808 9011 REV A LANDSCAPE DETAILS METAL RAIL FENCING

(A3) DRNO 1808 9012 REV A LANDSCAPE DETAILS TREE PROTECTION

(A1) DRNO 1808 9013 REV A LANDSCAPE DETAILS GATES

(A1) DRNO 1808 9014 REV A LANDSCAPE DETAILS PAVINGS

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

- 3 Prior to the construction of the development above damp-proof-course levels samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

- 4 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.

Reason: In the interests of amenity and highway safety

- 5 No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent increased risks of flooding.

- 6 A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: To ensure the development does not damage the public highway.

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

Reason: To ensure the development provides sustainable transport options.

- 8 The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.

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

- 9 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

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

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

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: ANC-HYD-PH2-XX-RP-D-5001-S2 P2 by Hydrock dated 21-12-2019 and the following mitigation measures detailed within the FRA:

It is recommended that all new building Finished Floor Levels are set at a minimum of 150mm above immediately surrounding ground, or 600mm above

the 1% (100 year) Annual Event Probability plus 85% Climate Change levels (whichever is higher) to ensure any design exceedance flows, should they occur, are directed away from any buildings (in line with best practice).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding.

- 11 The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts Bat activity surveys dated June, August and September 2018 and the Reptile survey dated August/October 2018 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 places of rest for the species
4. Details of any outside lighting

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 bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife

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. 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

Erection of 10 No. dwellings with associated works. The design has been revised twice and the final third iteration of the design has been produced following on from the assessment by the Design Review Panel.

Site Description

The application site is located within central Watchet, bordered by the West Somerset Railway to the south, the Washford River to the west and existing residential along the north and eastern boundaries. The site is accessed via a private road off Anchor Street, through an archway which forms part of the redeveloped, former Stoates Mill.

Relevant Planning History

In December 2013, planning permission was granted for the *conversion of commercial units into 10 residential units, erection of a 70 bedroom care home, redesigned access and associated works* (ref. 3/37/08/036) . This followed a previous permission for 10 units and a residential care home with 61 bedrooms under planning reference 3/37/08/005.

The proposals included the conversion of the stone and brick mill buildings off Anchor Street into 10 dwellings (including 3 affordable units) and to erect a 3-storey rendered and stone residential care home with a natural slate roof in the adjoining field to be accessed through a redesigned access off Anchor Street through an archway created through one of the converted mill buildings.

To date, phase 1 works have been completed on the front part of the site, comprising the residential conversion of the mill and other ancillary buildings. Seven of the residential units are now occupied with the remaining sold subject to contract. Due to lack of market interest in the care home, this part of the extant application has not been implemented. As a result the current application now proposes 10 market dwellings on the remainder of the site that if approved would be delivered instead of the care home..

Consultation Responses

Watchet Town Council - Objection

The Committee rejects the amended application on the same grounds - Concerns on traffic usage. Will reconsider if sufficient proposal put forwards for traffic management.

Highways Development Control - No objection subject to conditions

Comments received 15/02/19:

Access

The proposal site sits off an existing access that serves the unclassified Anchor Street in Watchet. In previous application 3/37/08/036, the Highway Authority expressed concerns about the nature and suitability of Anchor street and its junction arrangement onto Swain Street (B3191). Subsequently the Highway Authority recommended refusal for application 3/37/08/036, however the application was consented by the LPA.

Notwithstanding the above, it could be considered as unreasonable for the Highway Authority to object to this current planning application given that vehicle movements for the development proposed may be considered comparable to the consented care home and residential units (3/37/08/036). However, the LPA should be mindful of the previous comments made by the Highway Authority.

Should any future development be proposed that would require the access of this element of highway and seen to have a detrimental impact on the local highway, this is likely to attract an adverse response from the Highway Authority.

Internal Layout

Turning to the internal layout, the applicant should be aware that it is likely that the internal layout of the site as indicated within the submitted drawing, will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. The 'Design & Access Statement' (paragraph 7.1.8) indicates that the site will remain private and be maintained by a management company. SCC will require full contact details of the management company together with a copy of management agreement stating what exactly the management company will be responsible for in terms of maintenance.

The 'Design & Access Statement' (paragraph 7.4.5) indicates that surface water will be managed through a SuDS approach with attenuation crates being positioned beneath the estate road. The developer should be made aware that this design will mean that the site would not be considered suitable for adoption at any stage in the future.

Subject to consent, If the site is to remain within private ownership it is advised that the developer contact the local refuse collection company to ascertain whether they would be prepared to make collections and serve the private road.

It is noted that no swept path analysis has been provided. The applicant must ensure that the largest associated vehicle has the capacity to safely enter,

manoeuvre and egress onto the public highway in a forward gear. The applicant should also be mindful of the accessibility for all emergency service vehicles is safely achievable.

Surface water from the proposed development site will not be permitted to discharge onto the existing public highway.

Any existing services located within the carriageway or footway fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services should be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. Works must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 84 NRASWA 1991.

The developer will need a Section 171 licence to be issued before any works to the highway or immediately adjacent to it can commence. It is the responsibility of the developer to apply for any licences in advance as requests to start without the licences will be refused. It will take approximately one month from application for the licence to be issued. Licences are obtainable from DevelopmentEngineering@somerset.gov.uk. Applications should be made at least four weeks in advance of works commencing in order for Statutory Undertakers to be consulted concerning their services.

A Section 50 licence will be required for sewer connections within or adjacent to the highway. Licences are obtainable from BSupport-NRSWA@somerset.gov.uk. At least four weeks' notice is required

Parking

Figure 7.3.4 in the Design and Access Statement states that sufficient parking will be provided in accordance with the Somerset Parking Strategy (SPS), although it would appear no definitive figure has been provided. To clarify, suitable vehicle parking should be provided in line with the SPS.

Figure 7.3.5 states that cycle parking will be provided within the garages for each plot where Electric Vehicle (EV) charging points could also be located. Therefore, the garages should be designed and constructed to accommodate suitable cycle parking (in line with the SPS at 1 cycle space per bedroom) and vehicle spaces whilst also providing Electric car charging points in all of the garages as part of SCC Policy.

Drainage

In receipt of the Flood Risk Assessment report BIM ref. ANC-HYD-PH2-XX-RP-D-5001 S2 P2 there is no objection to the surface water management proposed within the report and that the intention is for the access road serving the development to remain in private ownership.

Conclusion

With the above in mind, the layout of the private street will have to satisfy APC. It is

recommended that a suitable swept path analysis is provided on a suitable scaled (1:200 advised) topographical drawing and be to the satisfaction of the Highway Authority. Given previous consent and conditions of the site, it is therefore assumed that highway related conditions and commitments are carried forward for this application. It is also recommended however, that the following conditions are also attached for this proposal if members are minded approving the application:

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.
- The development hereby permitted shall not be first occupied until an agreed number of vehicle parking spaces and layout for the development have been provided and approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
- Prior to first occupation of the development hereby permitted, access to covered cycle, and electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- Prior to the commencement of the development, a suitable Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with

the approved details, unless otherwise agreed in writing with the Local Planning Authority.

- 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.

