



Notice of Meeting of

**PLANNING COMMITTEE - NORTH**

**Tuesday, 10 October 2023 at 2.00 pm**

**Sedgemoor Room, Bridgwater House, King  
Square, Bridgwater, TA6 3AR**

To: The members of the Planning Committee - North

Chair: Councillor Kathy Pearce  
Vice-chair: Councillor Matthew Martin

Councillor Brian Bolt	Councillor Alan Bradford
Councillor Hilary Bruce	Councillor Ben Ferguson
Councillor Bob Filmer	Councillor Tony Grimes
Councillor Pauline Ham	Councillor Alistair Hendry
Councillor Harry Munt	Councillor Gill Slocombe
Councillor Brian Smedley	

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services [democraticservicesnorth@somerset.gov.uk](mailto:democraticservicesnorth@somerset.gov.uk).

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) by **12noon on Monday, 9 October 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Thursday 28 September 2023.

# **AGENDA**

**Planning Committee - North - 2.00 pm Tuesday, 10 October 2023**

**Public Guidance Notes for Planning Committees (Agenda Annexe)**  
**(Pages 7 - 10)**

**Click here to join the online meeting (Pages 11 - 12)**

## **1 Apologies for Absence**

To receive any apologies for absence and notification of substitutions.

## **2 Declarations of Interest**

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#) )

## **3 Public Question Time**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) by 5pm on Wednesday 4 October 2023.

**4 Planning Application 01/22/00037 20 Bath Road, Ashcott, Bridgwater, Somerset, TA7 9QT (Pages 13 - 26)**

To consider an application for the Erection of a steel portal framed warehouse with solar PV panels, alterations to existing access and parking including HGV turning and loading.

**5 Planning Application 08/22/00194 Land to the East of 6, Ashleigh Mews, Ashleigh Terrace, Bridgwater, Somerset, TA6 (Pages 27 - 32)**

To consider an application for the erection of a dwelling.

**6 Planning application 08/23/00307 52 North Street, Bridgwater, Somerset, TA6 3PN (Pages 33 - 38)**

To consider an application for the Change of use of dwelling to form an 8no. bedroom HMO (Home in Multiple Occupation).

**7 Planning application 24/23/00020 Rookery Manor, Edingworth Road, Edingworth, Weston-super-mare, Somerset, BS24 0JB (Pages 39 - 44)**

To consider a retrospective application for the retention of single storey side (South) extension.

**8 Planning application 33/23/00021 Orchard Cottage, The Causeway, Mark, Highbridge, Somerset, TA9 4QD (Pages 45 - 56)**

To consider an application for Outline planning permission, with all matters reserved, for the erection of 2no. dwellings.

**9 Planning Application 37/23/00054 Land North of, 2 Manor Cottage, West Newton Road, West Newton, Bridgwater, Somerset, TA7 (Pages 57 - 62)**

To consider an application for the change of use of land to residential garden area including the erection of detached garage.

**10 Planning application 38/22/00011 Land to the West of, Townsend, Othery, Bridgwater (Pages 63 - 70)**

To consider an application for Outline planning permission, with some matters reserved, for 2 self-build dwellings.

## **Other information:**

### **Exclusion of the Press and Public for any discussion regarding exempt information**

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will be asked to agree the following resolution to exclude the press and public:

### **Exclusion of the Press and Public**

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

**Reason:** Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

*(Or for any other reason as stated in the agenda or at the meeting)*

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## Public Guidance Notes for Planning Committees

### Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

### **How do I register to speak at Planning Committee?**

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting either by email to [democraticservicesnorth@somerset.gov.uk](mailto:democraticservicesnorth@somerset.gov.uk) or by telephone on 01278 435739. For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.



### **Can I present information to the Committee?**

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

### **How do I know what time an application will be heard?**

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

### **What if my Division Member does not sit on the Planning Committee?**

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

### **Presentation of planning applications**

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

### **The role of Officers during the debate of an application**

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and

guide Members as to planning policy, what are or are not material considerations, what legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

### **Recording of the Meeting**

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

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**Committee date** 10/10/2023

**Application No:** 01/22/00037

**Application Type:** Full Planning Permission

**Case Officer:** Dean Titchener

**Registered Date:** 06/12/2022

**Expiry Date:** 30/01/2023

**Parish:** Ashcott

**Division:** East Polden

**Proposal:** Erection of a steel portal framed warehouse with solar PV panels, alterations to existing access and parking including HGV turning and loading.

**Site Location:** 20 Bath Road, Ashcott, Bridgwater, Somerset, TA7 9QT

**Applicant:** Ashcott Appliances



### **Committee decision required because**

This application is referred to the area committee at the request of the Chair and/or Vice Chair to enable the issues raised by the Parish Council.

### **Background**

The application site is located on the south side of the A39 at the western end of the village of Ashcott. The proposal site comprises a dwelling and outbuildings which are used as retail

premises for the sale of 'white goods'. A mixture of brand-new and 'graded' goods are sold, for either on-site or internet purchase. The site benefits from an access on to the A39; to the east of the access is a small rectangular field. To the east of the site is a funeral parlour, to the south west is a dwelling separated from the site by a field. The business was originally permitted upon appeal in 2000 and is subject to the following conditions:

1. *The premises shall be used for the storage, repair and sale of electrical goods only and no other purpose whatsoever*
2. *The retail activity associated with this business shall be restricted to the former domestic garage*
3. *The warehouse building shall be restricted in use to the storage and repair of electrical goods. This use includes any other purpose set down in Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.*

Permission was granted in 2019 for the erection of a steel portal framed building on land to the south of the existing cluster of buildings. The building was to be used as a warehouse for the business, whilst retail and showroom functions will be retained in the existing units on site. Horizontal timber cladding was proposed for the elevations, with an M-plan stepped roof covered with double roman concrete tiles. Windows were to be double glazed PVC units in graphite grey. Alterations to the access were proposed to provide for HGV turning and loading/unloading.

That permission recently lapsed. It has now been resubmitted with a view to obtaining permission for a further 3 years. The application is otherwise the same as previously approved with some minor changes such as including solar PV panels on the roof. Also, since the time of the previous application two self build dwellings in the applicant's ownership have been constructed at the frontage of the site.

The application was subject to a second round of consultation with updated plans showing swept path for lorries and updating the base map to include two recently consented dwellings in the applicant's ownership. The scheme was otherwise the same in both rounds of consultation.

### **Relevant History**

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
01/20/00026	DT	GTD	Erection of 2no. self-build dwellings, 2no. double garages with hobby room above with associated external works and landscaping. (P)

01/18/00013	DT	GTD	Erection of a steel portal framed warehouse, alterations to existing access and parking including HGV turning and loading (revised application). (Amended plans and description - 14/01/2019)
01/00/00007	HEP	REF	Continued use of buildings for the storage, repair and sales of electrical goods and alteration to vehicular access, turning area and parking

**Supporting information supplied by the applicant**

Noise Report  
Design, Access, Flood Risk and Planning Statement  
Archaeological Response to Proposed Development  
Construction Management Plan  
Infiltration Test Drainage Design Statement  
Highways Technical Note

**Consultation Responses**

Ashcott Parish Council (when initially consulted) – Objects:

*‘The Parish Council unanimously raised objection to the application for the following reason:*

- 1) traffic generation and access concerns - This road is already busy and the lorries would need to use both carriageways to enter and exit the site. The plans are incorrect and show the vehicle turning space for lorries which is over the top of the two 'self-build' houses which have been built on the site. The vehicle swept path information was completely out of date and misleading.*
- 2) mixed use - the mix of residential use for the houses and industrial use in such a tight area was thought to be extremely dangerous and inadequately thought out.*
- 3) The Parish Council picked up several inaccuracies on the plans such as the one noted above re the lorry turning area and felt that the plans were therefore misleading as to the reality of how it would look and fit on site.*
- 4) The building indicated is large and out of keeping. It is a substantial 'industrial' building which not only amounts to cumulative overdevelopment of the site but leads to extreme adverse environmental and visual impact on the entire area which will show for a long way in several directions.*
- 5) The plans do not show the two selfbuilds which are in the application area and therefore are inaccurate and misleading as to the amount of space on the site.’*

Ashcott Parish Council (when reconsulted with further information) – Objects:

*‘The application was fully discussed at the Parish Council meeting last night. The council were unanimous in raising objection to it and would ask that should your view be different that it goes to*

committee.

*In summary the objections are based on overdevelopment and highways and access concern. It was strongly felt that the site was too small and narrow to accommodate the proposed large building shown on the plan. The turning area does not take into account customer parking, van deliveries and the shared domestic access for the two properties. It is felt that there will be too much traffic using the shared domestic and commercial access for it to be a safe access and additionally that the road (A39) is very busy, with high volumes of traffic and the lorries will have to swing across on to the wrong side of the highway to access. An application for a much smaller industrial development with a mix access was set to go to committee (but withdrawn) - the officer's recommendation was refusal and I highlight that from the write up for committee here - Access and Movement Core Strategy Policy D9 - Sustainable Transport and Movement states that proposals should enhance road and personal safety, facilities for pedestrians, cyclists and those with reduced mobility and other users. This policy also seeks to encourage efficient, safe and sustainable freight transport. No information has been submitted to support this policy or clarify what is proposed regarding pedestrians or cyclist who may work at or visit the site. The road to the site is a country lane with no street lighting or approved cycle lane. No details have been provided relating to shared delivery of goods to site. Also, the inclusion of live/work units would further strengthen the unsustainable location issue, as the Highway Authority have already stated that dwellings typically generate more vehicle movements than just work related trips.*

*Although not a 'country lane'. This access is not safe for the volume of traffic that is likely to be created by the development. I have embolden the part that the Parish Council felt most concerned with. This road as already mentioned is very busy and it is not appropriate or safe to have the amount of traffic generated using one small shared access.*

*We view this as very important as the site seems overdeveloped and not enough space left on the grounds of the application for the vehicles which will need to access the site. Whilst it may look OK on paper with no other vehicles shown on it, this does not seem the case when considering a real-life situation. The building is too large for the site and I would draw your attention to application 01/15/00006 - which was refused for being too large and industrial for the site and the character of the rural landscape. This application is no different in that concept.'*

Environmental Health (when initially consulted) – Accompanying noise report concludes noise levels should not adversely impact local noise sensitive receptors. No further comments.

