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| <b>Application No:</b>  | <a href="#">3/32/21/007</a>  |
| <b>Parish</b>           | Stogursey  |
| <b>Application Type</b> | Full Planning Permission   |
| <b>Case Officer:</b>    | Jeremy Guise   |
| <b>Grid Ref</b>         |  |
| <b>Applicant</b>        | Mr Woodhead  |
| <b>Proposal</b>         | Erection of 5 No. dwellings with parking, car ports and access thereto |
| <b>Location</b>         | Land south of High Street, Stogursey, TA5 1PL                          |

## Recommendation

Recommended decision: Granted subject to

### 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:

(A3) DrNo 2608-DR-A-050-005 Rev A Location Plan  
(A1) DrNo 2608-DR-A-050-006 Rev C Site Plan  
(A2) DrNo 2608-DR-A-050-008 Indicative Site Sections  
(A2) DrNo 2608-DR-A-050-008 Indicative Street Scene  
(A1) DrNo 2608-DR-A-050-009 Rev A Unit 1 Floor Plans & Elevations  
(A1) DrNo 2608-DR-A-050-010 Units 2,3 & 4 Floor Plans & Sections  
(A1) DrNo 2608-DR-A-050-011 Rev A Units 2,3 & 4 Elevations  
(A1) DrNo 2608-DR-A-050-012 Rev A Unit 5 Floor Plans & Elevations  
(A1) DrNo 2608-DR-A-050-013 Rev A Garage/Car Port Buildings Floor Plans & Elevations

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

- 3 Prior to the construction of the buildings 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 works shall be undertaken on site until the Local Planning Authority has first approved in writing details of a programme of access to the site which will be afforded to a named archaeologist to observe and record all ground disturbance during construction (such works to include any geological trial pits, foundations and service trenches). The named archaeologist shall thereafter be allowed access in accordance with the details so approved.

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

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

- 5 No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason:- To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policy NH13, Securing High Standards of Design, of the West Somerset Local Plan to 2032.

Reason for pre-commencement: Basic information on building slab levels and heights needs to be provided and agreed before commencement of building works.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, shall be added to the buildings erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

- 7 The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with

details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is satisfactory in terms of highway layout.

Reason for pre-commencement: The details need to be agreed before work commences and investments in infrastructure are committed.

- 8 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason:- To ensure that satisfactory access is provided.

- 9 At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan, Drawing No. 2608-DR-A-050-006 Rev C. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety

Reason for pre-commencement: The visibility splays need to be in place when vehicles, including construction vehicles, first start to access the site

- 10 The proposed access shall be constructed in accordance with details shown on the submitted plan, Drawing No. 2608-DR-A-050-006 Rev C, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: To ensure satisfactory access is provided and maintained.

- 11 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

- 12 Prior to the occupation of the development hereby approved the area allocated for parking and turning on the submitted plan, drawing No. 2608-DR-A-050-013 Rev A, shall be provided. This area is to be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate parking provision is provided and maintained.

- 13 Prior to first occupation of the dwellings hereby permitted, access to covered cycle and electric vehicle charging points will need to be available, in accordance with the details set out on Drawings No. 2608-DR-A-050-006 Rev C and 2608-DR-A-050-013 Rev A.

Reason: In the interests of adapting to climate change and encouraging sustainable travel.

- 14 Details of the bin collection arrangements shall be submitted to and agreed in writing by the Local Planning Authority. The approved arrangements shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be retained in this fashion in perpetuity.

Reason: To ensure that satisfactory refuse storage and collection arrangements are in place and to avoid obstruction to the public highway.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the garages and carports hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: To ensure that the garages provided are retained for the parking of vehicles and the overall level of parking provision on the development is maintained.

- 16 During the construction phase 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 construction of the site discontinues.

Reason: In the interests of highway safety.

- 17 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

Reason: In the interests of highway safety and to minimise the disruption to local residents from construction traffic and contractor parking during the build.

- 18 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 existing hedgerows. 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. 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 West Somerset Local Plan to 2032: Policy NH6.

- 19 All retained trees and hedgerows will be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012. These will be marked by Heras fencing erected prior to works commencing. No materials or plant should be allowed within the buffer zone. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: In accordance with BS 5837:2012 and West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 20 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. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. 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 (NERC ACT 2006) and in accordance with West Somerset Local Plan to 2032: Policy NH6:

- 21 No removal of hedgerows, open grassland, small trees, scrub, and tall ruderal herbs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests (including ground nesting birds) immediately before the vegetation is cleared 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. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity

- 22 Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to the Local Planning Authority and subsequent actions, or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required, a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with West Somerset Local Plan to 2032: Policy NH6.