Further comments received 28/02/19:

I refer to the above planning application and additional information received by the Highway Authority on 18 February 2019 and have the following observations on the highway and transportation aspects of this proposal.

In our previous comments dated 15 February 2019 the Highway Authority highlighted that, at the current time no swept path analysis or clarity on proposed parking spaces appeared to have been provided for the proposed development. Further documents have since been received by the Highway Authority in support of the application which have been assessed.

The applicant has proposed to provide 4 vehicle spaces per dwelling, with each having a double garage (minimum dimensions of 6m x 6m) and at least two external driveway spaces (minimum dimensions of 4.8m x 2.4m per space). The Somerset Parking Strategy (SPS) optimum parking provision for this application would be 32 vehicle spaces, including 2 visitor parking spaces. The Highway Authority do not object to the proposed parking figure in this instance however, the LPA should be mindful of our previous comments dated 15 February 2019 with regards to proposed cycle parking spaces within garages.

To reiterate, the site as proposed will not be adopted by the Highway Authority although it is also advised that the area of hard standing is to an appropriate length to accommodate all modern day standard vehicles (as measured from the nearside edge of the private footway/private road to the face of the garage doors), where the doors are of an up-and-over type.

With reference to submitted swept path drawing no: SPA_01, there would appear sufficient parking and turning for a refusal vehicle to enter the public highway in a

forward gear. It is noted that no swept path analysis has been provided demonstrating the refuse vehicle entering off the public highway and through the existing archway and vice versa. It is envisaged that, given previous consent for the site this has been considered by the applicant and is safely achievable although for the avoidance of doubt dimensions of the constructed archway and a swept path analysis to and from the public highway in a forward gear should be provided.

Update: Information now provided and details acceptable to highways as of 18th March 2019.

It is advised that the applicant contact the local waste management company to establish which type of vehicles are likely to service the development and, given that the site is to remain private and whether they are satisfied to serve the proposed development. The applicant should be mindful of recommended distances over which refuse bins can be transported by operatives/residents as set out within Manual for Streets.

It is to our understanding that the applicant is seeking exemption of an APC for the proposed development site now it is envisaged that the internal layout is to remain private and will be served off an already existing private 'street'.

In order for the applicant to qualify for the exemption of APC the development will still need to be built to an adoptable standard in terms of depth of materials with associated drawings to be checked for approval. Full details of how the proposed private roads, planting, footpaths etc will be maintained and by whom will also need to be submitted. The roads will need to be inspected where a superintendents fee is liable. Upon satisfactory completion of the above, an APC exemption certificate can be issued by the Highway Authority.

With the above in mind, the Highway Authority refer the LPA to our previous conditions dated 15 February 2019 if members are minded to approving this application.

Wessex Water Authority - No objection subject to comments

Comments received 28/01/19:

Wessex Water has no objections to this application and can advise the following information for the applicant:

The Planning Application

The applicant has indicated that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via the existing water course.

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located. The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight and vent stacks rather than durgo valves must be used to prevent restricted toilet use during these prevailing conditions.

Is the surface water strategy acceptable to Wessex Water?

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. You have indicated that surface water will be disposed of via the existing water course. The strategy is currently acceptable to Wessex Water, providing that discharge rates and flood risk measures are in place and agreed with the LFA and Environment Agency According to the EA Flood Risk Maps the location is at risk of surface water flooding. The planning authority will need to be satisfied that the site is not at risk from surface water flooding or that the proposal will increase surface water flood risk elsewhere.

Environment Agency - No objection subject to conditions

Comments received 31/01/19:

The Environment Agency objects to the proposed development, as submitted, on the following grounds:

There is insufficient information supplied to assess flood risk to this proposal.

We understand an updated model has been undertaken which will need to be reviewed by ourselves. Upon completion of the review we will be able to comment on the Flood Risk Assessment (FRA) and proposal. Please can the applicant's agent arrange for an electronic copy of the model to be sent to us, including the updated LiDAR and topographical survey to back up the changes made to the baseline model.

The Environment Agency model did not include the mill wall as it is not classed as a flood defence, and for the purpose of floodplain and planning applications, the model needs to take the worst case scenario into consideration. Please re-run the base line model with the revised flow without the wall to provide a new updated baseline to compare with the new proposal. Until this information is made available we would wish to maintain our objection.

The following details should be noted and are supplied for information:

Part of the development falls within Flood Zone 3 which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

This development may also require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Washford River, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Comments received 05/04/19 following review of updated modelling information:

Thank you for referring the amended details concerning the above application, which was received on 1 April 2019.

After reviewing these details the Environment Agency can now WITHDRAW its earlier objection, providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, and subject to the inclusion of the following condition which meets the following requirements:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: ANC-HYD-PH2-XX-RP-D-5001-S2 P2 by Hydrock dated 21-12-2019 and the following mitigation measures detailed within the FRA:

It is recommended that all new building Finished Floor Levels are set at a minimum of 150mm above immediately surrounding ground, or 600mm above the 1% (100 year) Annual Event Probability plus 85% Climate Change levels (whichever is higher) to ensure any design exceedance flows, should they occur, are directed away from any buildings (in line with best practice).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding.

The following informatives and recommendations should be included in the Decision Notice:

From the plans, we cannot tell where the access is from the main road to the site. If any of the access is within Flood Zone 3, the developer will need to contact the emergency planner to discuss an emergency plan.

Somerset county council flooding and drainage - No objection subject to comments and conditions

We note that this is phase 2 of a wider redevelopment of the Mill site off Anchor Street related to application 3/37/08/036. The Washford River is a designated Main River and will therefore need consultation with the EA regarding flood zones, location of defences, flood levels, and discharge points. We note the FRA suggests that there is a mill leat running through the centre of the site, but that this has been infilled. We trust that the EA have confirmed that this is the case.

Due to the flood risk associated with the site, the drainage calculations have correctly included a submerged outfall condition. However, the modelled flood levels used to inform the drainage need to firstly be approved by the Environment Agency. Microdrainage calculations submitted suggest potential surcharging of the drainage network in 1 in 1-year event, there should be no surcharging in the 1 in 1-year event.

The proposed development is relatively small and yet has three outfalls into the Washford River which relate to three drainage 'catchments' (northern, central and southern) identified within the site. The discharge rate for each is small, and whilst achievable with certain flow control devices, this could result in a higher likelihood of blockage and exceedance. The overall discharge rate for the development has been limited to the calculated greenfield runoff rate.

Opportunities to simplify the drainage scheme and utilise a range of SUDS features should be explored in the context of any site constraints. Exceedance routing will need to be confirmed on a plan at detailed design stage, through a detailed drainage condition.

South West Heritage Trust - No objection

Comments received 23/01/19:

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Conservation Officer - Objection

Comments received 13/03/19:

I have looked at the design and access statement. What is missing from this is a thorough understanding of the local vernacular in Watchet that transmits directly into the layout and design and massing of the proposed development .

The obvious starting point for observation is the mill complex itself. The design and massing and juxtaposition of the buildings combine to make a good composition

that is intertwined in the grain of Watchet. I am concerned that the proposed development does not pick up on this distinctive character. Instead it is a development that is anonymous and unrelated to its context. I could not support the development proposal in its current form.