Environmental Health (upon review of revised noise report) – Satisfied with identification of Noise Sensitive Receptors (NSRs). Report whilst showing 18 Bath Road is closer, highlights it is not in line of sight of the loading bay. Clarification of updated British Standard 4142 tightens up the report.

Lead Local Flood Authority – No comments as falls below statutory requirements for consultation.

Wessex Water – Provides advice for application given proposals potentially over or within 3m of a public sewer.



County Highways (when originally consulted) – Cannot currently recommend approval. Since previous application 2 self build dwellings have been constructed which has narrowed the existing entrance on both sides of access and affected the swept vehicle paths. Highway authority requests that a revised Transport Assessment, visibility splays and swept vehicle analysis is provided taking into account the changes at the access. Until such time Highway Authority recommend that the application be refused as inadequate information has been provided to confirm the development is acceptable.

County Highways (when reconsulted with further information) – No objection. Following review of additional supporting information now recommends approval. Vehicle swept path analysis has been submitted, there is some carriageway incursion into opposing traffic when making the left turn out of the site and a left turn, but it is an improvement on the existing arrangement of a HGV unloading on the A39. The access width and alignment will remain as the existing access.

County Ecologist (when originally consulted) – Placed a holding objection pending submission of ecology surveys.

County Ecologist (when reconsulted) – Following submission of a preliminary ecological assessment, confirms no objection subject to conditions regarding submission of a Reasonable Avoidance Measures Method Statement, habitat enhancement and mitigation area to be provided, external lighting controls, and provision of biodiversity enhancements.

South West Heritage Trust – Site lies on line of Roman Road from Ilchester to Combwich. Recommends imposition of archaeological investigation to be secured by condition.

## **Representations**

Six objections received from a neighbour (though via several separation submissions).

- Loss of agricultural land
- No justification for proposal
- Principle of development unacceptable in rural location
- Impact on character and appearance of the area
- Impact on living condition through noise
- Lack of air quality assessment
- Noise impacts on neighbours through hours of operation
- Shadow of building will inhibit grass growth for fodder
- Inaccuracies within supporting documents
- Visual impact / landscape impact
- Loss of agricultural land
- Impact on safe operation of highway – concern that lorries need to cross into far carriageway when emerging from site
- Biodiversity impacts
- Drainage impacts
- Changes made to scheme have not overcome concern.

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Sedgemoor Proposed Submission Local Plan (emerging policies)

S2 Spatial Strategy for Sedgemoor

CO1 Countryside

D1 Flood risk and surface water management

D2 Promoting high quality and inclusive design

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D15 Economic Prosperity

D18 Retail Hierarchy

D19 Landscape

D20 Biodiversity and geodiversity

D25 Protecting residential amenity

### Ashcott Neighbourhood Plan

Policy 1: Influencing design

Policy 9: Improving business premises

## **Main Issues**

### Economic development / principle of development

Policy D15 of the Local Plan states proposals for the retention, remodelling or expansion of existing businesses will be supported where it remains of an appropriate scale and character and dependent upon the nature of the activities involved. Policy 9 of the Ashcott Neighbourhood Plan states larger units for the expansion of existing local businesses will be supported. It also states that existing premises alongside the A39 and A361 are considered to be particularly suitable for business use due to their accessibility by road.

The planning policy context for the proposal remains the same as that when the previous application was approved in 2019. The following commentary and conclusion from the 2019 therefore remains relevant to this application:

*'The proposal seeks to allow the expansion of the existing business 'Ashcott Appliances'. This business trades in 'white goods' and has operated from the site since successfully winning an appeal in 2000. The appeal established the principle of the development at the site. It however, limited the use of the existing buildings to be used only for the storage, repair and retail of electrical goods.*

*Local and neighbourhood plan policy is supportive of the expansion of existing businesses subject to their impacts. Such impacts are discussed below in this report.*

*The Council has raised concern about the expansion of retail facilities at the site, given the out of centre location. The proposal would therefore not involve any retail operation, this being retained in the existing buildings. This building would be used solely for the warehousing of stock. It allows the business owner to consolidate their operation, as stock is partially held off site at present due to capacity issues. A condition would be imposed limiting the use of the building to warehousing only. Such a condition would ensure there is no expansion in the retail aspects of the scheme (and that no other operator could take on the use of the building in future on a retail basis without having first submitted an application.)'*

As with the previous scheme, the principle of development remains acceptable.

### Design

Policy D2 states that proposals should be of high quality design that positively responds to the character and identity of the area.

The proposal remains of the same design approved in 2019. The following commentary and conclusion from the 2019 remains relevant to this application:

*'The proposal is a steel portal framed warehouse building. It was originally proposed to be sited immediately adjoining the highway, a location which was considered unacceptable, due to impact on the street scene. The revised location positions the building to the south of the main complex, on land which is at a lower level. The building would now only have a limited impact on the street scene, being viewed from further afield.*

*A traditional materials palette is proposed, with timber cladding for the elevations, profiled tiled roof but with dark PVC-u framed windows and doors. This palette will minimise the impact on the character of the countryside, given the size of the unit. The design is considered acceptable within its context.'*

As such the proposal is considered acceptable in terms of its design and visual impact.

### Highways

Policy D13 of the Local Plan states that proposals should enhance road and personal safety and be compatible with existing transport infrastructure. Policy D14 states proposal should provide safe access to roads of adequate standard and that the expected nature and/or volume of traffic and parked vehicles generated by the development should not compromise the safety and/or function of the local or strategic road network.

The highways authority has commented in detail upon the proposal. They originally raised an objection as the plans submitted were out of date and did not reflect the more recent development of two dwellings near to the access off the A39.

Revised plans were subsequently submitted showing amended swept paths for HGVs entering and exiting the site. The highway authority has now commented that whilst there is some carriageway incursion into opposing traffic when making the left turn out of the site and a left turn in, they consider the arrangement an improvement vis-à-vis the current situation where unloading takes place on the A39. It is noted that representations have been received from a neighbour that HGVs emerging from the site cross into the far side of the carriageway. However, highways have acknowledged this in their response but do not consider it a matter on which to raise an objection.

Highways are now satisfied with the arrangement, have removed their objection subject to the imposition of conditions. Conditions about a construction management plan, visibility splays, parking and turning areas and provision of a construction management plan are to be attached.

Subject to these conditions the proposal is considered to be acceptable in terms of highway safety and in compliance with policies D13 and D14.

### Landscaping

The submitted plans show new and reinforced landscaping along the site boundaries. This indicatively includes native tree planting and additional hedgerows. A condition is to be attached securing details of the planting types and securing their implementation.

### Amenity

Policy D25 states that proposals which unacceptably impact on the residential amenity of existing residents will not be supported.

The nearest third party properties are 18 Bath Road, which is located about 90 to the north west of the proposed building (some proposed car parking is however closer). To the east 22 Bath Road is over 100m from the proposal, whilst to the west another dwelling is about 90m distance.

The occupants of 18 Bath Road have made representations concerning the potential impact on their living conditions as a result of noise arising from the development. They also reference the absence of an air quality assessment. Environmental Health has reviewed the submitted Noise Report which accompanies the application. They note that its conclusions state that the proposal should not adversely impact on local noise sensitive receptors (i.e. third party dwellings). They raise no concerns with the proposal. This mirrors their commentary on the previous permission where again they did not object. With regard to the neighbour's comments about an air quality assessment, again Environmental Health have not raised any concerns that the proposal would lead to any concerns regarding air quality.

Nonetheless, the applicant was requested to update the noise report to ensure it more clearly sets out the assessment with regard to the neighbouring property and takes account of the latest standards for such reports (British Standard 4142 which was recently updated). Upon review of the revised report, they state that the identification of the neighbour at 18 Bath Road is clearer. However, they also note that it is not in line of sight of the loading bay (a potential noise source).

They state that the clarification regarding BS4142 tightens up the report. They raise no further concerns.

Given the absence of any objection from Environmental Health, and the separation distance to adjoining third party properties, and taking into account the previous approval, it is not considered that there is a basis to refuse the application on amenity grounds.

### Ecology

The proposal site involves works in part of an agricultural field. There is an existing hedgerow alongside which could provide commuting or foraging habitat for bats. A Preliminary Ecological Appraisal was requested by the county ecologist. It notes the potential habitat value for reptiles, badgers, birds and bats. It recommends no further surveys but stated precautionary measures are needed to reduce harm during the construction phase. Other controls are proposed during operational phases such as on external lighting. Enhancements are also proposed in the form of bird boxes for swallows and log pile refugia for reptile species. Subject to these conditions, the proposal is considered acceptable on ecological grounds.

### Drainage

A surface water drainage condition requiring submission of a detailed drainage scheme was imposed on the original permission. That condition is proposed to be replicated on the current scheme to ensure an appropriate scheme of surface water drainage and maintenance is provided at the site.

