

<b>Application Details</b>	
Application Reference Number:	3/01/23/005
Application Type:	Full Planning Permission
Earliest decision date:	13 September 2023
Expiry Date	17 October 2023
Extension of Time Date	NA
Decision Level	
Description:	Erection of 4 No. dwellings and associated development
Site Address:	Byways, 19 Church Lane, Bicknoller, TA4 4EL
Parish:	01
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	Outside
AONB:	NA
Case Officer:	Briony Waterman
Agent:	Mrs Laura Polley
Applicant:	Ms Owen
Committee Date:	21/11/2023
Reason for reporting application to Committee	Chair call in after referral due to the number of comments contrary to officer recommendation.

## **1. Recommendation**

1.1 That permission be GRANTED subject to conditions.

## **2. Executive Summary of key reasons for recommendation**

2.1 The proposal lies within the settlement boundary of Bicknoller, the proposal is not considered to have a significant impact upon the visual or residential amenity of the area and is considered to comply with policy, specifically policies SD1, SC1 and SV1 of the West Somerset Local Plan and section 3 of the Design Guide.

## **3. Planning Obligations and conditions and informatives**

3.1 Conditions (full text in appendix 1)

- 3.1.1 Time limit
- 3.1.2 Drawing numbers
- 3.1.3 Ecological measures
- 3.1.4 Natural slate
- 3.1.5 Restrictions on PD
- 3.1.6 Proposed access
- 3.1.7 Visibility splays
- 3.1.8 Consolidated surfaces
- 3.1.9 Not steeper than 1:10
- 3.1.10 Surfacing
- 3.1.11 Estate roads
- 3.1.12 Cycle store
- 3.1.13 EV charging

## 3.2 Informatives (full text in appendix 1)

- 3.2.1 Proactive Statement
- 3.2.2 Laying of private street
- 3.2.3 Section 171

## 3.3 Obligations

NA

## **4. Proposed development, site and surroundings**

### 4.1 Details of proposal

Erection of 4 No. dwellings and associated development, including an access road, parking places and landscaping.

Plots 1 and 2 are single storey comprising of two bedrooms, a kitchen/diner, bathroom and sitting area. Plots 3 and 4 are two storey comprising of a kitchen/diner, utility room, office, WC and sitting area at ground floor and four bedrooms 2 bathrooms upstairs.

The buildings are to be random rubble with a flush and brush finish with green oak boarding, the roof is to be blue/grey slate with timber windows and doors.

## 4.2 Sites and surroundings

The site is within the settlement boundary of Bicknoller with dwellings to the north, southwest and west. The site is accessed via an existing field gate from Church Lane and is a field currently used for grazing. There is a footpath that runs to the west of the site. The site is bounded by mature trees and hedging and lies within the Quantock Hills Area of Outstanding Natural Beauty.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/01/20/003	Erection of 5no. dwellinghouses with access and associated development	Refused	28/05/21.
3/01/18/005	Outline planning permission with all matters reserved for the erection of 12 dwellings	Refused	06/06/2018

## 6. Environmental Impact Assessment

NA

## 7. Habitats Regulations Assessment

NA

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 23 August 2023

8.2 Date of revised consultation (if applicable): NA

8.3 Press Date: NA

8.4 Site Notice Date: 25/08/2023

8.5 Consultees the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
Bicknoller Parish Council	<p>Objects.</p> <ul style="list-style-type: none"> <li>• Access is not suitable</li> <li>• Cover most of the field</li> <li>• Too dense for a rural village</li> <li>• Access to facilities is narrow and lacks footways and/or street lighting.</li> </ul>	See section 10.
SCC - Ecologist	<p>Condition:</p> <ul style="list-style-type: none"> <li>• Ecological measures carried out in accordance with the details.</li> </ul>	Noted and conditions added.
Highways Development Control	Additional information has been sent to highways and a verbal update will be given to committee.	
Wessex Water Authority	No comments received	
Landscape	No comments received	
Quantock Hills AONB	No comments received	

## 8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Eight letters and one petition including 21 signatories have been received making the following comments (summarised):