I recommend the applicant review the design and access statement by doing a careful analysis of traditional buildings in Watchet. In amongst the things to look at are the spaces between buildings and how the access and parking can fit into a layout that starts with such spaces rather than starting with the road layout and fitting houses around that. The early poundbury development forms are a good example. Walls play an important part in joining buildings and should feature here too.

The statement correctly points to policies on good design in sensitive locations. This site is in the conservation area and in my view the proposals will have a negative rather than positive impact.

I am not averse to considering more contemporary design that is influenced by and rooted in traditional design. I would be happy to meet the applicants to discuss the above preferably after they have undertaken a thorough analysis of Watchet vernacular

Design Officer - Objection

Comments received 18/03/19:

The application is most disappointing in that:

- 1. There is no attempt to establish the local character of the area or the site (in spite of national public guidance).*
- 2. The house types are generic housing estate types, which do not relate to the Watchet Conservation Area or indeed to themselves;*
- 3. There is no attempt at placemaking.*
- 4. The use of a cul-de-sac in this layout is inappropriate in this context; a yard approach would be appropriate to this backland, semi industrial mill related site. That would inform the grouping of the buildings and the 'mews court' type access and parking.*
- 5. The road layout is inappropriate for such a small development, where vehicle movements are minimal throughout the day. A tracking approach as per MfS2 is appropriate.*

The layout and house types are contrary to the advice contained in the draft West Somerset Design Guide which advocates the principles of 'placemaking'. This application fails in this regard and seeks to provide a certain number of housing units alongside a standard estate road regardless of the character of the settlement in which the site is located. It is essential that any scheme creates a sense of place and responds positively to its surroundings in a way which creates the valued heritage of the future.

Given the above failures of this scheme, I strongly recommend that it is refused on the basis of poor design and harm to the significance of Watchet Conservation Area which is a designated heritage asset.

No further comments received after revised scheme submitted

Biodiversity Officer - No objection subject to conditions

Comments received 18/02/19:

Biodiversity

Initial ecological surveys were carried out on this land in March 2013. Up to date surveys are now required so Country Contracts carried out Bat activity surveys on the site in June, August and September 2018 and a Reptile survey in August/October 2018. Findings were as follows:

Bats

The habitat likely to support bats are the trees, shrubs and vegetation around the site boundaries particularly along the Washford River. A total of seven species of bat were detected during the June survey, five bat species in the August survey and four species in the September survey. The species were-Common pipistrelle, soprano pipistrelle, serotine, daubenton's, long eared, Greater and lesser horseshoe bats. Most bat activity was recorded along the Washford River and no bat roosts were found on site. The removal of any trees and the impact of lighting would have an adverse impact on these foraging bats.

Birds

There is potential for nesting birds on site.

Reptiles

The site was surveyed for reptiles on seven separate occasions. The surveyor found a peak count of 12 slow worms on one visit so the site is considered to support a distributed breeding colony. Most slow worms were found on the southern boundary. I support the recommendations with regards to reptiles on site namely that the reptiles will need to be relocated. Suitable receptor sites will need to be agreed. Discarded materials which may provide a refuge for reptiles should be carefully removed

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts Bat activity surveys dated June, August and September 2018 and the Reptile survey dated August/October 2018 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 places of rest for the species
4. Details of any outside lighting

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 bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife

Somerset Wildlife Trust - No objection subject to condition

Support comments from biodiversity officer in terms of proposals for mitigation and enhancement. In addition we would request that any site boundaries are constructed so as to allow the free passage of small mammals. All of these recommendations should be included in the planning conditions if it is decided to grant planning permission.

Landscape Officer - No objection subject to condition

Comments received 18/02/19:

I have no landscape objection to the scheme. Full landscape details are required.

Tree Officer - Objection

Comments received: 12/02/19:

Regarding Stoates Mill, there doesn't appear to be an arboricultural survey or constraints plan, which would clearly show the Root Protection Areas of the trees and their proximity to the proposed buildings. Some of the buildings appear to be very close to the boundary trees, both in terms of the potential root damage, and the potential shade that will be cast, particularly on the east side.

The site is within the conservation area, so no tree works should have been, or should be, carried out in there without consent.

As most of the trees are on the boundaries, in principle it should be possible to achieve a scheme that retains these trees.

Updated comments received 12/03/19 following applicant's submission of Arboricultural Survey and Report:

I have some concerns.

There seems to be a discrepancy between the location of the trees plotted on the Tree Constraints/Removal Plan and their locations on the original site survey and site layout plan. The trees on the former appear to be closer to the proposed

houses.

I'm concerned that a number of the largest trees on the site are proposed for removal. I'm also conscious of the fact that the trees, particularly on the east side, are very close to the proposed buildings, which are touching the trees' Root Protection Areas in places. This is not ideal because:

- a) It will be very difficult to actually build those houses without significant incursion into the RPA;
- b) The resulting gardens are very small;
- c) The trees will cast much shade over the new houses;
- d) The trees will shed minor debris and branches, and there will be increased pressure to prune or fell the trees once the new 'targets' - ie people and property - are living in close proximity.

Ideally, I think that a single, central row of houses would be better in terms of allowing more space for trees and buildings to co-exist without conflict.

Housing Enabling Officer - no comments received

Representations Received

One representation objecting to the development was received raising issues related to flood risk, impacts on biodiversity and access to the riverside

one letter of support received, also commenting that there should be additional traffic calming measures

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

CC2 Flood Risk Management

NH1	Historic Environment
NH2	Management of Heritage Assets
NH3	Areas of high archaeological potential
NH13	Securing high standards of design
NH6	Nature conservation & biodiversity protection & enhancement
SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SD1	Presumption in favour of sustainable development
T/8	Residential Car Parking
TW/1	Trees and Woodland Protection
W/7	River Corridor Protection
SC4	Affordable Housing
WA1	Watchet Development
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
R/6	Public Open Space and Small Developments
BD/9	Energy and Waste Conservation
NH7	Green infrastructure
CC6	Water Management

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

CC2	Flood Risk Management
NH1	Historic Environment
NH2	Management of Heritage Assets
NH3	Areas of high archaeological potential
NH13	Securing high standards of design
NH6	Nature conservation & biodiversity protection & enhancement
SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SD1	Presumption in favour of sustainable development
T/8	Residential Car Parking
TW/1	Trees and Woodland Protection
W/7	River Corridor Protection
SC4	Affordable Housing
WA1	Watchet Development
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
R/6	Public Open Space and Small Developments
BD/9	Energy and Waste Conservation
NH7	Green infrastructure
CC6	Water Management

Determining issues and considerations

Determining issues and considerations

The general principle of development taking place on this site has already been established through the extant consent for the care home. However it was not possible to develop the site with the care home consent after the original provider pulled out, and the site was marketed for several years with the extant consent but no other provider showed any interest. It is accepted that this site could effectively be viewed as forming phase 2 of the mill conversion already undertaken although in fairness it is acknowledged that the first phase of development is complete and this application should be viewed as separate and stand-alone. Key planning considerations are design quality and relationship with the surrounding historic environment of Watchet Conservation Area as well as addressing the site's constraints including the required set back from the river, the existing tree belt on the east side whilst ensuring acceptable highway access arrangements.