### Summary

As was the case previously, the scheme remains acceptable and it is recommended that planning permission is granted.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 The development hereby approved shall be carried out in accordance with the submitted and approved 'Archaeological Response to Proposed Development on Land to the South of 20, Bath Road, Ashcott, Somerset, James L. Brigers, January 2022).

Reason: To ensure a programme of archaeological investigation and recording is undertaken given the proposal is located directly upon the line of a Roman Road from Ilchester to Combwich in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D26.

- 4 To avoid harming hazel dormice, reptiles, and nesting birds, a Reasonable Avoidance Measures Method Statement (RAMMS) will be submitted to submitted to and approved in writing by the Local Planning Authority prior to the commencement of any groundworks. The RAMMS will provide details on sensitive and precautionary working practices which shall safeguard these species during works including all works within 10m of hedgerows, all works in areas of long grass, scrub or other densely vegetated areas. This shall describe all potential direct and indirect impacts, measures to reduce these impacts, procedures in place in the event that any of these species or their signs are encountered during works. All works impacting potential habitat used by hazel dormice, reptiles, and nesting birds will be undertaken under the supervision of competent ecologist and carried out in accordance with the submitted and approved RAMMS.

Reason: This is a pre commencement condition in the interests of UK protected and priority species and in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity.

- 5 Surface water drainage (land drainage) details are required, these to include the method of dealing with the surface water from the proposed development (this includes roofs, road and impermeable driveways). Various methods can be used; soakaways, perforated pipe trench, SUDs. Design calculation details, cross section details, sizes, location of the soakaway/perforated pipe trench/units, soil infiltration rates from percolation testing (soil infiltration rate testing and design of soakaway, calculation, in accordance with BRE Digest 365, CIRIA 156 / C697), photos of the percolation testing, evidence to support the check of the water table depth with the water table depth, shall be submitted to and approved by the local planning authority before development is commenced. The surface water drainage scheme shall be installed in accordance with the details so approved, unless prior agreement is undertaken with the local planning authority.

Reason: This is a pre-commencement condition to ensure that the development is served by an adequate system of surface water drainage (land drainage) without detriment to itself, adjoining properties or highway in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D1.

- 6 No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24 hour emergency contact number;
  - Hours of operation;
  - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Routes for construction traffic;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud being carried onto the highway;
  - Measures to protect vulnerable road users (cyclists and pedestrians)
  - Any necessary temporary traffic management measures;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: This is a pre-commencement condition in the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 7 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 160m either side of the access. Such visibility shall be fully provided before the building hereby permitted is first brought into use and shall thereafter be maintained in perpetuity.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 8 Prior to first use of the building hereby permitted the proposed access over at least the first 21 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition in perpetuity.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 9 Habitat enhancement and mitigation as shown on the submitted and approved Proposed Landscape Plan Drg No. B1/230622 and Soft Landscaping Specification (Lyndon Brett Partnership, June 2023) shall be planted no later than the end of the first planting season following first use of the building hereby approved. All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity, and to provide net gain in accordance with paragraph 174(d) of the National Planning Policy Framework.

- 10 The areas allocated for parking (including electric vehicle charging and a disabled space), loading and unloading, and turning on the submitted plan, drawing number A11/230323, shall be kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 11 The following biodiversity enhancements shall be installed at the site prior to the first use of the building hereby approved

a) Installation/construction of a deadwood log refugia pile as a shelter for reptiles, invertebrates, amphibians, and small mammals. Advice can be found here: [Log Piles for Wildlife | Garden Advice The RSPB](#). This should be constructed within the boundary of the site and maintained thereafter.



b) Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within and at a height of above 3m. The ideal position for bird boxes is north facing (followed by north east, and then east if no other aspects are possible. Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart. Once installed, the provision shall thereafter be retained.

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

- 12 If external lighting is to be installed, 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, prior to construction. 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 potential bat commuting routes (hedgerows). 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 Sedgemoor District Council Local Plan: Policy D20 -- Biodiversity and Geodiversity.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modifications), the building hereby approved shall only be used for the storage and repair of electrical goods and no other purpose within the use class B8. No retail activity shall take place within the building.

Reason: This proposal is only acceptable in this rural location as an expansion of the warehousing element of the existing business in accordance with

**Schedule A**

Existing Site Location Plan Drg No. A9/23032

Proposed Location Plan Drg No. A13/23032

Proposed Block Plan Drg No. B12/23032

Proposed Elevations and Floor Plan Drg No. C5/30406

Swept Path Analysis Drg No. A7/23032

Swept Path Analysis Drg No. B6/23032

Proposed Finished Floor Level Drg No. H6666/100

Proposed Landscaping Plan Drg No. B1/230622

**DECISION**

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**Committee date** 10/10/2023

**Application No:** 08/22/00194

**Application Type:** Full Planning Permission

**Case Officer:** Amelia Elvé

**Registered Date:** 18/01/2023

**Expiry Date:** 14/03/2023

**Parish:** Bridgwater

**Division:** Bridgwater Westover

**Proposal:** Erection of a dwelling.

**Site Location:** Land to the East of 6, Ashleigh Mews, Ashleigh Terrace, Bridgwater, Somerset, TA6

**Applicant:** James Venton Planning & Building Design



### **Committee required because**

*This application is referred to the area committee at the request of the Chair and Vice Chair to enable the issues raised by the Town Council to be debated*

### **Background**

The application site is located to the east of no. 6 Ashleigh Mews, and currently comprises an area of land left to grass.

The application seeks consent for the erection of a detached 2-bed dwelling. The proposed building would be finished in red brick, with a pitched roof covered with red tiles.

### **Relevant History**

None

### **Supporting information supplied by the applicant**

Location Plan Drg No. 0098-22-01A

Block Plan Drg No. 0098-22-02A

Proposed Floor Plans & Elevations Drg No. 000000-02 Rev B

### **Consultation Responses**

**Bridgwater Town Council** – Object

(30/11/2022) - *Objection as the access and egress to the proposed site has not been agreed with the present landowners.*

(02/02/2023) - *Objection due to lack of access and overdevelopment.*

**SDC Environmental Health** – Comment providing a condition relating to construction operating times.

**SCC Highways** – Standing Advice

**SCC Civil Contingencies** – Comment regarding the provision of a Flood Warning and Evacuation Plan.

### **Representations**

6 letters of objection from 4 addresses, raising the following planning considerations:

- The proposal would result in overshadowing of existing gardens and dwellings
- Unacceptable use of a private access

### **Most Relevant Policies**

National Planning Policy Framework July 2021

Section 5 – Delivering a sufficient supply of homes

Section 6 – Building a strong, competitive economy

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Sedgemoor Local Plan (2011-2032)

S2: Spatial Strategy for Sedgemoor

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

### **Community Infrastructure Levy (CIL)**

The application is for residential development in Bridgwater where the Community Infrastructure Levy (CIL) is £52.28 per sqm of additional gross internal floor area created. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

### **Main Issues**

#### Principle of Development

Policy S2 of the Local Plan identifies the settlement hierarchy for the district. Bridgwater is considered as the principal town.

The application site is located within the Development Boundary for Bridgwater, and as such, the principle of the development is considered to be supported.

#### Visual Amenity

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the building.

The proposed dwelling will match the appearance of the neighbouring properties and will be finished in materials that are also present in the local area. The size and scale of the proposal is acceptable and comparable to other properties in the vicinity. It is noted that the proposed building would be constructed close to the boundaries to the plot, however this is similar to the other dwellings along *Ashleigh Mews*. It is therefore considered that the development complies with policy D2 of the Local Plan.

#### Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to

use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

In relation to amenities of neighbouring occupiers, there is an established level of overlooking within the existing built environment due to the prevalence of two-storey properties in the vicinity. The two storey element of the proposed building will not project further than the rear of the neighbouring property (no. 6) and therefore not result in an unacceptable level of overshadowing or overdominance. Considering other properties, the proposed dwelling is adequately distanced to not give rise to a detrimental impact on amenities.

In respect of amenities of future occupants, the property is considered to be an appropriate size and there is adequate natural light serving all habitable rooms.

It is therefore considered that in this respect, the application complies with policies D2 and D25 of the Local Plan.

#### Highways Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority consider *Standing Advice* to apply to this proposal. In respect of this application, this requires the resultant dwelling to be adequately served by an off-road parking provision in line with the recommendations made within the *Parking Strategy 2013*.

The proposal would create a two-bedroom property, and a dwelling of this size, in this location is recommended to be served by one off-road parking space. It is noted that there is no suitable on-site parking to be provided by the development. However, due to the size of the dwelling, it is considered that there would be adequate capacity on the highway for an on-road parking space.

Additionally, the property is within walking distance of amenities, such as the shopping parade on Taunton Road and the town centre. As such, the application is considered to comply with policy D14 of the Local Plan.

### Other Issues

The Town Council have objected on the basis that the access to the site has not been agreed with current landowners. This is a civil matter that would be addressed outside of the planning system.

Concern relating to resultant damage to third party land, and permissions to use the access have also been raised by a neighbouring resident, however these are also civil matters that are not controlled by the planning system.

A third party representation refers to the potential drainage impact of the proposed dwelling. Drainage matters for a proposal of this size are controlled by building regulations. Additionally it is stated that the application site was previously kept vacant for flood risk reasons, however the size is not currently shown as being within a flood zone.