Objections	Officer Comment
AONB should be respected	See section 10
No facilities in the village	Noted
Such housing would be unaffordable to	Noted, the site is not green belt land, but

local rural workers as should be the case when building on green belt	it is accepted that it is greenfield land.
Would increase traffic on very narrow roads including on a blind bend	A reduction in the number of houses previously applied for where the HA raised no objections
Ruining wildlife	Ecology have suggested mitigation conditions
Noise pollution	Noted
Danger of creating a vehicular access	Highways have raised no concerns
Danger of flooding	See section 10
Would be visually detrimental to the landscape and character of the village	See section 10
Road has no footpath	Noted
Within AONB	See section 10
Loss and destruction of wildlife habitats	Noted
4 homes will not make an impact on the housing crisis	Noted
Single lane road which is the main route in and out of the village	Noted
A spring and a stream run alongside the site and is regularly flooded in times of heavy rain	Noted
Local plan limits houses to 12	Noted
Exit to Parsons Close would be much safer	Noted
By allowing this development the amount of new houses permitted would be reached.	Noted
Dangerous access	Noted
Contrary to policies SD1, SC1, SC2, SV1,	Noted
Conflicts with the village design statement	Noted
Flood risk	Noted
<b>Support</b>	
No objection to the quantity and placing of the houses on the plan.	Noted

## 9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
NH14	Nationally designated landscape areas

Neighbourhood Plans:

NA

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

9.1 National Planning Policy Framework

The proposal is considered to accord with the general principles of the NPPF.

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

### **10.1.1 The principle of development**

The site lies within Bicknoller which is identified in Policy SC1 (Hierarchy of Settlements) as a primary village where limited development will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area. Limited development in terms of housing means individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period. Bicknoller had 122 dwellings at the start of the plan period, therefore an increase of 12 dwellings would be permitted subject to other considerations. Eight have been approved thus far, if this application were to be approved it would take the number of dwellings proposed to 12, and the limit for the period.

Policy SD1 states that there will be a positive approach taken when determining development proposals which reflects the presumption in favour of sustainable development within the NPPF. Chapter 2, paragraph 8 sets out the three overarching objectives to achieving sustainable development, economic, social and environmental. The proposed development is considered to meet the objectives of both local and national policy, in that the new builds are to be a mix of single and two storey dwellings which varies the type of property available in the area and the development makes effective use of the land within the built up area of the village with the addition of four houses being able to support the village amenities such as the pub and village hall.

Policy SV1 states that "development at primary and secondary villages should be designed to form an integral, harmonious addition to the settlement's existing character and also help to create balanced communities at a level appropriate to their role and function." The proposal is considered to comply with this policy in that the addition of four new dwellings will not be a jarring addition to the villagescape.

Given the above policy considerations it is considered that the proposal would be acceptable in principle.

### **10.1.2 History**

There have been previous applications and refusals for dwellings on the site. The most recent application in 2020 for the erection of 5 dwellings was refused, as the proposed houses would *"not integrate harmoniously into the character of the existing village and would appear incongruous within the wider landscape"*: *"would involve irreversible change to part of a designated County Wildlife Site; increase the need for local play space generating a requirement for off site contribution and a footpath to the north whose route appears to involve the loss of the TPO protected trees."*

The current proposal is considered to overcome these earlier reasons: the number of dwelling has been reduced and redesigned to better integrate with the village. The Ecologist has raised no objections to the proposals and the use of green spaces will ensure biodiversity is encouraged on the site. The requirement for play space contributions is based off an old supporting policy document from 2009 which has not been retained in current policy requirements. The proposal includes open spaces around the site, it maintains the Public Right of Way and includes the planting of public access wildflower meadows, it is therefore considered that there would not be the requirement for off site play contributions in this instance.

#### 10.1.3 Residential amenity

It is considered that due to the orientation and design of the dwellings there would not be a significant impact upon the residential amenity of the neighbouring properties to the north and west. Each dwelling sits comfortably within the plots allowing sufficient space for future occupiers. It is therefore considered that there would not be a significant impact upon the residential amenity of either the new occupiers of the dwellings or those existing dwellings.

#### 10.1.4 Visual amenity.

The site is a field between and opposite existing properties within the centre of Bicknoller.