The Principle of the Development

In accordance with WSC Local Plan to 2032 policy SC1, new development will be concentrated in the district's main centre, Minehead/Alcombe, and in the rural service centres of Watchet and Williton. The policy places the following requirements on new developments:

4. Development within or in close proximity (within 50 metres) to the contiguous built-up area of Minehead/Alcombe, Watchet, Williton and primary and secondary villages will only be considered where it can be demonstrated that:
 - A. It is well related to existing essential services and social facilities within the settlement, and;
 - B. There is safe and easy pedestrian access to the essential services and social facilities within the settlement, and;
 - C. It respects the historic environment and complements the character of the existing settlement, and;
 - D. It does not generate significant additional traffic movements over minor roads to and from the national primary and county highway route network.
 - E. It does not harm the amenity of the area or the adjoining land uses.

The majority of the criteria can be met given the central location of the site and ready access to shops, facilities and services within a short walk. Highways are now satisfied that the access arrangements and level of traffic generation are acceptable in this location. The proposal is set at 10no. open-market dwellings so is below the threshold of 11no. dwellings for affordable housing provision as per policy SC4, therefore it is accepted that the proposed development is policy compliant in regards to the lack of affordable housing provision, and given the constraints at the site it would have been extremely difficult to increase housing density.

However concerns have been raised over the original plans submitted that the form and design of the development did not sufficiently respect the historic environment or complement the character of the existing settlement sufficiently to satisfy criteria

C. The design has been subject to three revisions with the second iteration assessed by the Design Review Panel and revisions made accordingly.

National Planning Policy (NPPF) promotes the effective use of land. At Paragraph 11 it states that planning decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

The site is not brownfield land however given its association with the mill conversion, it is currently under-utilised and the land could be used more effectively to contribute toward the local housing supply and improving the visual amenity of this central part of the town.

Design and Impact on Conservation Area

Despite being in the centre of the town the site is fairly well screened by the mature landscaping that bounds most of the site as well as the mill development to the front, the poplar tree belt to the east, the rail line to the south and the river providing a barrier to the west. Once developed however the site will be visible from some of the converted mill properties as well as from residential properties facing towards the site from the east (off Brendon Road) and west (off Warren Close). There are two dwellings that are immediately adjacent to site boundary in the north-east corner which will views in to the site.

Concerns were raised by Council's Conservation and Place-making officers that the original proposed layout and form of development was not sympathetic to the local vernacular and that the layout was more reflective of a typical modern suburban street rather than appropriate to Watchet Conservation Area. However after changes made following on from assessment by the Design Review Panel (DRP) the final design is considered to have addressed these issues. Changes include additions of chimneys to four plots (including one with projecting chimney stack to side elevation), variations in eaves levels, dormer windows and setbacks to some plots, expressed timber lintels to openings in stone-faced walls, changes to massing, inset doors with recesses, and blanked window to garage forming entranceway to mews courtyard. The changes are based upon both comments by the DRP and on found examples of local vernacular detailing given in submitted documentation. The layout as proposed is for two mews courts with attendant line-of-sight views into the development from the arch of the original mill building along the same trajectory. It is considered that the changes would not significantly detract from the heritage significance of the converted mill building and the Conservation Area, and would achieve a good balance between vernacular detailing and contemporary design. The urban grain in the surrounding area is generally fairly tight and this is replicated in the final designs. The design incorporates shared surfaces for the road and front

yard/garden areas with limited new plantings of trees. This would be through permeable paving and helps to retain aspects of the industrial heritage of the wider Stoates Mill site. The proposed materials include brick, render and stone for wall surfaces, with some rubbed brick arches and timber lintels as examples of vernacular heritage detailing, and are considered to be acceptable in broad outline, subject to a condition for final approval of materials prior to works above DPC levels

Highways, Access and Parking

As highlighted in their consultee response, Highways raised concerns over the previous application in relation to the safety of the access arrangements off Anchor Street and recommended that the application be refused on these grounds. However that application was permitted and as such the response from Highways to this application reflects a comparison with the extant permission as opposed to no development occurring and therefore there is no objection on highways grounds subject to recommended conditions.

In terms of the parking layout on updated plans there is considered to be sufficient off-street parking for the scale of proposed use with specified garages and space to the front of properties for additional parking and visitors. The garages would allow for secure storage of bicycles.

Flood Risk Management and Drainage

Along the Western boundary of the site, the Washford River runs towards the town. As a Main River, the channel and its banks are within Flood Zone 3. The EA retain riparian ownership responsibilities for maintenance of the river and require an 8 metre strip of land to be maintained beside the river, measured from the 'top of bank' line. This constraint has informed the proposed layout. A Flood Risk Assessment (FRA) has been prepared and approved by the Environment Agency, subject to conditions. A historic mill leat has been infilled and the diversion blocked off so that there is no longer a watercourse running through the site.

The eastern/right bank of the River is significantly elevated above the watercourse and western/left floodplain, and Environment Agency mapping shows it to be within Flood Zone 1 (Low Risk). There is a low risk of flooding from all other sources. The proposed development falls entirely within Flood Zone 1 and as such the FRA states that the Sequential test has been passed.

The proposed development will discharge all surface water runoff from impermeable areas to the River Washford to the west of the site at a cumulative rate that is equivalent to the existing average annual (QBAR) greenfield discharge rate during all storms up to the worst case duration 1 in 100 year storm event plus a 40% allowance for climate change. The total discharge from surface water from the site is therefore limited to 4.10l/s.

The proposed development will discharge domestic grade foul water into the existing public foul sewer situated in Anchor Street via a new gravity drainage system within the site that will need to be adopted, that discharges flows via an adopted foul sewer spur that was constructed as part of the adjacent old Mill Phase 1 development.

As the proposed development area is within Flood Zone 1 a Sequential Test is not required. The submitted Flood Risk Assessment states that it is not required as site is wholly in Flood Zone 1 but is near the river in flood zone 3, however subject to conditions the LLFA have not objected to the proposed development, and it is considered that the proposed approach to surface and foul water management within the development is acceptable.

Landscape, Trees and Heritage

Following review of the original application, Council's Tree Officer requested an Arboricultural Survey and Assessment be provided. This report was submitted which revealed that the dwellings had not been accurately plotted on the original plans in relation to the existing trees and their root protection zones. The survey also provided information on the health of the trees and if any were in poor health and could be removed.