### Conclusion

The proposal is of an acceptable design and appearance that would have no adverse impact of the character of the existing building or the locality, residential amenity or highways safety. As such the proposal complies with policies S2, D2, D14 and D25 of the Sedgemoor Local Plan 2011-2032.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 No construction work (other than internal fitting out works) or deliveries to and from the site shall take place outside the hours of 07:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays, with the exception of specific works which shall have been agreed in advance and in writing by the local planning authority and shall include details of the task, the date and duration of works. No works to take place on Sunday and Public Holidays.
- Reason: To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway

**Schedule A**

Location Plan Drg No. 0098-22-01A

Block Plan Drg No. 0098-22-02A

Proposed Floor Plans & Elevations Drg No. 000000-02 Rev B

**DECISION**

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**Committee date** 10/10/2023

**Application No:** 08/23/00307

**Application Type:** Full Planning Permission

**Case Officer:** Liam Evans

**Registered Date:** 09/08/2023

**Expiry Date:** 03/10/2023

**Parish:** Bridgwater

**Division:** Bridgwater South

**Proposal:** Change of use of dwelling to form an 8no. bedroom HMO (Home in Multiple Occupation).

**Site Location:** 52 North Street, Bridgwater, Somerset, TA6 3PN

**Applicant:** Mr E James



## **Committee decision required because**

The views of the Town Council are contrary to the officer's recommendation.

## **Background**

52 North Street is a mid-terrace three storey property located on North Street and set back from

the adjacent highway behind a small garden and low stone wall. The site has a vehicular access to the rear, which is served by a service road and leads to an existing garage. The property in its current form is given as a 5 bedroom dwelling.

It is proposed to change the use of the property to a 7 person HMO. No physical alterations are proposed to the exterior of the property with the interior reorganised with one bedroom subdivided into two and the lounge and sitting room at ground floor level providing a further two bedrooms. 6 bedrooms would have en-suite bathrooms with a communal shower room and WC also retained. The dining room and kitchen would be available as a communal space to the rear of the building.

The existing garage to the rear would be retained to provide a parking space as well as storage for bicycles and recycling/refuse.

### **Relevant History**

None.

### **Supporting information supplied by the applicant**

Planning Statement

### **Consultation Responses**

<b>Consultee Name</b>	<b>Summary of Response</b>
Bridgwater Town Council, Bridgwater Town Hall	<b>Objection.</b>  "Object on the grounds of an overdevelopment of the site and lack of provision for general rubbish and recycling storage. There is a lack of internal communal space for so many bedrooms which would be detrimental to living conditions."
Environmental Health - Somerset Council (Sedgemoor Area), Email Address Only	<b>No comment.</b>
Somerset Highways	<b>Standing advice.</b>
Strategic Housing, Email Address Only	<b>Will create a 'house in multiple occupation', therefore recommend informative to contact private sector housing team.</b>

### **Representations**

None received.

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Sedgemoor Local Plan (2011-2032)

S2 Spatial Strategy for Sedgemoor

D14 Managing the Transport Impacts of Development

D25 Protecting Residential Amenity

D26 Historic Environment

## **Main Issues**

### Principle

Policy S2 of the Local Plan states "To create the most sustainable pattern of development, Bridgwater will be the focus of the district's housing, employment and retail growth. As the principal town in the district it will accommodate the majority of new development."

The proposal will not result in any alterations to the building and therefore the character and appearance of the terrace and surrounding street scenes will remain unaffected. As the use of the building will remain residential the use is compatible with adjoining buildings in the area, which are predominantly residential on this edge of town centre site.

It should be noted that the change of use of a dwelling (C3) to a house in multiple occupation (C4) can be carried out without the need for planning permission provided the resultant HMO is not occupied by more than 6 persons as defined by Class L of the General Permitted Development Order 2015.

In this case while the property is stated as being a 5 bedroom the assessment of the application could therefore be centred on the increase in the number of occupants over that potentially permitted as a 6 bedroom HMO (1 additional bedroom to become a 7 bed HMO).

### Residential Amenity

Policy D25 of the Local Plan states that "Development proposals that would... unacceptably impact upon the residential amenity of occupants of nearby dwellings and any potential future occupants will not be supported."

In this case, the proposal is for 7 persons and therefore an assessment would be made as to the impact incurred by the occupation of 1 additional person to that which potentially could exist on site if used as a 6 bedroom HMO. In the respect of impact on residential amenity this will be fairly

minimal given the use of the building overall remains similar to other properties nearby and that no additional openings or extensions are proposed to the building.

In respect of the Town Council's comments, each of the rooms would provide adequate space and meet the minimum HMO requirements (minimum 27.5sqm total communal space, 11sqm kitchen, 6.5sqm minimum bedroom space) and as noted by the statutory consultee responses no objections have been received in this respect. The amount of amenities provided (communal living/kitchen space, 1 shower room/WC, all but one bedroom served by an ensuite bathroom) will cater for the number of occupants proposed and in the interests of ensuring this continues it is proposed to include a condition to control any further subdivision.

In respect of rubbish/recycling storage this is shown on the plans as being located within the existing garage to the rear of the property and this is accessible from the service road, which leads onto Camden Road to the east. Taking into account the size of the garage the storage needs generated by the HMO can be easily accommodated within the existing building without having to block adjacent footpaths or impact on nearby properties.

The proposal will comply with Policy D25 of the Local Plan.

### Parking

The existing property, which had the potential to be occupied by a large family would have in itself required 3 parking spaces according to the County Highway Parking Strategy. Converting the property to a 6 bed HMO would not in itself require further parking as this could be carried out as 'permitted development'.

Turning to the site itself, this is on North Street, which is a main route through the town linking with the strategic road network in the town centre. The site is within easy walking distance of the local bus stop as well as the shops and facilities within the commercial aspect of North Street and West Street. It is also within a short walking distance of the town centre and therefore, being a sustainable location there would not be an automatic assumption in needing a private vehicle for the day to day needs of the occupiers of the building. While occupiers could potentially have their own cars this would be down to personal preference and like others in the street they are not guaranteed spaces as North Street is double yellow lined and any ownership of vehicles would be at their own risk.

Cycle storage would be provided to encourage sustainable forms of travel.

Taking into account the size of the property and sustainable location it is considered that the proposal is acceptable on highways grounds.

## Summary

The proposal will make use of an existing building close to the centre of the principle town of the district and therefore is it is considered that the proposal complies with Policy S2 and D14 of the Local Plan.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 The accommodation hereby permitted shall be for up to 7 persons only and there shall be no internal subdivision to provide additional bedrooms.

Reason: In the interests of clarity as to the extent of the planning permission.