- 23 A new hedgerow along the southern border of the site is to be planted up with native species comprised of a minimum of five of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. The hedgerow will be cut on a 3-year rotation thereafter. The hedgerow should provide connectivity between existing eastern and western hedgerows.
- Any new fencing (including garden fencing) must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
  - A Vincent Pro bat box will be installed on to a new dwelling at

least four metres above ground level of the west or south facing elevation.

- Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations.
- A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of one dwelling. Please note bee bricks attract solitary bees which do not sting.
- One log pile as a resting place for reptiles constructed on the southern boundary along the new hedgerow.

Photographs of the installed features will be submitted to by the Local Planning Authority prior to first occupation of the dwelling and agreed in writing. Installation of the listed biodiversity enhancements must be supervised by a competent ecologist. The agreed scheme will thereafter be implemented.

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.

### **Informative 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 with the applicant and entered into pre-application discussions to enable the grant of planning permission.
- 2 The applicant will be required to enter into a suitable legal agreement or license with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement or license well in advance of commencement of development.

## **Proposal**

Planning permission is sought for the erection of five houses (1x3 bed and 4x4 bed) on 0.45ha of agricultural land, to the south of the High Street Stogursey.

The houses are shown arranged along the road frontage with gardens extending southwards to the rear. The proposed houses would be constructed using traditional

materials: natural stone, render and brick walls, natural slate and clay pantiles roofs with timber windows. The two detached houses, Plots 1 and 5, reference the Georgian, double fronted, houses in the village, and the small, central, terrace of three (Plots 2, 3 and 4) the more modest sized cottages.

The existing field access, on the eastern side of the site, would be upgraded to provide a communal drive to a parking and 'garage' court (12 car parking spaces, arranged outside and in car ports), located to the rear of the gardens and to maintain access to the agricultural field, to the south. Pedestrian access to the properties would be provided by a shared footpath along the northern boundary of the site, adjacent to the road, and along the shared drive. The pedestrian access along the shared drive would also provide access to a new access for the public along the northern and eastern boundaries of the agricultural field linking with the existing public rights of way (WL/2 and WL23), to the south.

A SUDs system for surface water drainage is proposed.

The application is accompanied by a suite of supporting documents including:-

- Design and Access Statement (DAS), Prepared by Greenslade Taylor Hunt (GTH)
- Historic Environment Assessment prepared by AC Archaeology Ltd June 2019 Fiona Pink and Debra Costen
- Ecological Appraisal undertaken by Quantock Ecology 23/05/2019 (Originally undertaken for an earlier 35 dwelling proposal)
- Updated Ecological Survey
- Landscape Statement, Prepared by Clark Landscape Design
- Transport Statement, Prepared by IMA Transport Planning, May 2021
- Flood Risk Assessment ,Prepared by IMA, May 2021
- Geophysical and Archaeological Magnetometer Surveys, Prepared by 'Sustrata'

The proposal includes:

*A formal pedestrian link is also proposed. This will allow formal rights of access on foot to the public along the driveway, into the field and then connecting into the grounds at the rear of the school.*

The applicant has also been keen to emphasise the care that has gone into the design of the proposal to ensure that it respects the character of the Stogursey conservation area. The Accompanying Design and Access Statement makes the following points:

*'The layout of the site reflects the linear pattern of development to the northern side of High Street and also to the east of the site, where long, burgage style plots are located. The provision of a rear courtyard to provide parking and turning offers the opportunity to provide agricultural style outbuildings that soften the visual impact of the development when viewed from the south.*

*The individual design of the dwelling houses pays close attention to the historical character and appearance of properties in close proximity to the site. The provision of black plinths, sash windows, stone, brick and slate ensure that the development*



*reflects the character of built form within the Conservation Area.*

*In order to reduce visual massing and provide appropriate character to the development, the terrace of three dwellings has a stepped ridgeline and forms three individually designed dwellings that together have an appropriate visual relationship with the area. When viewed within the street scene, the detailing and appearance of the development will have apposite effect upon the character and appearance of the Conservation Area.*

*The roadside wall is currently overgrown along much of its length and is of a poor visual appearance. It fails to make a positive contribution to the character and appearance of the Conservation Area'.*

In response to planning officers' request, the applicant has reduced the number of car parking spaces from 18 to 12. This complies with Saved policy T/8, Residential Car Parking, providing the maximum of two spaces per dwelling, plus two visitor spaces and ensures that the rear of the properties will have a less cluttered appearance with fewer vehicles..