Following discussion between the agent and the Tree Officer it was concluded that the original layout could not be delivered without removal of a substantial number of trees and the remaining trees would be in too close proximity to rear elevations of properties. The poplar tree belt is largely in good health and is an attractive visual feature rising above the site which can be seen from some distance away as part of views of the centre of the town. A number of nesting birds were clearly visible using these trees during the spring months. Although there are not tree preservation orders on these trees, they are protected by virtue of their presence within the Conservation Area. Overall it was concluded that this Poplar tree belt should be retained and that development should be sited accordingly. The revised scheme would still remove many trees but would retain some of the Poplar trees and, on balance, it is considered that the benefits of the proposal in terms of the creation of new housing outweigh any harm caused through removal of trees. Many of the trees along the eastern boundary to the site would be retained with those removed essential to the progress of the development due to proximity to proposed dwellings. Impacts on the Conservation Area caused by the removal of trees are considered to be relatively minimal given that the site is set behind many tall buildings and has very limited public views into it. The greatest impacts would be on views to the converted mill buildings and the trees closest to this north side would be largely retained, so the issue of tree removal is not considered to provide significant grounds to refuse the application. Impacts on the setting of the Conservation Area are considered to be minor and acceptable as the site is screened from the rest of the Conservation Area and the development would have little visual impact upon it except insofar as it relates to the removal of some of the taller trees as discussed above. Some new plantings are proposed and the final details of a landscaping scheme will be set by a condition attached to any permission granted.

Ecology and Biodiversity

The Washford River is a County Wildlife site and as such the wildlife habitat needs to be safeguarded along the river corridor as well as the flora and fauna. Due to the EA's required river set back, the trees and landscaping along this boundary will be retained and will serve as a natural amenity area.

The ecology surveys undertaken on the site concluded there was potential habitat for bats and nesting birds as well as finding a breeding colony of slow worms. As such an Ecological Management Strategy will be secured under condition to provide suitable mitigation measures including translocation of the reptiles to a suitable receptor site.

Other Matters

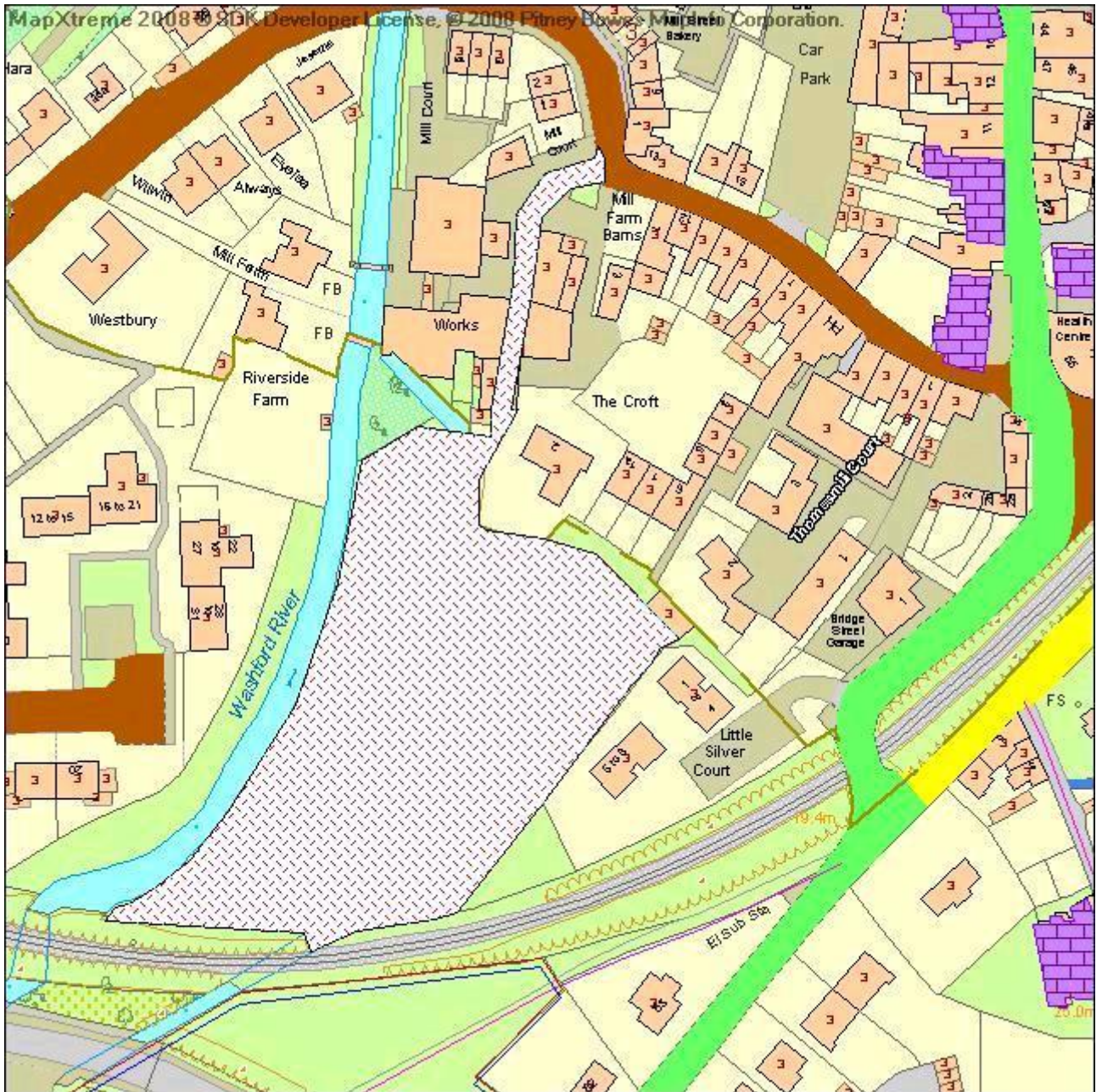
The town council have objected to the scheme due to the potential for traffic impacts within the town. However the County highways authority have not objected and it is considered that any traffic impacts would be less than severe and would not warrant grounds to refuse the proposal.

Two letters of representation have been received, one objecting due to potential flooding and biodiversity issues, the other supportive but raising highway safety concerns. These issues are considered above.

Conclusion

This application has been subject to considerable revision since first submitted and has been assessed by the Design Review Panel. Suggested improvements by the DRP have -in the main- been adopted. Issues related to traffic impacts have been highlighted by the town council and in letters of representation however the highways authority have not objected to the proposals subject to conditions. The site is in a good location for residential development located close to shops and services within Watchet, a town which also benefits from reasonable public transport connections. It is therefore a sustainable location for residential development and the proposal is considered to be compliant with relevant local and national policies. Subject to conditions cited above the application is therefore recommended for approval.

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



Application No 3/37/19/002
 Erection of 10 No. dwellings with
 associated works
 Land to the rear of Stoates Mill,
 Watchet



Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932

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APPEAL DECISIONS – 9 JANUARY 2020

Site: 1A Long Street, Williton, TA4 4QN

Proposal: Installation of bird deterrent spikes in thatch roof at 1A Long Street, Williton (retention of works already undertaken)

Application number: APP/W3330/Y/19/3235492

Reason for refusal: Dismissed



The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2019 by **H Porter BA(Hons) MScDip IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/W3330/Y/19/3235492 1A, Johns Chip Shop, Long St, Williton, Somerset

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr John Newsome against the decision of West Somerset Council.
 - The application Ref 3/39/19/010, dated 15 March 2019, was refused by notice dated 3 July 2019.
 - The works are retaining bird deterrent spikes on roof ridge.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the works have preserved the Grade II listed building, its setting or any features of special architectural or historic interest which it possesses.