### **Schedule A**

Existing Site Location Plan (1:2500) Drg No. A6/230615

Existing Block Plan (1:250) Drg No. B1/230615

Existing Block Plan (1:500) Drg No. B2/230615

Existing Floor Plans Drg No. C7/230706

Existing Floor Plans & Elevations Drg No. C10/230725

Existing (Garage) Floor Plan & Elevations Drg No. C3/230609

Proposed Site Location Plan (1:1250) Drg No. A7/230615

Proposed Site Location Plan (1:2500) Drg No. A8/230615

Proposed Block Plan (1:250) Drg No. B3/230726

Proposed Block Plan (1:500) Drg No. B4/230726

Proposed Floor Plans Drg No. C8/230725

Proposed Floor Plans & Elevations Drg No. C10/230725

## **DECISION**

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Committee date 10/10/2023

**Application No:** 24/23/00020

**Application Type:** Full Planning

Permission **Case Officer:** Chris Mitchell

**Registered Date:** 24/07/2023

**Expiry Date:** 17/09/2023

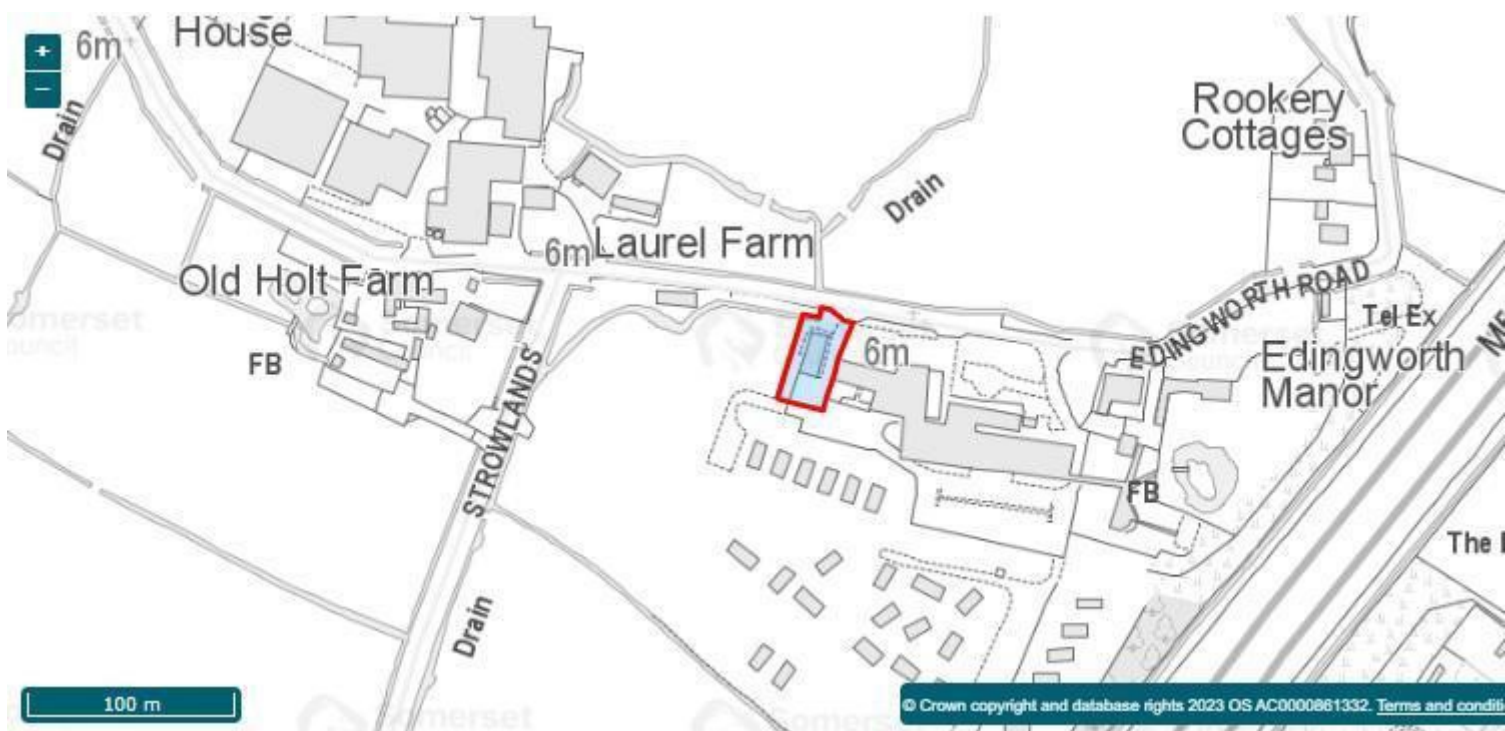
**Parish:** East Brent

**Division:** Brent

**Proposal:** Retrospective application for the retention of single storey side (South) extension.

**Site Location:** Rookery Manor, Edingworth Road, Edingworth, Weston-super-mare,  
Somerset, BS24 0JB

**Applicant:** Mr I Clapp



## **Committee decision required because**

This application is referred to the area committee at the request of the Chair and Vice Chair to enable the issues raised by the Parish Council and the elected member to be debated.

## **Background**

The site of Rookery Manor is located in the hamlet of Edingworth to the north east of East Brent

and north west of Rooksbridge with access taken from Edington Road. The building is a detached building comprising of 3 residential apartments built with rendered walls, UPVC windows and doors and tiled roof.

This is a retrospective application for the retention of single storey side extension built with rendered walls, UPVC windows and doors and felt flat roof.

**Relevant Planning History**

Reference	Case Officer	Decision	Proposal
24/20/00034	DD	GTD	Removal of Condition 3 of Planning Permission 24/20/00004 (Change of use of hotel bedroom accommodation and housekeeping store to 3 No. apartments) to allow for year round occupation.
24/20/00004	LE	GTD	Change of use of hotel bedroom accommodation and housekeeping store to 3 No. apartments

**Consultation Responses**

Consultee Name	Summary of Response
Axe Brue Drainage Board	No comments received
East Brent Parish Council	At our PC meeting held 04.09.23 it was agreed unanimously to object to this Application  It is unclear as the definition - unclear if a holiday let or residential Not clear as being in a flood zone 3 - that there is no flood contingency plan (not defined)  There is no associated parking stated
Brent 1 - Bob Filmer	This has been a contentious site and I think a public hearing of this application would be worthwhile, so would ask this goes before the committee.
Brent 2 - Tony Grimes	No comments received

Representations:

There have been two letters of objection received, summarised as:

- The development is outside of permitted development boundaries;
- The development has no community development;
- This is a holiday unit and there is reason to allow it to be extended;



- Retrospective applications should be refused;
- The elevation is out of keeping with the existing building and local area.

## **Most Relevant Policies**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

### Sedgemoor Local Plan 2011-2032

S2 Spatial Strategy for Sedgemoor

CO1 Countryside

D1 Flood risk and surface water management

D2 Promoting high quality and inclusive design

D14 Managing the Transport Impacts of Development

D19 Landscape

D20 Biodiversity and geodiversity

D25 Protecting residential amenity

### National Planning Policy Framework February 2021

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

## **Main Issues**

### Principal

The concern raised by the Parish Council whether the apartments were residential or holiday let is noted. Under planning permission 24/20/00034 the apartments had been granted for residential use and therefore could be used for holiday purposes.

The objection that the development is outside of settlement boundary and no further retrospective existing should not be allowed to holiday lets is noted. The property is a dwelling house as detailed above and therefore reasonable extensions to dwelling houses are permitted providing, they do not cause visual harm to the existing property or adversely impact upon neighbouring dwellings.

The previously approved permission placed conditions for the removal of permitted development rights and off-street car parking this can be re-iterated by informative on any planning permission granted.

## Visual Amenity

The objection that the design of the extension is not in keeping with the existing property is noted. The extension is single-storey with a roof lantern results in minimal visual impact upon a modern building where it is mostly screened by a boundary fence. Therefore, officers do not consider that it results in any visual harm upon the local landscape character.

The built single-storey extension to the apartment is considered to be of an appropriate scale, design and detailing that would respect the form and character of the existing building and identity of the locality. In this respect the proposal complies with policy D2 of the Local Plan (LP).

## Residential Amenity

It is considered that the built single-storey extension would not prejudice the amenities of occupiers of the property and, in terms of its bulk, window arrangement and proximity to the neighbouring properties, would not adversely affect the amenities of the occupiers of the neighbouring properties. In this respect the proposal complies with policies D2 and D25 of the LP.

## Other Matters

The objection to not permitted retrospective application is noted. However, there is no rule that retrospective application should be automatically refused, they must be considered on their own merits. In this case the single-storey rear extension is acceptable as detailed above.

## Flood Risk

As the property is within Flood Zone 3, the implementation of flood resilience measures that have been detailed in their Flood Risk Assessment. The electrical sockets shall be raised above the ground floor level by 0.4m and raise all electrical appliances above ground floor level, flood barriers are provided. A condition shall be placed on any permission granted to this effect.

## Highways

The concern raised by the Parish Council that off-street parking is not indicated on the block plan is noted. The agent has submitted a parking plan detailing off -street parking provision is provided to the 3 apartments. Therefore, officers are satisfied that there is sufficient off-street parking at the site. Furthermore, the development is an extension not forming any additional bedrooms.

In this respect the proposal complies with policy D14 the LP.

## Conclusion

The built single-storey extension is of an acceptable design and appearance that would have no adverse impact of the character of the existing building or the locality, residential amenity, or highways safety. As such the proposal complies with policies CO1, D1, D2, D14, D19, D20 and D25

of the Sedgemoor Local Plan.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 2 The flood resilience measures as set out in submitted and approved Flood Risk Assessment dated 1<sup>st</sup> September 2023 shall be implemented within 3 months of the date of this permission.

Reason: To safeguard the site and surrounding area from flood risk in accordance with Policy D1 of Sedgemoor Local Plan 2011-2032 .

- 3 Within 3 months of the date of this permission the parking spaces as shown on Parking Plan Dwg. No 2992/11 for the 3 apartments shall be made available and thereafter be retained and maintained.

Reason: To ensure that adequate off-street parking is available in accordance with Policy D14 of the Sedgemoor Local Plan.

### **Schedule A**

Location Plan Drg No. 010

Block Plan Drg No. 2992/9

Existing Floor Plans Drg No. 2992/6

Existing Elevations Drg No. 2992/7

Proposed Floor & Elevations Plan Drg No. 2992/8

Proposed Elevations Drg No. 2992/10

Parking Plan Drg. No 2992/11

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**Committee date** 10/10/2023

**Application No:** 33/23/00021

**Application Type:** Outline Planning Permission

**Case Officer:** Amelia Elvé

**Registered Date:** 19/05/2023

**Expiry Date:** 13/07/2023

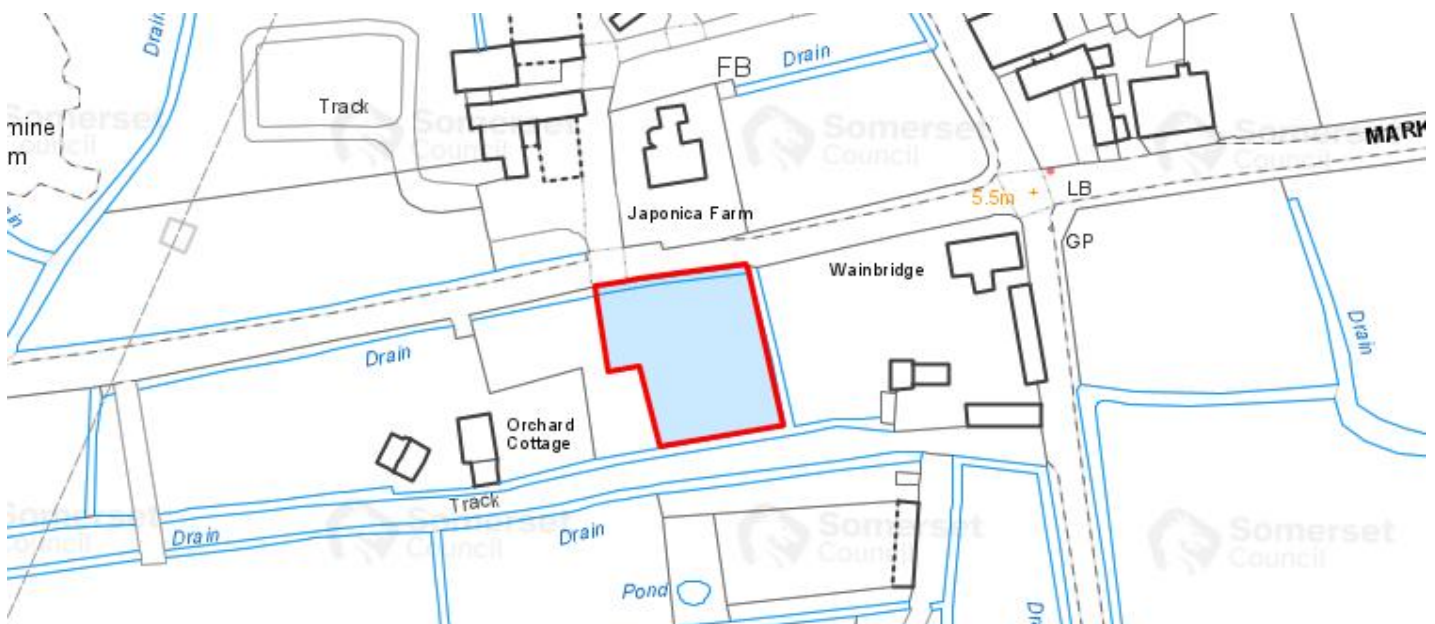
**Parish:** Mark

**Division:** King Alfred

**Proposal:** Outline planning permission, with all matters reserved, for the erection of 2no. dwellings.

**Site Location:** Orchard Cottage, The Causeway, Mark, Highbridge, Somerset, TA9 4QD

**Applicant:** Mrs Watts



## **Committee decision required because**

*The view of the Parish Council is contrary to the officer's recommendation and this application is referred to the area committee at the request of the Vice Chair to enable the issues raised by the Parish Council to be debated.*

## **Background**

The application site is located to the south of a Class B road, and currently forms a part of the garden of *Orchard Cottage*, a Grade II listed building located to the west of the site. The land is currently served by an existing access onto the highway.

