

Application No:	3/37/18/019
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Denise Grandfield
Grid Ref	Easting: 306748 Northing: 143398
Applicant	Shattock Associates
Proposal	Erection of dwelling
Location	Land at West Street, Watchet, TA23 0BQ
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

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 21817 PROPOSED NEW HOUSE
(A4) LOCATION PLAN

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

- 3 The cycle storage facilities shown on the approved plan shall be constructed and fully provided prior to the building being occupied, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

- 4 The construction management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the dwelling hereby approved. The approved details shall be implemented in accordance with the management plan.

Reason: To safeguard the amenities of local residents

- 5 (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. The scheme shall include details of the species, siting and numbers to be planted.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

- 6 No development hereby approved which shall interfere with or compromise the use of footpath WL 30/1 shall take place until a path diversion order has been made and confirmed, and the diverted route made available.

Reason: To ensure that the public right of way is available to use.

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 in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Proposal

The application proposes the erection of a dwelling. The two storey three bed dwelling is proposed to be constructed in render with a slate pitched roof. The principal elevation faces east. The development also includes the construction of a small pitched roof stone outbuilding on the northern side of the site to be used for the storage of bins and bikes.

There is no vehicular access to the plot and pedestrian access is via a public right of way from West Street to the north. An existing retaining wall runs along the western boundary and an existing hedgerow along the eastern boundary.

Site Description

It is understood that the application site formerly accommodated a number of dwellings but is now an overgrown garden area which rises up from north to south. The land is terraced at the southern end of the site, demarked by low stone walls.

The site lies to the south of West Street and is sited at the southern end of two terraces of houses that run at right angles to West Street (in a north/south direction). These terraced houses are rendered with slate roofs. To the west of the site are the more modern terraced houses of Lorna Doone (which run in a west/east direction) with a grassed bank adjoining the site. The eastern boundary is delineated by the metalled public footpath. In part, to the east of that public footpath is another terrace of dwellings (numbers 33 to 39 West Street) which run in a north/south direction. On the eastern side of the footpath and to the rear (south) of the site are garden areas. These three rows of terraced properties are a lower level than the application site.

A car park that is used by residents of the terraced houses is located on the northern side of West Street, approximately 60m from the application site. The residents rent spaces in this car park from Watchet Town Council and is controlled by a barrier.

Relevant Planning History

There is significant relevant planning and appeal history on the site which is material to consideration of this application.

3/37/05/022 - erection of two semi-detached dwellings. This outline application (with all matters reserved) was refused on the grounds that it was in a backland location with no independent highway frontage, the site should form part of a comprehensive redevelopment scheme of a larger parcel of land, and would place the occupants at risk during an emergency, particularly a fire. A subsequent appeal in October 2005 was dismissed, the Inspector noting, amongst other things, that the adjoining Lorna Doone caravan park would be redeveloped for housing and that inclusion of the Appeal site within a comprehensive redevelopment scheme offered the best means of ensuring its effective and efficient development without prejudice to the quality

and character of the area.

3/37/06/014 – erection of new cottage, site adjacent to 44 (45) West Street. This outline application was refused on the grounds that the site formed part of a larger plot of land in a backland position no independent highway frontage, where an outline application for the adjacent caravan park allowed for vehicular access to the application site and adjoining land, together with no parking provision or on-site recreational provision or any mechanism to secure a contribution towards off-site provision of community facilities.

3/37/06/025 – erection of dwelling on site of 45 West Street (resubmission of 3/37/06/014). This outline application was refused on grounds similar to those above and including concern for occupants in the case of an emergency, particularly a fire. An Appeal against this decision in March 2007 granted outline permission for a dwelling. Whilst considering the development of the site in conjunction with the caravan site to the west, the Inspector noted that *“the Appeal site, however, is, by the nature of its topography and location, inextricably linked to the existing terrace extending from West Street.”*

3/37/14/002 - outline application (with some matters reserved) for the erection of one 4- bedroom detached dwelling. This application was refused on the grounds that the proposed dwelling faces north/south and runs parallel to West Street did not take account of the locally distinct form of development of terraced houses that face east/west and run at right angles to West Street. The Council considered that the proposed dwelling would visually conflict with the pattern of development and would not be sympathetic to the layout of the existing buildings. In addition, no parking spaces were proposed and it was considered that one dwelling did not optimise the potential of the site.

3/37/14/008 outline application (with some matters reserved) for the erection of one 3-bedroomed detached dwelling (resubmission of 3/37/14/002). Outline consent was refused on the grounds that there were no parking spaces proposed and the site could accommodate more than one property. Outline permission was granted on Appeal in February 2015. The Inspector considered whether the development of the site for one dwelling made optimal use of the site and whether the proposal was acceptable in the absence of on-site parking. The Inspector concluded that *“... given the inherent site constraints, the development of the site for one dwelling would constitute an optimal use of the site...”* In regard parking issues, the Inspector noted that *“... the site is sustainably cited relative to local shops and facilities which would tend to reduce reliance on the private car day-to-day needs...”* In addition, given the double yellow lines along West Street and some on street parking available to the east on West Street, the Inspector concluded that *“...the specific circumstances of this case, most notably the sustainable location of the Appeal site relative to shops and services and the availability of nearby parking provision, rendered the Appeal proposal acceptable.”*

3/37/17/003 - full application for the erection of two detached dwellings was refused on the grounds that the layout was at odds with the prevailing pattern of development, provision of unacceptable living conditions for future occupiers and lack of car parking would have an adverse impact on the safety and convenience of

highway users.

Consultation Responses

Watchet Town Council - Recommends refusal and reiterates its previous comments and would also recognise the unavailability of parking and access.

(The comments made on 3/37/17/003 were: The Committee would recommend refusal due to overdevelopment of the site, concerns raised over parking and vehicular access, and the height of the structure impacting on the skyline.)

Highways Development Control - Standing advice applies. The red line of the site does not extend to the public adopted highway therefore means of access is unclear.

Biodiversity and Landscaping Officer - The site is quite prominent being located on higher land overlooking nearby properties. Access to construct the dwelling would be challenging. Is there available car parking in the resident car park?

Wessex Water Authority - No objection

Somerset County Council - flooding & drainage - No comments received

Rights of Way Protection Officer - No objection, subject to the inclusion of the following condition and informative:

DIVERSION REQUIRED

The current proposal will obstruct the **footpath WL 30/1**. The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

A Grampian-style condition will be required in this respect with regard to timing. Recent case law supports the use of conditions in this way. Suggested condition to be:

No development hereby approved which shall interfere with or compromise the use of footpath WL 30/1 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

The section in brackets is not always practical and can be removed following prior discussion with the Highway Authority.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Any proposed works must not encroach on to the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

A PROW being made less convenient for continued public use.

- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rightsof-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

Representations Received

Ward Councillor:

- No available car parking in West Street car park. There are 11 residents on the waiting list.
- West Street is narrow which gets heavily parked

Six letters of objection have been received making the following comments:

- Concerns regarding parking and deliveries during construction stage
- There is no access via Lorna Doone and the Management Company will not allow access
- No room for construction traffic on Lorna Doone
- Loss of light and views

- Lack of available car parking for new dwelling
- No car parking vacancies in public car park
- No right of access for construction vehicles
- Inadequate construction management plan
- Land is unstable and has suffered landslips
- Possible closure of footpath during construction period

One letter of support received:

- Provision of additional housing stock
- Site is currently an eyesore
- Given its location near to the centre of Watchet no parking is necessary

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

SC1	Hierarchy of settlements
NH13	Securing high standards of design
SD1	Presumption in favour of sustainable development
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
WA1	Watchet Development
TR2	Reducing reliance on the private car

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

T/8	Residential Car Parking
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Determining issues and considerations

The main considerations in the determination of this application are:

Principle of development

The principle of the development of the site for a single dwelling was established when the outline application was allowed on appeal in 2015.

The current application, submitted in full, will need to consider if there have been any changes in circumstances to override the earlier decision and whether the design of the dwelling is appropriate in this location.

The earlier decision the Inspector cited the following:

“... given the inherent site constraints, the development of the site for one dwelling would constitute an optimal use of the site...” In regard parking issues, the Inspector noted that *“... the site is sustainably cited relative to local shops and facilities which would tend to reduce reliance on the private car day-to-day needs...”* In addition, given the double yellow lines along West Street and some on street parking available to the east on West Street, the Inspector concluded that *“...the specific circumstances of this case, most notably the sustainable location of the Appeal site relative to shops and services and the availability of nearby parking provision, rendered the Appeal proposal acceptable.”*

It is considered that there are no significant changes in circumstances since the previous decision in terms of the availability of car parking within the vicinity of the site.

Design

Policy NH13 requires a high standard of design to be secured for new development. The design of the dwelling is relatively traditional and to be constructed in materials similar to other properties in the vicinity of the site. It is considered that the design is appropriate and in keeping with its surroundings. The design would not adversely affect the amenity or privacy of nearby dwellings.

The outbuilding is proposed to be built into the bank on the northern side of the site and would be constructed in stone with a pitched roof. A condition requiring the submission of details would be appropriate given its location on the boundary.

Public footpath

A public footpath runs across the north-east corner of the site and would require diversion if the development would compromise the use. A condition has been included accordingly.

Construction management plan

Given the constrained location of the site it is appropriate that a construction management plan be submitted to and approved prior to the commencement of works to ensure the development is carried out without detriment to the amenities of the nearby residents or to the users of the public footpaths in the area. Whilst a brief document has been submitted with the application it is not considered detailed enough and therefore a condition requiring the submission of a plan for approval has been included.

Conclusion

The proposal is considered acceptable, accords with local plan policy and approval is recommended.

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



Application No 3/37/18/019
 Erection of dwelling
 Land at West Street, Watchet,
 TA23 0BQ



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 West Somerset Council
 West Somerset House
 Killick Way
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 West Somerset Council
 Licence Number: 100023932

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