Reasons

3. The appeal site is part of the Grade II listed building known as Nos 1 & 3 Long Street. The appeal building is a short terrace of thatched cottages that round the corner of Long Street in the centre of Williton. The appeal concerns the end of the terrace property, which has a ground floor shopfront, a former bakery, now a fish and chip shop.
4. The statutory list description identifies the building as being a shop and cottage dating from the 17th century. The building is listed for its group value (GV) as being of special architectural interest as an entity. Some of the key attributes of the building's special interest and significance lie in its age, any surviving historic fabric and the manner of its execution. The consistency and authenticity of material treatment, distinguished by the softly-moulded thatched roof, reflect the local vernacular and contribute to the building's local distinctiveness.
5. I saw during my site visit that the works have already been undertaken and have involved the installation of metal bird spikes along the thatched roof ridge of the appeal building. The spikes run between two chimney stacks and then approximately two thirds the length of the ridge to the next stack along in the terrace group. Notwithstanding the individual spikes are relatively fine, they are noticeable, particularly from the raised ground of the public car park opposite the appeal site.
6. The introduction of bird spikes to the ridge of the appeal building has introduced a non-traditional material, which has undermined the consistency and authenticity of materials that are intrinsic to the listed building's significance. Moreover, the bird spikes terminate part way along the ridge of the listed building. While this probably reflects the extent of the building under the appellant's control, it serves to emphasise an inconsistency. As a consequence, the building's group value as an entity has been weakened.
7. In light of the above, I find that the bird spikes have failed to preserve the special interest and significance of the listed building and have caused harm. Given the scale and nature of the works, the degree of harm to the heritage asset has been less than substantial. Paragraph 196 of the National Planning Policy Framework, revised February 2019 (the Framework), requires this to be weighed against the public benefits of the proposal, including securing the asset's optimum viable use.
8. The works have been undertaken in order to deter seagulls and crows, and to prevent them from causing damage to the thatch, which has been replaced relatively recently. Given that only part of the terrace's thatched roof has the spikes, this calls in to question whether the metal spikes are necessary. Even if birds were causing serious damage, there is nothing to indicate that metal spikes along the ridge are the only way to prevent bird attack or that they are the least harmful way of securing the conservation of the listed building. I recognise that repairing thatch might be costly, and that the appellant has invested substantially in the up-keep of the building since taking ownership of it. However, this does not justify making changes to the building that have failed to preserve its significance and special interest, nor does it indicate that those changes are necessary to secure the building's optimum viable use.

9. Although I have found the overall harm to be substantial in this case, public benefits do not outweigh the harm. The works have failed to preserve the listed building, and its features of special architectural interest, contrary to the clear expectations in Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. There is also conflict with the historic environment policies within the Framework and with Policies NH1 of the West Somerset Local Plan to 2032, November 2016, insofar as it seeks to sustain or enhance heritage assets and their settings.

Conclusion

10. Bearing in mind the considerable importance and weight I must afford to the desirability of preserving a listed building, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR

Site: 20 The Brambles, Wellington, TA21 9PS

Proposal: Erection of a two storey side and front extension at 20 The Brambles, Wellington

Application number: APP/W3330/D/19/3240539

Reason for refusal: Allowed



The Planning Inspectorate

Appeal Decision

Site visit made on 25 November 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref:

**APP/W3330/D/19/3240539 20 The
Brambles, Wellington TA21 9PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Sutton against the decision of Somerset West and Taunton Council.
- The application Ref 43/19/0076, dated 27 August 2019, was refused by notice

dated 15 October 2019.

- The development proposed is described on the application form as 'extension above and in front of garage adjacent existing house. To form additional bedroom and en-suite, alterations to ground floor and conversion of part of garage to Kitchen'

Decision

1. The appeal is allowed and planning permission is granted for the development proposed, as described in the banner heading above, at 20 The Brambles, Wellington TA21 9PS, in accordance with the terms of the application Ref 43/19/0076, dated 27 August 2019, subject to the conditions below.

Preliminary matters

2. On 1 April 2019 Taunton Deane Borough Council merged with West Somerset Council, forming Somerset West and Taunton Council. However, until superseded, the existing development plan documents of the former Councils remain extant. Each proposal must be determined on its merits in accordance with the development plan, unless material considerations indicate otherwise.
3. The development plan in this instance includes policies of the Taunton Deane Site Allocations and Development Management Plan (adopted December 2016, the DMP). DMP policy D5 requires that extensions to dwellings integrate appropriately with local character and amenity. Those are aims common to paragraph 127 of the National Planning Policy Framework ('NPPF'), and also reflected in the National Design Guide.

Main issue

4. Against the context above, the main issue is the effect of the development proposed on local character and appearance.

Reasons

5. No 20 is a terraced dwelling, part of an established residential area at the fringes of Wellington. I understand properties here were constructed at broadly the same time following grant of planning permission in 1994 (Ref 43/94/0112). The area therefore has an ordered, planned layout. Nearby properties are typically relatively modest two storey dwellings reflecting a similar style to, and incorporating similar external materials as, No 20. Consistency is visually pleasing, and the proposal would inevitably result in a degree of change. In brief the proposal is to create a two storey side extension to No 20, projecting towards No 18, in place of an attached garage.
6. Nevertheless there is some variety in the type, scale and design of nearby properties. No 20 is the end of a terrace including Nos 22 and 24, and there are both semi-detached properties and detached properties relatively close by (Nos 35, 37, 14 and 12). Some houses face the street side-on rather than with a frontage to it, including No 31 broadly opposite. The set-back of properties from the pavement varies, and there are variously attached and detached garages. There is a stepped building line along this stretch of the Brambles, responding to the curve of the street. I also saw how a number of houses in this location had been altered over time. No 24 now features a two storey side extension in place of an original garage, as does No 12.¹ The area is therefore capable of accommodating some change without undermining its essential character.

7. The extension proposed is proportionate to No 20 as it stands; its width would be around half that of the existing property, and its maximum roof height would be slightly lower than the existing ridgeline. It would also be set back about one metre from the foremost elevation of No 20. The resulting increase in visual bulk would also be partially offset by the proposal being in place of an existing garage. The proposal would represent a relatively minor addition to the street scene, particularly when viewed in the context of the stepped building line here and the varied form and scale of nearby properties (several of which, as noted above, have been extended over time). The proposal would result in a broadly symmetrical principal elevation, and in terms of detailing and external materials would tie in well with the existing property and aesthetic of the area. I therefore conclude that the scheme would integrate appropriately with local character and appearance in accordance with the relevant provisions of DMP policy D5 and NPPF paragraph 127.

Other matters

8. The garage associated with No 22 falls between, and is attached to, that of No 20 on one side and No 18 on the other. There is space for off-street parking in front of it, as is the case of neighbouring garages. I appreciate the concerns of the occupants of No 22 that the creation of a wall along the common boundary would impede their ability to park and enter or exit a vehicle. However the foremost elevation of No 20 is well set back from the pavement edge, and the extension proposed would in turn be set a further metre in. Any enclosing effect would therefore be limited. The proposal would not alter ownership boundaries, nor result in a relationship that would differ significantly from that which may occur at present (for example if a vehicle were to be parked next to off-street provision associated with No 22, or if items were to be stored in that location from time-to-time).²

¹ Related to planning permissions Ref 43/07/0180 and 43/15/0007 respectively.