The application seeks outline consent, with all matters reserved, for the erection of two dwellings.

## **Relevant History**

**33/76/00005** – Formation of an access to the orchard - **Granted**

**33/77/00001** – Two storey extension – **Granted**

## **Supporting information supplied by the applicant**

Existing & Proposed Site Plans Drg No. TQRQM23048104104477

Existing & Proposed Block Plans Drg No. TQRQM23048104104477

## **Consultation Responses**

**Mark Parish Council** – Object

*The site is outside the development boundary for Mark Causeway.*

*No overriding need has been put forward for an exception to policy and the site is within the curtilage of a listed building.*

**Environmental Health** – No comment/observation

**SW Heritage** – No comment/observation

*There are limited or no archaeological implications to this proposal.*

**Internal Drainage Board** – Standing Advice

**Highways** – Standing Advice

**Civil Contingencies** – Comment recommending a Flood Warning and Evacuation Plan is created and maintained.

**Ecology** – Comment recommending appropriate mitigation and enhancement measures.

**Conservation Officer** – Comment

*This indicative proposal seeks outline approval that permits the use for the land to add two*

*structures. The structures as indicated within the Heritage statement are a considerable improvement to the previous proposal that had not fully embraced the potential harm that a pair of inappropriately modelled dwelling houses could impose upon the character of the locale and the setting to the two nearest listed buildings.*

### **Representations**

3 objections from 3 addresses, raising the following planning considerations:

- Detrimental impact on the adjacent listed building.
- Inadequate information provided as part of the application.
- Indicative design out of character with the surrounding area
- Loss of orchard and should contribute to the ecological value of the area.
- Unsuitable access onto the highway

### **Most Relevant Policies**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

#### National Planning Policy Framework July 2021

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

#### Sedgemoor Local Plan (2011-2032)

S2: Spatial Strategy

CO2: Infill Housing

D1: Flood Risk and Surface Water Management

D2: Promoting High Quality and Inclusive Design

D9: Self-Build Housing

D14: Managing the Transport Impacts of Development

D20: Biodiversity & Geodiversity

D25: Protecting Residential Amenity

## **Main Issues**

### Principle of Development

The application site is outside of any Settlement Boundary, and development in countryside locations is strictly controlled as set out in policy CO1.

Policy CO2 however allows for infill housing in the countryside, providing the criteria set out by the policy can be complied with.

In respect of the spatial criterion, the application site is located in close proximity to other residential properties, with dwellings sited in all directions. Additionally, the scale and nature of the development, based on the indicative plot size, would be appropriate to the character and identity of the existing community.

The criteria also requires the proposed dwellings to comply with the self-build policy D9. As this is an outline application, details of the future occupiers have not come forward, however policy have confirmed that there is a residual need for 6 plots from those with a local connection Mark and therefore the scheme is considered compliant.

Notwithstanding the plot is being considered as an infill, policy D9 permits self-build schemes that are outside of, but well related to, Tier 1-4 settlements. Mark is a Tier 3 settlement and the application site is considered to be well related to the settlement due to being sited less than 150m from the edge of the boundary.

As such, the principle of the development is considered to be supported by, and compliant with, policies CO2 and D9 of the Local Plan.

### Flood Risk & Surface Water Drainage

The application site is in Flood Zone 3. Policy D1 of the Local Plan states that when undertaking



site-specific Flood Risk Assessments (FRA), regard should be had to the sources of flooding as detailed in Sedgemoor's Strategic FRA and any more recent mapping made available by the Environment Agency.

Where the Sequential Test is considered to be passed the vulnerability of the development must still

be compatible with the Flood Zone, including application of the Exception Test (as required). A FRA must also demonstrate that the development will be safe over its life time and not increase flood risk elsewhere, including addressing any residual flood risk and access/egress issues.

Policy D1 of the Local Plan seeks to ensure that the surface water run off generated from development is adequately assessed and does not result in a detrimental impact on the wider area and existing water courses.

The application site falls partly within Flood Zone and for sites outside of any Development Boundary, the alternative site search area is the entire Sedgemoor District Boundary unless a specific locational need can be demonstrated.

As the principle of the development is considered acceptable on the basis that the plots would be for self-builders with a local connection, the proposed dwellings therefore need to be within the parish of Mark, and well-related to the settlement boundary. The majority of the Mark parish area is within a Flood Zone, and the application site is therefore considered to pass the Sequential Test.

Considering the Exceptions Test, matters relating to flood resilience would be dealt with at Reserved Matters stage.

In respect of surface water drainage, the Internal Drainage Board consider *Standing Advice* to apply to this proposal. This requires the future built form to be appropriate distances from the bordering drains to allow for the maintenance of the watercourses. In addition to there being access from the other side of the drains, the proposed site is of an adequate size that would allow for the siting of the buildings to not undermine access to the drains.

It is considered therefore that the proposal would not result in an unacceptable development in Flood Zone 3, nor the adjoining waterways. As such, the application is considered to comply with policy D1 of the Local Plan.

#### Visual Amenity & Historic Environment

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the building.

Policy D26 sets out that development proposal should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting, in a manner consistent with their historical significance.

This is an application for outline permission, with all matters reserved, and therefore the visual appearance of the proposed buildings would be considered at Reserved Matters stage.

Nevertheless, the proposed plot sizes are considered to be in keeping with the surrounding built environment. In respect of the adjacent listed building, the Conservation Officer has not raised an objection to the principle of dwellings in this location.

It is therefore considered that in this respect, the application complies with policies D2 and D26 of the Local Plan.

#### Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

The application site is adequately distanced from existing properties to not result in a potential detrimental impact on neighbouring residents in respect of potential overdominance, overlooking or overshadowing.

In respect of future occupants, the size of the application site is considered to be adequate to allow for the proposed number of dwellings to have adequate external amenity space. Matters relating to internal amenity such as size of accommodation and adequate natural light will be assessed when reserved matters are submitted.

It is therefore considered that in this respect, the proposal would comply with policies D2 and D25 of the Local Plan.

#### Highways Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority consider *Standing Advice* to apply to this proposal, and this requires the resultant development to be served by an appropriate level of off-road parking, space for turning and a safe access onto the highway network.

Whilst it is noted that access is a reserved matter, there is considered to be adequate land within the ownership of the applicant to provide an appropriately sized access to serve the properties. It is therefore considered that in this respect, the proposal comply with policy D14 of the Local Plan.

## Ecological Issues

Policy D20 of the Local Plan seeks for proposals to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity.

DEFRA's MagicMap shows the application site to be a *Traditional Orchard*, however the submitted PEA shows that only three apple trees, of poor quality, remain. The trees are located along the southern boundary of the site and the appraisal refers to the trees as a *relict feature in a degraded condition*. The County Ecologist has recommended an appropriate condition to ensure that the existing trees, and other hedgerows, are protected. This offers more protection to the residual apple trees than current, as there are no restrictions on the removal of trees from Traditional Orchards.

The application has been accompanied with a Preliminary Ecological Appraisal. The Ecologist has reviewed the submitted details and has recommended appropriate conditions to ensure that there are adequate mitigation and biodiversity enhancement measures secured. As such, the application complies with policy D20 of the Local Plan.

## Conclusion

The principle of the application is considered to not result in an unacceptable impact on flood risk, surface water drainage, visual amenity, historic environment, residential amenity, highways safety or ecological issues. As such, the application is considered compliant with policies CO1, CO2, D1, D2, D9, D14, D20, D25 and D26 of the Sedgemoor Local Plan 2011-2032.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Plans and particulars of the reserved matters referred to above, relating to the access, appearance, landscaping, layout and scale, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 2015 (As amended by SI 2006/1062). In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990 (As amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 The dwelling hereby permitted shall be planned, built and first occupied in accordance with the definition of "self-build and custom housebuilding" as defined in the Self-build and Custom Housebuilding Act 2015 (as amended). The dwelling hereby permitted shall be first occupied as the sole or main residence of a person on the Council's Self Build Register with an appropriate local connection to the parish of Mark.

Reason: Development in this location is only considered acceptable on the basis that it meets an identified local need for self or custom build development in accordance with Sedgemoor Local Plan 2011-2032 Policy D9.

