

**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**