Within the Council's Design Guide it highlights that the built form of this part of the area were farmstead building, mostly combination barns with regular courtyard plans with buildings to 3 or 4 sides of the yard, the layout of this proposal mimics this characteristic with the four dwellings surrounding the central space, which in this case is the access road. The new dwellings are not excessively glazed, which the design guide argues can be an issue with new buildings in a highly sensitive landscape. A condition has been included to ensure the slates are natural slates to enable their weathering properties to enable them to blend into their surroundings.



The site lies within the Quantock Hills Area of Outstanding Natural Beauty (AONB) however it is considered that given the design, use of natural materials and location that the development will read as a farm stead and not have a significant impact upon the Quantock Hills AONB.

It is considered that due to the layout of the development and the proposed use of materials that the proposal would not have a significant impact upon the visual amenity of the area.

### 10.1.3 Highways

The Highway Authority requested further information which has been provided by the applicant. Visibility splays have now been shown on the proposed site access - general arrangement and visibility splays plan (ref BTC18112/P\_01/P4). The visibility splays proposed were deemed acceptable by the Highway Authority under the early application, the proposed access point has not changed, indeed the number of houses proposed has been reduced from the earlier application.

The proposed site plan shows sufficient parking and turning for vehicles and refuse lorries, with cycle storage and EV charging shown.

The highways authority have raised no objections to the proposal subject to conditions which have been included.

The proposal is therefore considered to not have a significant impact upon highway safety.

### 10.1.5 Flooding

There have been comments raised relating to flooding on the site, however the site is not within floodzones 2 or 3. There is a large amount of green space surrounding the development and a condition has been included to ensure that the parking areas are laid with porous materials to reduce the amount of surface water.

## **11 Local Finance Considerations**

### 11.1 Community Infrastructure Levy

NA

## **12 Planning balance and conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## Appendix 1 – Planning Conditions and Informatives

### Recommended Conditions

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A0) DrNo 23431swg-01 Topographical Survey Sheet 1 of 1

(A4) DrNo 2692-Loc-01 Rev A Location Plan

(A1) DrNo 2692-PL-01 Rev E Site Plan

(A1) DrNo 2692-PL-02 Rev A Combined Plans - Plots 1 & 2

(A1) DrNo 2692-PL-03 Rev B Combined Plans - Plots 3 & 4

(A2) DrNo 2692-PL-04 Rev B Street Scenes

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

- 3 All ecological measures and/or works shall be carried out in accordance with the details contained in section 4 (Mitigation/compensation/enhancement) of the Ecological Impact Survey report undertaken by Richard Green Ltd (July 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: 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 policy NH8 of the Somerset West Local Plan Core Strategy

- 4 Prior to the construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

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

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

- 6 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number P\_01 Rev P4, and shall be available for use prior to the development being first brought into use/occupied. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highways safety.

- 7 At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan, Drawing No P\_01 Rev P4. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times

Reason: In the interests of highway safety.

- 8 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp proof course level and thereafter maintained at all times

Reason: In the interests of highways safety

- 9 The dwellings hereby permitted shall not be occupied until the proposed access over at least the first 6.0 metres of its length, as measured from the edge of the adjoining carriageway, has been properly consolidated and surfaced (not loose

stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times

Reason: In the interests of highway safety

- 10 The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

- 11 The dwellings hereby permitted, shall not be occupied until the proposed roads, including turning areas and parking spaces, have been constructed in such a manner as to ensure that each dwelling is served by a properly consolidated and surfaced carriageway to at least base course level between the dwelling and existing highway

Reason: In the interests of highway safety

- 12 The proposed estate roads, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority

Reason: In the interests of highway safety

- 13 The development hereby permitted must not be occupied until a scheme showing details of the proposed cycle parking facilities to serve each dwelling has been submitted to and approved in writing by the Planning Authority. The approved scheme must be constructed before first occupation and, thereafter, be maintained, kept free from obstruction and available for the purpose specified.

Reason: In the interests of highway safety.

- 14 The development hereby permitted must not be occupied until the precise

technical details of the electric vehicle charging points and parking bays have been submitted and approved in writing by the Planning Authority. The approved scheme must be fully implemented and be available for use before the development is first occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: In the interests of highway safety

- 15 Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6.0 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety

### **Notes to applicant.**

In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted via our website [www.somerset.gov.uk](http://www.somerset.gov.uk). Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.