- 4 Prior to the commencement of any works, a landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. This must ensure that all trees, hedgerows and waterways are retained and suitably enhanced, and enhancements for protected species are provided, unless

otherwise agreed by the LPA. The approved planting scheme shall be implemented no later than the end of the first planting season following the first use of the development hereby approved. Notwithstanding the submitted detail, for the avoidance of doubt the landscape scheme shall comprise a landscape masterplan which identifies the trees, hedgerows and ecological features to be retained, removed and proposed. The proposed planting scheme shall include: a) a detailed scaled drawing which identifies the proposed green infrastructure and includes a plant schedule and planting specification. b) The planting schedule shall detail the proposed species, quantities, stock sizes, planting densities and spacings. c) All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: A pre-commencement condition to ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained .and that planting schemes are established and managed into the future in accordance with policy D19 Sedgemoor Local Plan 2011-2032

- 5 A Risk Avoidance Measures Method Statement (RAMMS) detailing the following measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development: a) Pollution prevention methods to avoid impacts such as dust, chemicals or materials entering the ditches on or adjacent to the site b) How all hedgerows and trees will be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 The development will thereafter be implemented in accordance with the approved strategy.

Reason: Pre-commencement condition: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 -Biodiversity and Geodiversity.

- 6 Prior to the installation of any external lighting, 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. 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 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 Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 7 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction of nesting bird, hazel dormouse, reptile, amphibian, badger and bat habitat clearance measures
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: A pre-commencement condition in the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 -Biodiversity and Geodiversity.

- 8 Prior to development above DPC level, A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The mitigation/enhancements should be installed prior to first occupation and retained thereafter and should include the following:
- a) Installation of 1x standard bird box purchased or built, situated on a mature tree on site or appropriately positioned on the proposed works, at a height above 3m. The ideal position for bird boxes is north facing (followed by north-east, and then east if no other aspects are possible. Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart.
  - b) A Beaumaris Woodstone maxi bat box or similar mounted at least 4m above ground on either the south or west facing elevations, and boxes aimed at different species should be spaced at least 2m apart.
  - c) Native, nectar rich planting (such as wildflowers, shrubs or trees) should be created within the site boundary and a buffer of rough grassland and understorey vegetation should be provided at the base of hedgerows. Trees and shrubs must be sourced from a reputable UK nursery. If not UK grown, plants must have spent at least one full growing season on a UK nursery and have been subjected to a full pest and disease programme
  - d) Installation/construction of a deadwood log refugia piles as a shelter for reptiles, invertebrates, amphibians and small mammals. Advice can be found here: [Log Piles for Wildlife | Garden Advice -The RSPB](#). This should be constructed within the boundary of the site and maintained thereafter
  - e) 1x integrated bee brick built into an appropriate external wall space of each dwelling. The bricks should be placed 1m above ground level and vegetation must not block the entrance holes. Please note, solitary bees are harmless and do not sting.

Reason: To ensure biodiversity enhancement as in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032 and 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

#### **Schedule A**

Existing & Proposed Site Plans Drg No. TQRQM23048104104477

Existing & Proposed Block Plans Drg No. TQRQM23048104104477

#### **DECISION**

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**Committee date** 10/10/2023

**Application No:** 37/23/00054

**Application Type:** Full Planning Permission

**Case Officer:** Liam Evans

**Registered Date:** 24/05/2023

**Expiry Date:** 18/07/2023

**Parish:** North Petherton

**Division:** North Petherton

**Proposal:** Change of use of land to residential garden area including the erection of detached garage.

**Site Location:** Land North of, 2 Manor Cottage, West Newton Road, West Newton, Bridgwater, Somerset, TA7

**Applicant:** Mr & Mrs Quick



## **Committee decision required because**

The views of the Town Council are contrary to the officer's recommendation.

## **Background**

The site is located within the hamlet of West Newton, which comprises of a number of residential properties clustered within a small area. The existing property is a semi-detached dwelling with a paddock to the north which has an existing access of the adjacent highway to the west.

Consent is sought for the change of use of part of the paddock to residential use and for the erection of a double garage and store building with further storage in the roof. The proposed building would have a pitched roof with an external staircase leading to an access door. The external materials would be timber cladding and reclaimed double roman roof tiles

The existing access would be utilised with a consolidated surface laid inside field. From this a track formed of cell web would be laid across the grass to provide access to the garage/store and to the hardcore turning area. The north and east boundaries of the extended garden would be formed of native species hedgerows.

## **Relevant History**

None.

## **Supporting information supplied by the applicant**

None.

## **Consultation Responses**

<b>Consultee Name</b>	<b>Summary of Response</b>
North Petherton Town Council	<b>Objection</b>  RESOLVED to object to the application and maintain a stance that the application site should remain as agricultural land
North Petherton 1 - Alan Bradford	<b>Support</b>  Vast improvement on the former application
North Petherton 2 - Bill Revans	<b>None received</b>
Somerset County Highways	<b>Standing advice</b>

## **Representations**

1 received raising the following:

- building not in keeping with landscape or other existing buildings.
- single storey building would have less impact on environment and residents.
- offers potential for change of use once built.
- external access door overlooks nearby properties.

## **Most Relevant Policies**

### National Planning Policies

#### National Planning Policy Framework

#### Local Plan (2011-2032)

CO1 Countryside

D2 Promoting High Quality and Inclusive Design

D25 Protecting Residential Amenity

## **Main Issues**

### Principle

The site is within the open countryside where development is appropriately controlled. However, development of an appropriate scale linked to an existing established use such as the development of new ancillary buildings used for domestic purposes could be considered acceptable subject to a suitable design.

In this case it is proposed to erect a detached garage with ancillary storage above within the extended curtilage of an existing property. The proposal would be directly adjacent to the existing dwelling and would be used for purposes ancillary to the residential use of that planning unit. The proposal submitted needs to be assessed on its own merits and any future proposals for the land beyond that proposed now would need to be assessed at that time.

Noting the Town Council's comments the site would not be extending beyond a development boundary as West Newton is not subject to one within the Local Plan. The site would be adjacent to a cluster of dwellings and outbuildings that make up West Newton and while it would extend the existing property's curtilage northwards and change the use of part of the agricultural field, it would not extend beyond the built form of the village.

Therefore, in the interests of principle it is considered that the proposal will be acceptable.

## Design and Scale

Policy D2 of the Local Plan states that development should be of a high quality sustainable and inclusive design that responds positively to and reflects the particular local characteristics of the site and the identity of the surrounding area.

The proposed building will include storage with the roof, which will keep the height to a suitable level (5.3m) and ensure that it remains subordinate in scale to the principle 2 storey house, which is located to the south. In terms of design the building will be appear as single storey and will not result in a development which is unduly prominent given the ancillary scale. In this context the proposed building will not have a significant impact on the character of the countryside due to the presence of the existing dwelling and buildings to the south. The wider countryside will be unaffected by the development due to the modest scale of the development.

It is considered that the size of the residential plot created is commensurate with the scale of the existing property and will not appear isolated given it would come off the rear of the existing property and would be in an area where a number of properties benefit from similar sized gardens. The existing tree and hedgerow planting along the boundaries of the site would be unaffected by the works and therefore would provide a suitable screening from vantage points further afield. The introduction of further landscaping in the form of native hedgerows along the boundaries would be an enhancement.

The chosen materials are considered acceptable and would reflect the rural character of the area. The development will have little visual impact on the street scene of West Newton Road given the set back of the building from the highway behind the existing landscaping.

The proposal complies with Policy D2 of the Local Plan.

## Residential Amenity

There will be no impact on residential amenity either from overshadowing or through overlooking due to the modest height of the annex as well as its distance from the nearest residential properties outside of the site. There would be an external staircase leading to a first floor door on the road facing elevation although this would be approximately 35m away from the nearest property to the west. The domestic use of the building should ensure that noise levels are at an acceptable level.

The proposal complies with Policy D25 of the Local Plan.

## Summary

The proposed extension of residential curtilage and erection of detached outbuilding will improve

the amenity value of the existing property. The works are considered to be of a suitable scale and design and will not have a significant impact on the surrounding countryside. The proposal complies with Policy CO1, D2 and D25 of the Sedgemoor Local Plan.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 The garage/store hereby permitted shall be used solely used for storage of domestic items and the parking of vehicles in connection with the residential occupation of the property known as 2 Manor Cottage.

Reason: To protect the countryside from unjustified development and in the interests of residential amenity in accordance with Policies CO1 and D25 of the Sedgemoor Local Plan 2011-2032.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 or any statutory instruments revoking or re-enacting the Order with or without modification, with the exception of the garage hereby approved, no building or structure shall be erected on, or caravan sited within, the land hereby approved for use as residential garden shown as coloured red on plan no.J23034 unless otherwise approved by the Local Planning Authority through the submission of a planning application.

Reason: In the interests of visual amenity and to safeguard the rural character of the locality in accordance with Policies D2 and D19 of the Sedgemoor Local Plan 2011-2032.

- 5 The building hereby approved shall not be brought into use unless the fencing and planting shown on the drawings hereby approved has been fully

implemented. Thereafter, all fencing shall be retained and any plants that die or fail within 5 years shall be replaced in the following planting season.

Reason: To safeguard the rural character of the area in accordance with Policies D2 and D19 of the Sedgemoor Local Plan 2011-2032.