## **Site Description**

The 0.45ha application site forms part of a larger, irregular shaped, field (approximately 3.1 ha) located to the south of High Street /Tower Hill, Stogursey. Known to some as Glebe field, it is privately owned 'amenity' land, accessed from a field access off the High Street, adjacent to The Rectory, where it becomes Tower Hill.

Topographically the northernmost part of the site, that fronts the High Street, is approximately 2m higher than surrounding village which itself sits on a ridge within the Quantock Vale. Beyond this frontage feature, levels fall away to the south, following the general pattern in the area.

The land is currently used for agriculture and falls into Agricultural Land use Classification category 3 (which includes the good / moderate category 'Best and most versatile '). A stone boundary wall, approximately 1m in height, separates the site from the High Street, which at this point projects as a convex bend, but elsewhere boundaries are marked by established hedges, interspersed with trees.

Open countryside abuts the southern boundary of the site, with the Quantock Hills forming a backdrop in the distance. There are several public footpaths to the south of the site. The closest runs alongside the Western boundary of the larger field and the primary school where it splits. The western route (ref. WL23/33) heads south west, away from the application site, towards Pophams Park. The eastern route (ref. WL 23/2) extends along the rear of the primary school playing field, touches the site at its south westernmost extremity and heads south, south east where it joins another route (ref. WL23/1) that runs from Castle Street around the south eastern (far) side of Stogursey castle. The site is visible from all three routes, but is most prominent from route Ref. WL 23/2 which provides views of the site against the backdrop of the village. The ruins of Stogursey Castle, a grade II\* listed building and

Scheduled Ancient Monument (SAM), are located to the south east. They are separated from the site by a field and partly screened by established hedges and trees.

The eastern boundary is the closest to the village centre and has a more urban character. No. 25 High Street is a semi-detached house located adjacent to the north eastern boundary. It forms part of the High Street which continues to the east and the centre of the village. Two modern bungalows a court of lock up garages are located on lower ground, to its rear (south). St Andrews Well, a natural spring, rises close to theme and flows into Stogursey Brook. Opposite the site's High Street frontage, is a terrace of small, two storey, cottages, Nos. 46-62 High Street. These are similar to others in the medieval core of the village fronting St Andrew's Road and Castle Street. Most of the more recent post-war development has occurred on the northern side of the village around Town Clause and Burgage Road.

Stogursey is one of the larger villages in West Somerset. It has a range of village facilities which includes two convenience stores, a public house, a place of worship, a village hall and a primary school. It is also relatively remote. Bridgwater is 8 miles away, to the east via the A39, and Taunton 11 miles to the south east, on the southern side of the Quantock Hills. As the closest village to Hinkley Point nuclear power station, it is located within the safeguarding zone for evacuation in the event of a serious accident. It is also currently the site of Europe's largest construction site, Hinkley C, resulting in considerable increase in traffic volumes in recent years and pressure for new residential development.

## **Relevant Planning History**

- Ref. 3/32/19/023 Outline application for up to 40 dwellings on land at High Street, Stogursey (subsequently amended to 35 dwellings). This application was made upon a larger site (3.1 ha.) than the current application, but all of the current application site (0.45ha.) was included in the northern part of that site. It was Withdrawn 03/08/2020 following objection from Historic England (impact on Stogursey Castle Scheduled Ancient Monument) and an indication that it would not receive officer support - contrary to Policy SC1, inappropriate design.

Relevant planning history for nearby sites is set out below.

### Land adjoining 16 Castle Street

Ref. 3/32/14/004 Demolition of existing bungalow and redundant agricultural buildings and construction of 12 new dwellings, associated parking and turning and improvements to existing vehicular entrance. Conditional planning permission, subject to a section 106 legal agreement, 06/07/2016

### Paddons Farm

Ref. 3/32/06/003 Erection of 55 dwellings and associated works Approval 05.07.06

Ref.3/32/07/008 Erection of 59 dwellings & associated works as amended Approval 26.04.07

Ref. NMA/32/17/002 Non-material amendment to application 3/32/07/008 The addition of a condition listing the approved plans' Conditional approval (extant conditions apply) 08.08.17

Ref. 3/32/17/012 Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey. Refused Appeal dismissed 17.10.18

Ref. 3/32/18/042 Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.(Resubmission of 3/32/17/012) Refused 07.03.19

Ref. 3/32/19/009 Erection of a residential development comprising of 27 dwellings, relocation of children's play area and associated works, Paddons Farm Stogursey Refused 05/12/2019 Appeal ref. APP/W3330/W/20/3245966 dismissed by the Planning Inspectorate 24.06.2020