² Albeit I note that permitted development rights related to gates, fences and walls were removed via condition attached to the 1994 permission referenced above.

9. I have set out above how other properties in the area have incorporated original garages within subsequent extensions. I have also explained that it is the particular nature of the proposal and its surroundings that means the proposal would integrate appropriately with local character, and how each proposal must be considered on its merits. There is therefore no real prospect of this appeal setting an unwarranted precedent in respect of character and appearance, or to the detriment of an appropriate level of parking here (subject to conditions as set out below). No other matters are therefore of such significance so as to alter my conclusion regarding the overall acceptability of the proposal, as reasoned in respect of the main issue in this case.

Conclusion

10. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

11. In addition to requiring commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plans and that matching materials are used in the extension as in the existing building. Those are

necessary so that the proposal is implemented as assessed above and integrates suitably with local character and appearance. The appellants have explained that they intend to make provision for parking of a vehicle within the garage as altered by the development proposed. Consequently it is reasonable, including with regard to ensuring appropriate off-street parking in the area relative to existing levels of provision with regard to with DMP policy D5 (C.), to impose a condition requiring that such provision remains available. In imposing conditions I have had regard to the relevant provisions of the NPPF and of statute. In that context I have amended the wording of conditions proposed by the Council without altering their aims.

Thomas Bristow
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plans 0035/PL00, 0035/PL03 and 0035/PL04.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The space proposed for vehicular parking within the development hereby permitted, served by the 'relocated garage door' as annotated on approved plan 0035/PL03, shall be kept available for such purposes at all times.

Site: Land West of Embercombe House, off Combe Close, Bicknoller, TA4 4EP

Proposal: Outline planning application with all matters reserved except for access for the erection of 4 No. detached dwellings

Application number: APP/W3330/W/19/3236323

Reason for refusal: Dismissed



The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/W3330/W/19/3236323

Land west of Embercombe House, Comb Close, Bicknoller, Somerset TA4 4EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Sally Ann Heller against the decision of Somerset West and Taunton.
 - The application Ref 3/01/19/001, dated 10 March 2019, was refused by notice dated 18 June 2019.
 - The development proposed is outline application for residential development for four number dwellings all details reserved other than access.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with all matters except for access reserved for future consideration.

Main Issues

3. The main issues in this appeal are:
 - whether the appeal site offers a suitable location for the proposed development, having regard to whether there would be safe and easy pedestrian access to services and facilities; and the Council's settlement strategy policies;
 - the effect of the proposed development on the character and appearance of the area, including its effect on the Quantock Hills Area of Outstanding Natural Beauty (AONB).

Reasons

Location

4. The appeal concerns a part of field laid to rough pasture land situated at the edge of the village of Bicknoller. Policy SC1 of the West Somerset Local Plan to 2032, November 2016 (the LP), defines Bicknoller as a 'primary village', where limited housing development within 50 metres of the built-up area of the village can be acceptable subject to it being, amongst other things, well-related to existing essential services and social facilities within the settlement, to which there would be safe and easy pedestrian access.
5. Bicknoller is a relatively small village in a rural location that offers some basic local services such as village hall and community shop, church, and a public house. While they are not particularly far from the appeal site, the routes to these services and social facilities are extremely narrow in parts, lack footways or street lighting, and are bounded by high hedges or boundary walls.

6. Moreover, the limited range of the services and facilities that Bicknoller offers would conceivably necessitate regular access to essential services and facilities further afield. A bus route runs along the A358, ostensibly providing a regular service to larger settlements including Taunton, Minehead and Williton. However, the closest bus stops to the appeal site would involve walking or cycling along the narrow, unlit and winding Dashwoods Lane.
7. Although the intervening distances between the appeal site and the services and facilities in Bicknoller, or to the A358 bus stops, are not long, the nature of the routes involved would be a disincentive to journeying along them on foot, especially during darker winter months or in inclement weather. That there have been no recorded incidents does not attest to a safe highway network for pedestrians or indicate new development should be permitted. Indeed, the specific characteristics of Dashwoods Lane and routes towards the village from the appeal site suggest that pedestrian access from the appeal site to essential services and community facilities in Bicknoller would be neither safe nor easy.
8. The location of the appeal site would consequently limit opportunities to regularly access services and facilities by sustainable transport modes. Rather, the majority of journeys to, for example, schools, supermarkets and employment, would be taken by private car trips. Therefore, the appeal site does not offer a suitable location for the proposed development, having regard to whether there would be safe and easy pedestrian access to services and facilities. Conflict therefore arises with Policies SD1, SC1 and TR2 of the LP and the National Planning Policy Framework, Revised February 2019 (the Framework) that, amongst other things, seek to ensure development is sustainable, and fosters a safe built environment, with accessible services, and is located to maximise the attractiveness of modes of transport other than by the private car.

Character and appearance

9. Bicknoller is a small village situated in rural surroundings within the Quantock Hills Area of Outstanding Natural Beauty. Currently, the sporadic nature of development along with the greenery and openness at the outer edges of Bicknoller are important transitional areas between the settlement and the more rural AONB context beyond.
10. The appeal concerns a portion of a large paddock located at the southwestern edge of Bicknoller. On the approach to the village along Dashwoods Lane, the appeal site provides a link with the wider verdant landscape and extends this right up to the developed edge of the village. Similarly, on leaving the village by the same route, the soft, green and informal characteristics of the appeal site alleviate the transition between the more regular concentration of built form in Bicknoller and the countryside surroundings. Therefore, it is the characteristically open, green and undeveloped nature of the appeal site that is of value to both the character and appearance of the area and the AONB landscape.
11. The illustrative block plan shows the proposal would introduce four detached dwellings and associated garaging onto the northernmost corner of the appeal site. The dwellings would be arranged around a shared access driveway off Combe Close. Notwithstanding the reserved matters, the proposed development would consolidate built development along Combe Close up to Dashwoods Lane and fundamentally weaken the green outer edge of the village. Irrespective of the quality of the detailed design or landscaping at reserved matters stage, or that no existing hedgerows or mature trees would be affected, the imposition of four

dwelling onto the site would have a harmful urbanising impact. Exacerbated by hard-landscaped areas and inevitable plot- subdivisions, the proposal would stand out as a domestic intrusion, which would erode the soft, informal qualities of the existing field and the verdant, spacious landscape setting it provides at the village edge.

12. Ultimately, the location of the appeal site in the open countryside and AONB sets a high bar where new development is strictly controlled by local and national planning policies. I cannot agree that the impacts of new development can be lessened by good design or mitigated. On this basis, the proposed development would cause harm to the character and appearance of the area. Moreover, although relatively localised in its extent, there would also be small residual harm to the landscape and scenic beauty of the AONB. Conflict therefore arises with LP Policies SC1 and HN14 insofar as they seek to ensure proposals conserve or enhance the natural beauty of the AONB, and complement the character of the existing settlement. There would also be conflict with the Framework policies that afford great weight to conserving landscape and scenic beauty in AONBs.