**Schedule A**

Location Plan Drg No. J2303401

Block Plan Drg No. J2303402

Proposed Block Plan Drg No. J2303403

Proposed Plans & Elevations Drg No. J2303404

**DECISION**

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**Committee date 10/10/2023**

**Application No:** 38/22/00011

**Application Type:** Outline Planning Permission

**Case Officer:** Adrian Noon

**Registered Date:** 11/11/2022

**Expiry Date:** 05/01/2023

**Parish:** Othery

**Division:** King's Isle

**Proposal:** Outline planning permission, with some matters reserved, for 2 self-build dwellings.

**Site Location:** Land to the West of, Townsend, Othery, Bridgwater

**Applicant:** Mrs H Pavey & Mr L Notaro



## **Committee decision required because**

This application is referred to the area committee at the request of the Chair and/ Vice Chair to enable the issues raised by the Parish Council to be debated.

## **Update**

This application was reported to committee in September when it was deferred to enable formal consultations to be carried out in relation to additional information provided to show how an offsite footpath could be provided to the south of the site toward the main part of the village.

These consultations have been carried out and an updated report is set out as follow.

## **Background**

The site comprises part of a field, located outside of and approximately 65 metres to the north of the settlement boundary for Othery. It separated by a small field within which permission has been granted for a self build dwelling (38/21/00007) and for a temporary mobile home (38/22/00010) for the duration of the construction of that dwelling.

To the west and north are fields and opposite the road is Lowmoor Farm. The site measures approximately 58m by 51m and is accessed via field entrance off the A361 at its junction with the Aller Road, A37. There are no footpaths on either side of the road between the site and the northern edge of Othery to the south.

This is an outline application for two self-build dwellings with just the access to be dealt with at this stage - all other matters are reserved for subsequent approval. The access would be created by improving the existing field access. An indicative plan shows how two detached dwellings could be accommodated. A plan has also been provided that shows a footpath along the west side of the A361 from the new access to the south side of the adjoining sit, beyond which there is no footpath on the west side of the road. the nearest 'connecting footpath is c.20m further south on the opposite, east side.

## **Relevant History**

None relevant

## **Supporting information supplied by the applicant**

Planning Design and Access Statement - this confirms that the applicants are both local residents in Othery and are on the Sedgemoor District Council Self Build Register with a connection to the Parish.

Ecological Statement

## **Consultation Responses**

**Othery Parish Council:** Initially support:

*“The access would be near a poor junction and a footpath was felt to be something that should be considered. Local people should have the opportunity to stay in the village and with land being limited every effort should be made to assist with planning applications. There are gullies in the field which assist with the local drainage so access for them to be cleaned out on a regular basis*



*must be maintained. The Parish council voted unanimously to support the application.”*

Subsequent comments awaited and will be reported to committee

**South West Heritage Trust** – No objection.

**Highways:** initial objection

- The intensification of the use of this access in close proximity of two junctions on the A372 and A361 where conflicting vehicles movements frequently occur, will be detrimental to highway safety.
- The development would result in an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

Subsequent comments awaited and will be reported to committee

**Ecologist:** note

*“Avondale Ecology undertook a Preliminary Ecological Appraisal (PEA) to identify important habitats and features suitable for use by protected species and identify any evidence which may indicate site use by protected species.*

*The site is 530m west of King’s Sedgemoor Site of Special Scientific Interest (SSSI) which forms part of the Somerset Levels and Moors Special Protection Area (SPA). The sites are designated for grazing marsh grasslands and associated ditches (rhynes) and associated overwintering bird populations.*

*The proposal falls within Natural England’s SSSI Impact Risk Zone criteria as highlighted below:*

***All planning applications (except householder) outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures.***

*As such, it is recommended that Natural England shall be consulted in relation to the above, and SES cannot provide comments until comments from Natural England have been submitted.”*

**Natural England:** none received

OFFICER NOTE: In the absence of comments from Natural England it is not considered that there is an ecological objection to the proposal.

**Representations**

None received

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Sedgemoor Local Plan (2011-2032)

- S2 Spatial Strategy for Sedgemoor
- S4 Sustainable Development Principles
- C01 Countryside
- D2 Promoting high quality and inclusive design
- D9 Self-build and custom build homes
- D13 Sustainable Transport and Movement
- D14 Managing the Transport Impacts of Development
- D19 Landscape
- D20 Biodiversity and geodiversity
- D25 Protecting residential amenity

### Other Guidance

Other Design Statement

## **Main Issues**

### **Principle**

Policy S2 supports releasing small scale self-build and custom build schemes well related to settlement boundaries that meet demand and seeks to appropriately control new development in the countryside and supports where it accords with relevant policies which provides for sustainable and appropriate scales of development and to meet the needs of rural communities, consideration will be given to appropriate expansion and remodelling of existing businesses.

Policy C01 Proposals for new development outside of settlements will be appropriately controlled and supported where it accords with other relevant policies that provide for development in the countryside to enhance or maintain the vitality of rural communities and support a prosperous rural economy.

Policy D9 states that schemes of 9 or fewer self build dwellings which are well related to the settlement boundaries of Tier 1-4 villages will be supported, subject to criteria. This site is not adjacent to the settlement boundary and while a consent exists for a dwelling within the field to the south, there would still be a gap of approximately 30 metres between the approved scheme and this scheme. It is not, therefore considered well related for the purposes of the policy.

Furthermore, there is no connecting footpath which would link the site to the existing footpath which is some distance away within the village. While the agent has suggested a footpath could be

provided towards the village, this would not link up as far as the existing footpath and it is not clear how this could be provided.

On this basis the principle of new dwellings in this location is not considered to meet the requirements of Policy D9 and is therefore contrary to the spatial policy as set out by Policy S2 and the council's policy to protect the countryside from unjustified development as set out in Policy C01.

## **Highways**

Policy D14 states "Development proposals that will have a significant transport impact should...ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.'

There is an existing field gate into the site and it is proposed to utilise this access to serve the proposed two dwellings.

Residential developments generate 6 – 8 vehicle movements per day per dwelling. This will result in an increase of vehicle movements from the field access in close proximity of two junctions on the A372 and A361 where conflicting vehicles movements frequently occur. There is a history of collisions at the junction, with a safety camera site in close proximity.

The increased use of this access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to a existing junctions resulting in additional hazard and inconvenience to all users of the highway. As such this aspect of the proposal is contrary to Policy D14 of the Local Plan.

Policy D14 also requires that:-

*.....provision is made for inclusive, safe and convenient access for pedestrians, people with disabilities, cyclists and users of public transport that addresses the needs of all;*

There is no footway provision from the site into the village along the well used A361 which carries HGV traffic. The village centre is host to the school, a public house, the village hall and the play park, a natural destination which future residents could reasonably expect to access on foot. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway. It has been suggested that a length of footpath could be provided within the existing highway verge, however this would not meet up with the existing footpath network within the village and would require pedestrians to cross the A361.

Accordingly, even with the suggested footpath, there remains a concern about compliance with policy D14. In this respect, the formal comments of the highway authority on this matter will be

report to the committee.

Given the size of the site and indicative layout, there are not considered to be any doubts that the necessary level of parking could be provided. Accordingly, it would be reasonable to assess such matters as part of 'layout' at the reserved matters stage.

## **Design and Visual Impact**

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the buildings.

This is an outline application with no details of the proposed layout or design of the proposed dwellings and as such, no assessment can be made in respect of the suitability of the design of the dwellings.

The site is, however, outside of the built up part of the village and would result in the development of an open, relatively flat area of land which is in a prominent location. Any development of this land would have an impact on the character of the area.

## **Ecology**

Neither the Ecologist and Natural England have objected. A Preliminary Ecology Report was undertaken October 2022 and states:

*“The site is comprised of improved grassland, with native boundary hedgerows and fences and a dry ditch to the south. There is negligible potential for protected or notable species to be present within the field. Boundary habitats may support foraging/dispersing bats, nesting birds, reptiles and hedgehog. There was an outlier badger sett by the north-east corner. The nearby pond was dry at the time of survey and appears unlikely to support great crested newt. “*

The report recommends avoidance/mitigation measures and enhancement measures. It is not considered that there is any evidence to contradict these findings and should permission be granted, appropriate conditions could be imposed to provide suitable biodiversity enhancements and protection. This would ensure compliance with policy D20.

## **Conclusion**

The principle of residential development in this location is unacceptable as the proposal fails to meet the requirements of policies T4 and D9 as the site is not well related to the settlement boundary of POthery, and as such the proposal is unjustified development in the countryside contrary to the Council's spatial strategy as set out by policies S2 and C01. Furthermore by reason of

the proximity of the access to the junction of the A361 and A372 the proposal would be detrimental to highway safety contrary to policy D14.

Subject to the views of the highway officers the limited footpath connectivity along the busy A361 between the site and the services and facilities available in Othery is also a matter of concern in light of the requirements of policy D14. Members will be updated on this point.

## **RECOMMENDATION**

### **REFUSE PERMISSION**

- 1 The site is not well related to the settlement of Othery due to its detached nature from the village and the lack of safe pedestrian means to access the village on foot. As such the proposal is contrary to policies T4 and D9 of the Sedgemoor District Local Plan 2011 to 2032. In the absence of a justification for such countryside development the proposal would represent an unsustainable form of development contrary to policies C01, S2 and D9 of the Sedgemoor District Local Plan 2011 to 2032.
- 2 The use of the access to the site in connection with the development proposed would increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policy D14 of the Sedgemoor District Council Local Plan (2011 and 2032).
- 3 *Subject to the views of the highways officer, a third reason may be justified on the grounds that:*

The proposal is contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policy D14 of the Sedgemoor District Council Local Plan (2011 and 2032) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways and crossing point with consequent additional hazards to all users of the highway.

### **Schedule A**

Location Plan Drg No. 984/01

Existing Site & Block Plan Drg No. 984/02

Indicative Site and Block Plan Drg No. 984/03

### **DECISION**

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