Ref. 3/32/20/009 Erection of a residential development comprising of 27 dwellings, relocation of children's play area and associated works (resubmission of 3/32/19/009): Paddons Farm Stogursey. Conditional approval granted 27/11/2020

#### Land off Shurton Lane

Ref. 3/32/19/011 Outline application with all matters reserved except for access for a residential development of up to 70 No. dwellings, Land off Shurton Lane Stogursey Refused 20/12/2019 on the grounds that it was contrary to West Somerset Policy SC1, to low density and lacked a noise survey. The decision has been appealed (Planning Inspectorate ref. APP/W3330/W/3243508). The appeal was subsequently dismissed by the Planning Inspector 29/03/2021

Ref. 3/32/20/003 Outline application with all matters reserved except for access for a residential development of up to 27No. dwellings, (resubmission of 3/32/19/011) Land off Shurton Lane Stogursey. Refused 09/10/2020, on the grounds that it was contrary to West Somerset Policy SC1. The decision was appealed (Planning Inspectorate ref. APP/W3330/W/3243508) resulting in the appeal being allowed 17/09/2021. The Appeal Decision Notice is appended. Paragraph 28 is highly relevant. It states:-

*28. Nevertheless, the pertinent conclusion is that the Council is presently incapable of demonstrating a 5YHLS and thus, the Policy which is agreed as being most important to the determination of the appeal, Policy SC1, is considered out-of-date in the context of paragraph 11 d) of the Framework. The 'tilted balance' outlined in the same requires that where policies that are most important for determining an application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The tilted balance is engaged in this case.*

## **Consultation Responses**

*Stogursey Parish Council* - Object to this application for the following reasons:

1. The land is amenity open space

2. Traffic: the survey is based on the 2011 Census. The situation has changed since then.
3. The entrance is narrow. Parked cars will make turning tight
4. Will have an adverse impact on views out and into the conservation area

*Office of Nuclear Regulation* - No comments received to date.

*THE SOUTH WEST HERITAGE TRUST* - No objection subject to conditions.

*Highways Development Control* - No objection, subject to conditions.

Comments:

- The vehicle movements associated with the proposal will not generate local road network capacity or safety concerns
- The internal layout will be as a private street as it is unsuitable for adoption
- The access is of an acceptable width and geometry to allow safe and suitable means of access
- The proposed parking is adequate
- Refuse storage/ collection, cycle storage and EV charge points should be conditioned.
- Surface water drainage details required to ensure no discharge on to the highway.

Conditions recommended relating to:

- Details of proposed estate roads etc to be provided and agreed prior not commencement
- Roads, footpaths etc constructed b to each dwelling prior to occupation
- Visibility splays at access constructed prior to commencement and maintained without obstruction
- Proposed access constructed in accordance with approved drawing
- Provision and disposal of surface water
- Parking to be provided prior to occupation and maintained henceforth
- Covered cycle store and EV charging points to be provided prior to occupation
- Details of bin collection arrangements submitted to and approved prior to occupation
- Cleaning of construction vehicles prior to leaving the site
- Submission and approval of Construction Environmental Management Plan (CEMP) prior to commencement

*Wessex Water Authority* - has no objections to this application.

*Tree Officer* - No objection subject to condition regarding root systems.

*Natural England* -

The site is within the Exmoor & Quantocks Oak Woodlands SAC, but the proposals are unlikely to have a significant effect on the integrity of the SAC.

Retention of exiting environmental features will be considered in connection with biodiversity net gain.

*Somerset County Council - flooding & drainage* - No comments received to date

*Historic England* - No objection. Historic England has concerns regarding the application on heritage grounds. Our concerns relate to the less than substantial harm which would result from the change that the proposed development would cause to the character and appearance of the conservation area.

However by confining development to the northern edge of the site and utilizing a more appropriate design and layout for the units, the current proposal is an improvement over those previously submitted, and in our view it probably represents the maximum developable area of the site without causing significant harm to the historic environment.

Historic England have clarified 16/08/2021 that their comments do not constitute an objection to the proposal.

*SCC - Ecologist* - Have no objection to the application subject to conditions.

There are no statutory designated sites for nature conservation within 2km. The application site is however located in Band A of the Bat Consultation Zone for the Exmoor and Quantocks Oak Woodlands SAC which is designated for its barbastelle and Bechstein's bat features. However, the proposed development is highly unlikely to have an effect on barbastelle and or Bechstein's bats and therefore there is no need to carry out a Habitats Regulations Assessment for the application.

The majority of the site consists of improved grassland / arable. Some tall ruderal was recorded along field margins. Hedgerows form north, east, and western boundaries and are considered species poor.

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, Somerset Ecology Service recommend conditions relating to lighting, trees and hedgerows, reptiles, birds, badgers and biodiversity net gain.

*Conservation Officer* - Support

- The proposal will fit in well with the character of the village. It takes account of the views of the castle

. The open area that it is proposed to develop is not considered to be important open space. the indicative street layout shows that it will fit in well the other buildings. The materials pallet is acceptable. The proposal will not harm the designated heritage assets, including the conservation area.

## **Habitats Regulations Assessment (HRA)**

The site is within the Exmoor & Quantocks Oak Woodlands SAC. Natural England have advised that the proposals are unlikely to have a significant effect on the integrity of the SAC, a project level HRA is therefore not required.

## **Representations Received**

A site notice has been posted and neighbours notified of the application in accordance with the Council's consultation policy. This has resulted in receipt of 47 letters of representation (LORs), all raising objection to the proposal. The grounds of objection can be summarised as follows:-

### Access, parking & impact on the road network

Traffic is a critical issue. Stogursey is large enough. It has limited transport links and narrow lanes. No more houses should be built until the road network is improved.

The survey information in the Transport Statement dates from 2018, prior to the start of Hinkley Point C. It is out of date and not a true representation of the current traffic conditions. Questions the traffic survey conclusion that there will only be 3 traffic movements at peak times. The estimate of three traffic movements a day is a conservative one. A suitable and up to date transport assessment is required.

The traffic mitigation measures do not go far enough as those exiting the site in the direction of the village centre will be travelling against the flow most of the time Residents have had to endure increased traffic in the village associated with the building of Hinkley Point C. How much more noise and traffic are we expected to endure?.

The access is on a dangerous part of the High Street with limited visibility. It would be on a blind bend with little visibility and cars parked on the opposite side of the road. It will endanger children at school times. Adding another junction would be irresponsible, an accident waiting to happen.

The High Street is congested. On street parking causes a problem. More houses and additional cars will exacerbate the problem. They will make it dangerous. The high street, it is not wide enough for vehicles to park, it is effectively a one way street with vehicles parked nose to tail and very restricted visibility. Representatives of the Diocese of Bath and Wells should come to Stogursey and drive up and down the High Street a few times to see how bad the situation is.

There is no functioning bus service. There is a college bus Monday to Friday term time only and a courtesy bus service to Hinkley Point.

### Expanding non-essential housing in the village will not benefit the village

Executive houses are not modest. There is no need for 5 large, executive type, houses in the village. Large houses are beyond the budget of first time buyers and local villagers who want to stay in the area. Building large executive homes will not benefit the local population. The local housing need is for 2 bed starter and retirement homes and 3 bed family homes, affordable housing: affordable houses for young people. Stogursey already has a large modern housing estate. Please deny further profiteering by developers and landowners and turn this down.

### Impact upon Conservation area

This part of the village is right in the middle of the conservation area. Most houses are very old. The proposal would ruin the approach to the village. It would materially and permanently change the character of the High Street. The new houses would be totally out of keeping with the historic dwellings in the conservation area. This is a

totally unsuitable place for new houses There are more suitable places within the village to place houses. The proposal contravenes planning policy to the provisions of the NPPF.

#### Loss of Amenity Space

The Glebe field is amenity land, enormously important to the village. The proposal would deprive the village of suitable open space. Villagers have for generations been able to stand at the gate at the entrance to the field and look at the Stogursey castle and Quantock Hills AONB. These views would be blocked and lost forever if houses are built on this site It would remove hope of local people ever being able to access the amenity space

#### Pedestrian link

The proposed new permanent pedestrian access leads only to the school gate, where the public do not have any access rights. It would mislead people into thinking that it provides an access to the wider public right of way network. Having a footpath at the rear could affect children in the school

#### Impact on wildlife / Loss of habitat

The field is worthy of being conserved. There should never be any development of this unspoilt site. The Glebe field is not a viable, ecological, sustainable solution to any housing issues. It will involve loss of habitat and disturbance to wildlife. Time would be better spent finishing other developments. It would make more sense to finish building the 27 houses at Paddons Farm before obliterating another green space in the name of greed. There are another developments in the area that are better suited to additional housing

#### Flooding

The field regularly floods. Putting more concrete will exacerbate flooding. Surface water drainage to the south, into the Brook will have an impact on the basin of Caste Street which has had numerous floods.

#### Impact on neighbours' amenity

Disagree with the statement that the proposal will have no discernible impact upon light, outlook, privacy. This is absolutely untrue. The existing houses would be overlooked and lose their view of the Quantock Hills. The night sky, that will disappear. The distance between the frontages is legislated at 21-22 m. This is only 18m. Bedroom windows of the new houses would be on a level. The houses should be 1.5 storey and set back from the road. The current owners bought their houses believing that the Glebe field would be protected from development. Are they to be sold out? Property values would be devalued making them hard to sell.

#### Precedent

There is concern that it will set a precedent for further development. It is entirely possible that 5 houses will lead to more development in the field. A 35 dwelling scheme was withdrawn last year. The infrastructure will be in place for the further development of the remainder of Glebe field. Is this a cynical ploy on the part of the developers to designate the field for more houses?

#### Miscellaneous

Stogursey is becoming a dormitory for Hinkley. Larger houses are bought landlords and converted into HMOs for transient Hinkley Point workers, not local families . We have had several new housing developments forced upon us. Planners and developers totally fail to acknowledge the hardship we are experiencing. This application puts the corporate greed of the Diocese above the needs of the local community. Don't let greedy builder destroy what is still a beautiful and rural village in the heart of Somerset

## **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**

AH/3        Areas of High Archaeological Potential  
11         Areas of High Archaeological Potential

Policy SD1 Presumption in favour of sustainable development  
Policy SC1 Hierarchy of settlements  
Policy SC2 Housing Provision  
Policy SC3 – Appropriate mix of Housing types and tenure  
Policy SC4 – affordable housing  
Policy SC5 - Self-containment of settlement  
Policy TR1 - Access to and from West Somerset  
Policy TR2 - Reducing reliance of the private car  
Policy CF1 - Maximising access to health, sport, recreation and cultural activities  
Policy CF2 - Flood Risk Management  
Policy CC2, Flood Risk Management  
Policy CC5 - Water Efficiency  
Policy NH1 - Historic Environment  
Policy NH2, Management of Heritage Assets  
Policy NH3 -Areas of High archaeological potential  
Policy NH4 - Archaeological sites of local significance  
Policy NH6 - Nature conservation and the protection and enhancement of biodiversity  
Policy NH7 Green Infrastructure  
Policy NH11 Bat Consolation Zone  
Policy NH13 Securing High Standards of Design  
Policy ID1 Infrastructure Delivery

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



AH/3 Areas of High Archaeological Potential  
11 Areas of High Archaeological Potential

TW/2 Hedgerows  
R/7 Amenity Open Space  
R/12 Informal Recreation Facilities  
T/8 Residential Car parking  
T/9 Existing Footpaths  
UN/2 Undergrounding of Service Lines & New Development

## Determining issues and considerations

### **The principle of residential development - housing requirements in Stogursey**

Policy SC1, Hierarchy of Settlements, of the West Somerset Local Plan classifies Stogursey as a primary village where:-

*'2. Limited development in the primary villages: ... Stogursey, ... will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area.'*

In the supporting text it defines what 'limited' means in this context. It states:-

*'Limited Development: In clause 2 of the policy above, in terms of housing, "limited development" means individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period.'*

*Primary Villages (showing dwelling numbers at the start of the plan period): ,... Stogursey (388), ... These are the larger villages with a shop and some built community facilities which are not significantly constrained by poor access from the County Highway Network.*

At five dwellings the Policy SC1 limit of 'up to ten dwellings' resulting in a concentration of new development. The provision to restrict individual schemes to no more than 10 dwellings, allows small sites, replacement to a higher density and infill developments and, in tandem with the temporal constraints, prevents the development of new housing estates, which can be more difficult to integrate into existing village communities. The proposal, represents 'limited' development within the provisions of Policy SC1.

The proposal is for a relatively small infill development of the kind that Policy SC1, Hierarchy of Settlements, was intended to facilitate.

The proposal includes a mix of different house sizes, design and types. There is a requirement for new 3 and 4 bed houses, as well as smaller ones. At this scale of development the mix and sizes of house type is considered to be compliant with Policy SC3.

The recent appeal decision (APP/W3330/W/21/3272670, 17/09/2021 - appended as Appendix 1) to allow the development of 27 dwellings on land off Shurton Road,

Stogursey changes the policy consideration. Firstly, it provides for another 27 dwellings in the village, concentrated in one location. This development, together with the permissions already granted, also exceeds the total number of new dwellings envisaged for Stogursey during the plan period, as defined in the supporting policy text. As acknowledged by the Planning Inspector, the approval of the Shurton Road site monopolises the growth potential of the whole village up to 2032, as set out in Policy SC1. However in reaching her decision to allow the appeal, the Planning Inspector agreed with the opinion of her colleague who considered the previous 60 dwelling proposal at the Shurton Road appeal hearing in March (ref. APP/W3330/W/3243508) that the Council cannot, at present, demonstrate a 5 year housing land supply and therefore she allowed the appeal.

A third Planning Inspector has also offered his view that the Council cannot presently demonstrate a 5 year housing land supply in connection with a recent appeal at: Land North of Huish Lane, Washford TA23 0GD (Inspectorate Ref. APP/W3330/W/203263266, Decision Dated 23/09/2021). He states:  
*28. That the Council cannot currently demonstrate a 5-year supply of deliverable housing sites engages Paragraph 11d) of the Framework. Paragraph 11d)i) states that permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development.*

What this means is that elements of Policy SC1, specifically the definition of limited development, cannot be relied upon to form a sound basis for refusing planning permission in Stogursey or elsewhere in the ex-West Somerset Council area whilst a 5 year housing land supply cannot be identified.

Of course, 5 year housing land supply is not a static concept. It changes when more planning permissions are granted, or in accordance with government rules, if a different methodology is adopted for its calculation.

The methodology for calculating 5 year housing land supply is set to change from local plan figures to standard method on 23 November 2021, when the existing West Somerset Local Plan to 2032 reaches five years old. At that point the Standard Methodology calculation becomes relevant- providing an estimated 10.5 year housing land supply.

Development proposals need to be considered in accordance with the policies prevailing at the time of the decision. The proposal would contribute towards the council's target of providing 2,900 dwellings during the period to 2032, as set out in Policy SC2. Housing Provisions.

The proposal involves the loss of Grade 3, 'good to moderate' agricultural land. However, the area involved is quite small, 0.45ha, and the agent has confirmed that its loss will have no discernible impact on the farming enterprise that currently rents the land. The applicant's agent also points out that the Planning Inspectorate recently allowed an appeal at Shurton Lane which involved the loss of a larger piece of agricultural land of the same grade.

### **Amenity space**

The site is designated as amenity land in the saved West Somerset Local Plan 2006 (Policy R/7 Amenity Open Space). The land is privately owned and there is no public right of access to it. This means that the primary function that this amenity space provides is visual. It provides a gap in the built frontage that allows a public view, as well as a private view from the first floor of houses opposite, southwards across the countryside towards the Quantock Hills. However, the hedge on top of the stone boundary wall limits the views to glimpses in most places.

Saved policy R/7 allows for the loss of amenity open space where, among other factors the:

*(ii) Development of the site would provide a positive social or economic development which would outweigh the loss of the Open Space*

In this case the applicant is proposing to provide a footpath link through the site to the existing public rights of way and, if desired, an alternative route to the primary school playing field. This link will provide views across the fields and hedgerows towards Stogursey Castle ruins and Quantock Hills, and is considered to provide positive social and economic benefits.

### **The design and appearance of the proposed development.**

Policy SV1 Development in primary and secondary villages requires new development to

*- be designed to form an integral harmonious addition to the settlement's existing character*

*- help maintain or enhance their existing level of service provision, and also help to create balanced communities at a level appropriate to their role and function'*

Policy NH13 Securing High Standards of Design

The infill development proposed is considered to be modest in scale and to pay careful attention to the current High Street alignment. It has been designed to retain much of the existing wall / hedge feature As such it maintains the medieval street grid pattern of the village responding positively to the Quantock Vale Character area.

The proposed development would have a conventional street relationship with adjoining and opposite neighbours whose amenities would not be adversely impacted. At present levels on the site are higher than the surrounding area. A degree of excavation will be required to ensure that slab levels, roof heights etc. are compatible. A condition requiring submission and approval of datum slab and ridge level heights is considered necessary to ensure satisfactory appearance and neighbour amenity, and is recommend.

### **Flooding**

The site is located in zone 1 and is therefore not at risk from fluvial or surface water or tidal sources. A SuDS system for surface water drainage and mains connection for foul water is considered to be acceptable for a development of this size and accords with to Policy CC2, Flood Risk Management. Concerns are raised within the representations received regarding this area of land flooding, however, as it is within

Flood Zone 1, there are no flood risk grounds to object to this application.

### **Impact upon the historical environment**

The importance of Stogursey's historic environment is recognised both in the listing /scheduling of individual buildings and monuments, and in the designation of the central core of the village as a conservation area. It is considered that the proposed development would be acceptable in terms of its' impact upon the open setting of Stogursey Castle and the village conservation area.

Policy NH1 Historic Environment of the West Somerset Local Plan 2032 states:-

*'Proposals for development should sustain and/or enhance the historic rural urban and coastal heritage of the district whilst contributing appropriately to the regeneration of the district's communities, particularly those elements which contribute to the areas distinctive character and sense of place:*

*1. Proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can have to the delivery of wider social, cultural, economic and environmental objectives.*

*2. Elements of the historic environment which contribute towards the unique identity of areas and help create a sense of place will be sustained and, where appropriate, enhanced.'*

Stogursey Castle is located on the southern edge of the village and is surrounded on all sides, except the north east corner, by agricultural land. This gives it an open setting which allows the remains of the castle's original Motte and Bailey to be appreciated in an environment with some resemblance to its' original context. Castle Street, to the north east, provides a near continuous built link to the village centre. However, this follows the historic pattern. Thus, modern residential development of Brownfield sites off Castle Street, such as land adjoining 16 Castle Street, sits within the established village settlement in a way that is respectful of its historic context. The site is over 250m from the castle and will be seen against the backdrop of existing buildings. It is not considered to have an adverse impact.

The current application proposal, for five dwellings, is confined to the northern part of the site. It involves frontage development between No.25 High Street and The Rectory with rear gardens and parking area. Historic England have confirmed that they do not raise objection to the proposal, adding that they consider this to be the maximum developable area of the site. This latter point references back to the earlier outline application for 40 (subsequently 35) dwellings. That application proposal related to a larger site (3.1ha) which included the southern part of the field and was considered by Historic England and the Council's Conservation Officer to have an adverse impact on the open setting of Stogursey Castle Scheduled Ancient Monument (SAM). Any future application would need to be assessed against prevailing policy provisions and its merits at the time, but this gives a strong indication that further development of the field to the rear would not be supported.

The High Street is located within the Stogursey conservation area. This area is typified by small closely packed cottage style houses in the core, with larger double fronted and individual houses on the periphery, especially where it extends

westwards into Tower Hill. The proposed houses with their relatively narrow frontages and long rear gardens respect the burgage plots of the central area.

The site is located in an area with high archaeological potential a condition to require an archaeological survey prior to the commencement of works is considered necessary

### **The impact upon the local road network and proposed parking provision**

The site has only one common boundary with the highway network where it joins the High Street to the north. There is a field entry to the north east of the High Street, adjacent to The Rectory which would be upgraded to an access drive serving the five properties, the field beyond and the proposed new pedestrian access to the south west. The Highway Authority are satisfied that this arrangement, including the junction with the High Street and turning space to the rear is satisfactory, subject to conditions. The level of vehicular movements associated with the development would not exceed the capacity of local road network, but given the limited public transport services in the village residents would be reliant on the private car, creating a degree of conflict with Policy TR2, reducing reliance on the private car - although not sufficient to justify withholding planning permission.

Adequate resident parking is proposed in accordance with policy. This has been designed as open garage ports to encourage its retention for use for parking rather than storage and the garage building designed to resemble traditional agricultural buildings

### **Ecological Impact and biodiversity net gain**

All boundary hedgerows and trees are shown retained, except short section of the species poor hedgerow on the High Street boundary. A landscaping scheme is proposed with new planting and habitat creation around the site. The site is considered to be of low ecological value the creation of private gardens associated with the development is likely to result in a small improvement in biodiversity in the area.

The site is located within the consultation zone from the Exmoor and Quantock Special Area of Conservation (SAC) in relation to bats. However, it is considered to be sufficiently distant to have no adverse effect upon it.

### **Infrastructure capacity and S.106**

- The proposal is for 5 dwellings. This is below the affordable housing threshold as set out in Policy SC4, Affordable Housing.
- A Section 106 legal agreement will be required to secure the pedestrian link through the site to the public footpaths to the south west.

### **Conclusion**

The proposed development has been carefully designed to infill a gap in the existing street frontage. It would result in the addition of five bespoke dwellings integrated into the street scene. Whilst the current gap in the built frontage has been designated as amenity open space, it is privately owned land, and hidden behind a stone wall and high hedge. It makes little positive contribution towards the amenities of the village. The provision of pedestrian link to existing public rights of way has a

positive benefit that outweighs any amenity space loss associated with the development.

The proposal makes a modest contribution towards improving housing supply in the former West Somerset area and as such is recommended for conditional approval subject to a section 106 legal agreement to secure the pedestrian link.

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



