

Application No:	3/37/21/006
Parish	Watchet
Application Type	Outline Planning Permission
Case Officer:	Abigail James
Grid Ref	
Applicant	Mr Vincent
Proposal	Application for Outline Planning Permission with all matters reserved, except for access, for the erection of 1 No. dwelling
Location	Land Between Beverley Drive and Goviers Lane, Watchet, TA23 0DF

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

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

(A4) Site Location Plan
(A4) Outline Site Plan
(A3) DrNo 5459/E/01 Access Arrangements

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

- 3 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), 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. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. 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 NH6 of the Local Plan and the Framework

- 4 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides 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 accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy Policy NH6 of the Local Plan and the Framework.

- 5 Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. Written notification of the date of the operations will be submitted to the Local Planning Authority prior to the works being undertaken. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with Policy NH6 of the Local Plan and the Framework

- 6
 - One Vivara Pro Woodstone Nest Box (32mm hole version) or similar shall be mounted between 1.5m and 3m high on the northerly facing aspect of a tree or a similar structure to be agreed in writing by the LPA and maintained thereafter.

- One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar shall be mounted between 1.5m and 3m high on the northerly facing aspect of a tree or a similar structure to be agreed in writing by the LPA and maintained thereafter.
- Installation of one insect hotel (National Trust Apex insect House or similar), shall be installed on the southern or eastern boundary, the position to be agreed in writing by the LPA and maintained thereafter.

Photographs of the installed features will be submitted to the Local Planning Authority prior to first occupation of the development.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 7 The parking area as shown on the Proposed Site Plan shall be constructed and made good prior to occupation of the dwelling.

Reason: To ensure that there is a satisfactory off street parking for the dwelling.

- 8 Prior to occupation of the building, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

- 9 Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and maintained thereafter.

Reason: In the interests of securing sustainable development.

- 10 Cycle storage facilities details of which shall have been submitted to and approved in writing by the Local Planning Authority shall be fully available prior to the development being first occupied and shall be maintained thereafter for those purposes.

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

Informative notes to applicant

- 1 The developers and their contractors are reminded of the legal protection

afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

- 2 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

Application for Outline Planning Permission for the erection of 1 No. 2 bedroom dwelling, all matters reserved except for access.

Site Description

The site is located to the north of Almyr Terrace and to the south east of Sea View Terrace. It is accessed from Beverley Drive. Goviers lane is located further West. A stone wall, approximately 1.6m high forms the southern boundary between the site and Alymr Terrace. The site is a rectangular patch of land that forms part of a row of mixed garden/garage/parking areas. Almyr Terrace is a terrace of houses with stone walls, slate roofs and small front gardens with a narrow access from South Road. Sea View Terrace consists of a number of properties with render walls and slate roofs.

Relevant Planning History

Opposite the application site and adjacent to Sea View terrace, planning permission has been granted for the erection of three dwellings, originally in 2007, with a new permission granted in 2010 under reference 3/37/10/018.

At this site planning application 3/37/12/036 for the erection of one two-storey three bedroom house was refused at planning committee on the 28/09/2012 for the following reason:

“The proposed dwelling would be located 18 metres from the front elevation of properties in Almyr Terrace. Due to the height of the proposed dwelling and proximity to the front of Alymr Terrace the proposed dwelling would result in an overbearing impact on the occupants of the dwellings in Alymr Terrace to the rear of the proposed dwelling (Numbers 15 – 17). As such it is considered that the proposal does not accord with Policy BD/2 of the West Somerset District Local Plan which requires that the siting of new buildings has regard to its relationship with adjoining

buildings.”

The decision was appealed (appeal reference:APP/H3320/A/13/2193879) and dismissed. The inspector concluded:

“...Whilst the proposed dwelling has been designed in a chalet style with low eaves, the overall height would not be markedly different to that of properties in Almyr terrace. These matters do not lead me to conclude differently in relation to the harm identified above.

10.I noted on my site visit a pair of single storey semi-detached bungalows sited in close proximity Almyr Terrace. Their different relationship with Almyr Terrace in that they are sited end on rather than front to rear, in conjunction with their lower ridge heights mean they are not directly comparable to the scheme before me. There are also a number of garage/outbuildings located on the land to the front of Almyr Terrace but these are sited closer to Beverley Drive than the proposed dwelling and are single storey, low level buildings. Consequently I afford these matters limited weight.

11.Taking the above points together the proposal therefore conflicts with saved policy BD/2 of the West Somerset Local Plan (1998) which requires the siting of new development to have regard to its relationship with adjoining buildings and open spaces. Local Plan policy BD/2 accords with the core planning principle of securing a good standard of amenity for all existing and future occupiers of land set out in the National Planning Policy Framework (Framework).”

Officer comment: The inspector did not find that the principle of the proposal was unacceptable. It was the detailed design that was found to cause amenity impacts for the properties at Almyr Terrace.

Representations Received

15 representations were received which raised concerns regarding:

- Inappropriate development/size of property disproportionate to the space available
- Amenity – visual/privacy/noise/overshadowing & loss of light.
- Access
- Traffic
- Parking
- Environment
- Trees
- Ecology
- Loss of green space
- Character
- Conservation Area and Listed Buildings
- Issues with statements made in Design and Access Statement

- Various issues with detail of plans
- Drainage
- Street lighting

1 further representation was made by Watchet Conservation Society which raised concerns regarding:

- Effect on listed buildings
- The private road and parking
- Foul waste and sewerage

Consultation Responses

Watchet Town Council - Committee stands by its comments made previously on planning application 3/37/12/036 detailed below:

Although that application was for the erection of one two-storey three-bedroom house and the design and access statement shows a two-bedroom house on this application, it is unclear how many stories are actually proposed.

The Committee strongly object to this application:

- We are fully supportive of the Somerset County Council Highways' comments and feel that this development and any terrace development on this side of the lane would be over-development of the site.
- The Committee feels strongly that acceptance of this application may encourage further development therefore creating a separate terrace between Almyr Terrace and Seaview Terrace which the Committee feel is totally unacceptable.

The Committee also endorses the reasons for refusal from the Planning Authority after Appeal by the applicant as follows:

The proposed dwelling would be located 18 metres from the front elevation of properties in Almyr Terrace. Due to the height of the proposed dwelling and proximity to the front of Almyr Terrace the proposed dwelling would result in an overbearing impact on the occupants of the dwellings in Almyr Terrace to the rear of the proposed dwelling (Numbers 15 – 17). As such it is considered that the proposal does not accord with Policy BD/2 of the West Somerset District Local Plan which requires that the siting of new buildings has regard to its relationship with adjoining buildings.

Committee's Considerations:

Character of the area

Curtilage of Listed Building

Boundary of Conservation Area

Overbearing development

Overlooking of neighbouring properties

Highway safety

Parking issues

Loss of amenity area

The Committee also support the Watchet Conservation Society concerns on the previous application which cited the impact of the neighbouring grade 2 listed Sea View Terrace, and share Somerset County Council Highways' concerns that right of

access over the private road had not been demonstrated.

Wessex Water Authority – Holding objection.

Highways Development Control – Standing Advice.

The red line of the application site does not extend to a public adopted highway therefore means of access has not been established and it is not clear if the Applicant has access rights in perpetuity over the private road.

SCC - *Ecologist* - Quantock Ecology undertook a Preliminary Ecological Assessment of Land Between Beverley Drive and Goviers Lane in July 2021.

Site Description

The site is detached garden comprising of lawns, occasional shrubs and a wooden shed, all enclosed by fences and walls.

The site is located within the town of Watchet, Somerset, immediately surrounded by residential housing and gardens. The local area is dominated by the town, beyond which is the Severn Estuary to the north (~300m) with its marine and intertidal habitats. Open countryside is found ~500m-1km from the site in all directions. This is mainly dominated by pastoral and arable farmland, along with occasional rivers, small woodlands and unimproved grassland features.

Desk Study

A review of the MAGIC database suggests there are two statutory designated sites located within a 2km search area:

Blue Anchor to Lilstock Coast Site of Special Scientific Interest (SSSI) ~350m north of the site at its closest. Of national value –notified for its' geological interest.

Cleeve Hill Site of Special Scientific Interest (SSSI) ~1.3km west of the site. Of national value – “Cleeve Hill supports a rich and diverse calcareous grassland community with associated mixed woodland and scrub. The site contains two species of plant which are nationally rare in Great Britain”. – Taken from the Natural England citation.

The MAGIC database also shows a number of priority habitats present within the 2km search area. These include strips of mudflats ~350m north of the site, along with occasional maritime cliff habitats (the closest being ~650m west). Grassland habitats include a number of lowland calcareous grasslands from west ~650m to the west, two large strips of coastal floodplain grazing marsh (~1km west and 1.4km east), and a single block of good quality semi-improved grassland ~750m southeast. Regular small patches of deciduous woodland are also scattered across the search area, of which the closest is ~250m southwest of the site.

The MAGIC database suggests there are no granted European Protected Species Mitigation Licences present within 2km of the site.

Habitats

The site is a detached lawned garden, surrounded by walls and fences. A dilapidated wooden shed is present in the west. The following habitats/features

have been identified as being present on site:

Amenity Grassland: _

The majority of the site is comprised of a species poor lawn, mown short (to ~3cm). This is dominated by grasses such as common bent *Agrostis capillaris* and occasional cocksfoot *Dactylis glomerata*, along with common herbs such as abundant dandelion *Taraxacum* agg. and white clover *Trifolium repens*, occasional greater plantain *Plantago major* and rare spotted medick *Medicago arabica*.

Introduced Shrub:

Various garden shrubs are present around the edge of the lawn, with species including lilac *Syringa vulgaris* and ornamental rose *Rosa* sp. bushes, along with single small hawthorn *Crataegus monogyna* and elder *Sambucus nigra* shrubs.

Buildings: _

A small wooden shed is present in the west, in poor condition. This is of a simple construction, with single layered wooden walls and a pitched bitumen roof to ~2m high. Large holes are present in the side, with the shed being somewhat dilapidated.

Fences and Walls:

The site is enclosed by fences and walls on three sides. In the west the boundary is a simple wooden boarded fence, with little ecological interest. In the south this is a wall, with occasional ivy *Hedera helix* growth, but little other vegetation. In the east the boundary is made up of a wire fence, covered by a narrow band of plants such as Red valerian *Centranthus ruber*, bramble *Rubus fruticosus* agg., hogweed *Heracleum sphondylium*, large bindweed *Calystegia silvatica* and false oat grass *Arrhenatherum elatius*.

Hedgerow – species poor: _

A small section of single species (Wilson's honeysuckle *Lonicera nitida*) hedgerow is present in the north.

Protected Species

Amphibians

No ponds are present on site. Habitats are predominantly closely managed, and rather exposed: with little suitability for amphibians.

Badger

No evidence of badgers recorded on site, such as latrines, sett holes, runs etc. The site is rather cut off and surrounded by walls and fences on most sides preventing access to badgers.

Bats

No suitable features for roosting bats were found in the shed on site. No good

foraging habitats are present either. However, there is potential for some bats to commute across the site, should any roosts be present within nearby houses, and some foraging may occur around the general area.

Barn Owl

The site is located within a town away from suitable habitat for barn owls.

Birds

No evidence of nesting birds was noted within the shed or shrubs present on site. However, these may be utilised by breeding birds during the nesting season.

Dormice

The site is located within a town with no suitable habitat present for dormice

Invertebrates

The site does not offer habitat to support large populations of rare and/or protected invertebrates. Floral assemblages are poor. It does, however, offer limited potential for more generalist species within the grassland and small hedge.

Otter/Water Vole

No suitable habitat is present on site. There are no rivers nearby to support otter or water vole populations.

Reptile

The site is closely maintained with only negligible habitat present for reptiles. Suitability could improve if the site were allowed to grow up in the future, although the likelihood of reptile colonisation is very limited.

Based on the above, conditions have been recommended.

Habitats Regulations Assessment

Not applicable to this area.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
NH1	Historic Environment

Determining issues and considerations

At this stage only the principle of development and access to the site is being considered. Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

Policy SD1, advises that there should be a presumption in favour of sustainable development and that proposals should be considered on economic, social historic and natural environmental conditions in the area.

The site lies within the established residential area of Watchet. Policy SC1.4. allows for 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, and;
- E. It does not harm the amenity of the area or the adjoining land uses.

The site is well located within the built-up area of Watchet and relates well to existing essential services and social facilities easily accessed by foot.

Whilst there are Grade II listed buildings on the Watchet Conservation Area boundary located approximately 25 metres north east of the site, there is a variety of architectural styles within the immediate area, including 1960s bungalows, garages and a modern courtyard terrace. This application is for a single dwelling that will be located immediately adjacent to a neighbouring bungalow. The proposed dwelling will be seen in this context as a natural extension of the existing built development in the area. The indicative layout illustrates that the size of the dwelling would sit comfortably within the site and would respect the existing building line. It is considered that at reserved matters stage a bungalow could be designed to assimilate with the mix of architectural styles in the surrounding area.

The indicative layout of the proposal illustrates that it will conform to the adjacent building line. The Design and Access Statement states that an appropriate separation distance, of approximately 20 metres from the rear wall of the proposed development and the buildings of Almyr Terrace. This includes an existing and visually significant, 1.6m high, stone wall which forms the boundary of the site and runs the length of Almyr Terrace. This separation distance is considered acceptable and would not harm the amenities of the occupiers of Almyr Terrace. Given that the property would be a bungalow, it is unlikely that at a distance of 20 metres from Almyr Terrace would lead to a sense of overbearingness or loss of light. Further, given the existing wall and as the indicative plans show the property would be a bungalow, it should not lead to inappropriate overlooking into neighbouring properties. As this application is an outline application with all matters reserved except for access, it would be for the appellant to demonstrate at reserved matters stage that the proposed development was appropriately designed to avoid or mitigate any amenity impacts arising. The application can be refused at reserved matters stage if the design is not satisfactory.

In terms of highways impact, it is considered unlikely that traffic generation from one two bed property would generate significant additional traffic movements over minor roads to and from the national primary and county highway route network and it is therefore considered acceptable in highways terms.

It should be noted that a previous application (ref. 3/37/12/036) for a dwelling at this site was refused and subsequently appealed (ref. APP/H3320/A/13/2193879). It was dismissed based on design issues. The principle of the application was acceptable, and this remains to be the case. The Inspector's conclusion, whilst slightly ambiguous, suggested that this site could accommodate a dwelling of an appropriate design and height.

Access

Access to the site is off Beverley Drive and the private lane that serves Sea View Terrace. The site plan clearly shows that two off-street parking spaces will be provided for the dwelling. It has been noted that the red line does not extend to the end of Sea View Terrace because this is a private track. However, issues regarding rights of access are a civil matter. As this access is existing, it would be suitable for use by cars associated with the proposed development.

The Somerset County Council Parking Strategy 2013 defines this area as Zone B, for which there should be 2 parking spaces provided for a 2 bed property. 2 parking spaces have been provided, which is acceptable. 1 cycle space per bedroom would be expected to be provided, which can be conditioned.

The Environment, Trees, loss of green space and Ecology

At full application stage, materials chosen for the build of the property would be expected to be in the best interests of the environment.

The Council's Tree Officer would be consulted at reserved matters stage.

The Council's Ecological Officer has deemed the application acceptable subject to conditions.

'Whilst it is regrettable that an open area of grass and shrubs will be lost. In accordance with the NPPF Paragraph 11 "applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise." The area of land has been assessed by Quantock Ecology and the Council's Ecological Officer and no material reason has been brought forward as to why this area of land should not be developed.'

Additionally, it was clear from a site visit that this area of land is not used as an amenity area.

Issues with statements made in Design and Access Statement

The LPA makes their own assessment based on all the information provided both by residents and the agent, a site visit and replies from consultees.

Various issues with detail of plans

Applications for outline planning permission seek to establish whether the nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward. This type of planning application allows fewer details about the proposal to be submitted. If outline permission has been granted, the applicant will be required to ask for approval of the details ("reserved matters") before work can start.

Drainage

Details of drainage can be requested by way of condition.

Issues relating to main sewerage and in particular a valid deed of easement across land to connect to foul sewerage is a civil matter.

The holding objection from Wessex Water is noted, but at this stage the layout remains a reserved matter.

Street lighting

The existing street lighting situation is considered to be acceptable.

Noise

Unfortunately, noise is likely to arise as a result of building works. Any noise as a result of occupiers of the development would be equivalent to other noise arising from other residential homes in the area.

In light of the above assessment, it is recommended that outline planning permission be granted subject to further details, including a careful design, pending for reserved matters stage.

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