Other matters

13. In support of the appeal, my attention has been drawn to a recently approved development in the neighbouring village of West Quantoxhead. That site may well be similarly located within 50 metres of the built-up area of a primary village in the AONB and comparatively further from essential services and facilities or bus stops. Whilst I do not know the specific planning considerations that lead to that approval being granted, the location plan provided shows that site to be more of a gap in an otherwise regular concentration of houses, where the lane is wider and where front driveways would offer pedestrians refuge. The site-specific circumstances are therefore not usefully comparable and do not justify allowing the harmful development in this case, which has been decided on its own merits.

Conclusion

14. I do not find there to be any material considerations sufficient to outweigh the conflict with the development plan and Framework taken as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

H Porter

INSPECTOR

Site: 7 Temple Fields, Watchet, TA23 0JH

Proposal: Erection of single storey dwelling and demolition of garage

Application number: APP/W3330/W/19/3237040

Reason for refusal: Dismissed



Appeal Decision

Site visit made on 10 December 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/W3330/W/19/3237040

7 Temple Fields, Watchet, Somerset TA23 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Keith Norman against the decision of West Somerset Council.
 - The application Ref 3/37/18/008, dated 24 April 2018, was refused by notice dated 15 April 2019.
 - The development proposed is erection of single-storey dwelling (2 bed) with demolition of extg. garage to facilitate additional carparking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Town and Country Planning (Development Management Procedure) (England) Order 2015, Schedule 4 lists those statutory bodies who LPA are obliged to consult about certain types of development. Town Councils are not referred to, indicating that consultation with them is at the LPA's discretion. The LPA have given an assurance that the Town Council (TC) were consulted at the application stage, although it is equally apparent from the TC letter of 6 June 2019 that, for whatever reason, they did not receive the details and therefore did not comment on the development. However, there is clear evidence that the TC were consulted by the LPA at the appeal stage as their contact details are listed on the list of consultees accompanying the appeal notification letter dated 14 October 2019.
3. Even if the TC were unaware of the proposed development at application stage, the fact that the LPA refused the development in the first instance and subsequently included the TC among the appeal consultees indicates to me that the TC have not suffered prejudice and have been given the opportunity to participate in the appeal process. I am therefore satisfied that the LPA has fulfilled its primary responsibility to ensure that the TC (and others) have been notified about the appeal and been given the opportunity to comment. On that basis, in my view, it is reasonable to proceed to determine the appeal.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area; the effect on the living conditions of future occupiers of the proposed dwelling, in respect of outlook and disturbance; and the effect on highway safety.

Reasons

5. The appeal site terminates the narrow single-track route of Temple Fields, inside the built-up area of Watchet. No. 7 is a chalet-style bungalow dwelling that occupies the upper end of a sloping plot. The appeal concerns the lower portion of the plot, which is separated from the main dwelling and its garden by a high retaining wall, and contains a single-storey garage.
6. No. 7 and its neighbour are situated on the steep hillside where there is a group of mid-to-late 20th century dwellings occupying relatively large plots. As the hillside slopes down towards the town, there are instances of short terraces distinguished by a common age, plot rhythm and design.
7. The proposal is to construct a two-bedroomed bungalow on the lower, undeveloped portion of No. 7's curtilage. The proposed layout, following demolition of the existing garage shows space for parking up to four vehicles on the concrete apron that extends from the site access off Temple Field, which would be shared between the new dwelling and No. 7.
8. The proposed new dwelling would be sited relatively close to three of its site boundaries. Although there are modest bungalow dwellings with small gardens in the vicinity, the appeal proposal would be oriented awkwardly so that there is no obvious differentiation between the front and rear of the garden plot around it. As a consequence, and in spite of the overall building design being broadly in-keeping with its surroundings, the proposed dwelling would appear uncomfortably squeezed-in and an incongruous addition in the context of a more spacious development pattern that characterises dwellings on the rise of the hillside. The proposed development would therefore be uncharacteristic and detrimental to the character and appearance of the area. While reasonably localised in its extent, the impact would be noticeable from the public footpath that runs alongside the appeal site.
9. There may well be examples of dwellings with smaller overall external provision, but the constraints of the site and orientation of the building on the plot mean that any meaningful outdoor provision would be dominated by the proximity of close-board fencing and high hedgerow boundaries or the hard-surfaced car parking area. Indeed, the largest part of the garden would lack a sense of privacy and seclusion owing to the shared nature of the parking. The combination of these factors leads me to conclude that the proposed development would fail to provide an acceptable standard of accommodation for its future occupants, which would cause harm in respect of living conditions.
10. Vehicular access to the appeal site and to No. 7 would be via Temple Fields, which is an extremely narrow route. While the Appellant is of the opinion that there would be enough space for four cars to park and turn, my own observations of the site and its constraints causes me to doubt this. Technically, four cars could be squeezed in side-by-side on the plot. However, given the proximity of the

site's southern boundary, it would be extremely difficult for a car parked in spaces 1 and 2 to manoeuvre in or out if the other two spaces were already occupied.

11. Even if four cars were able to be parked on the site, I believe if all spaces were occupied simultaneously, it would be difficult to manoeuvre within the site and exit in a forward gear. In all likelihood, drivers would be inclined, as I was, to reverse out of the site onto Temple Fields at the point where the public footpath begins. There are clear signs not to park on the shallow turning area along Temple Fields, but the proposed development would intensify the use of a route which is already awkward. Whilst I note comments that the footpath is not well used, its proximity casts doubt over whether a suitable, safe access to the site can be achieved for all people, notably pedestrians using the footpath.
12. While there is no policy objection to the principle of a new dwelling on the appeal site, in light of the foregoing, the combination of the site layout, parking and access arrangements fails to satisfy the environmental strand of sustainable development. Conflict therefore arises with Policies SD1 and NH13 West Somerset Local Plan to 2032, November 2016 and the National Planning Policy Framework, Revised February 2019 (the Framework). Amongst other things, these seek to ensure a high standard of design which makes a positive contribution to the local environment; a high standard of amenity for existing and future users; and safe and suitable access to the site can be achieved for all users.
13. I have given careful consideration to the arguments made in support of the appeal, including those by local residents and the Town Council. Whilst I appreciate there would be benefits associated with the provision of a new dwelling, proximate and walkable to the services and facilities of Watchet, the benefits of the scheme do not outweigh the conflict with the development plan and Framework read as a whole. Nor does the way in which the Council handled the original application lead me to alter my overall conclusion.
14. For the reasons given above, I therefore conclude that the appeal should be dismissed.

H Porter

INSPECTOR

APPEALS RECEIVED – 9 JANUARY 2020

Site: Land to the rear of 16 Town Town Farm, North Curry, Taunton

Proposal: Erection of bungalow on land to rear of 16 Town Farm, North Curry
(resubmission of application 24/18/0012)

Application number: 24/19/0021

Appeal reference: APP/W3330/W/19/3240938

Enforcement Appeal:

Site:

Proposal:

Application number: 3/39/18/017

Appeal reference: APPHW3230/W/19/3236050

Enforcement Appeal:
