

**Committee date 11/06/2024**

**Application No:** 23/23/00010

**Application Type:** Full Planning Permission

**Case Officer:** Amelia Elvé

**Registered Date:** 04/12/2023

**Expiry Date:** 28/01/2024

**Parish:** Durleigh

**Division:** Bridgwater West

**Proposal:** Erection of a Single Storey Dwelling.

**Site Location:** Queenswood Farm, Broadlands Lane, Durleigh, Bridgwater, TA5 2AR

**Applicant:** Queenswood Developments & Green Energy Ltd



## **Referral decision required because**

The application is referred to the Chair and Vice Chair as the officer's recommendation is contrary to the view of the Parish Council and Division Members.

## **Background**

*Queenswood Farm* is a detached dwelling, located to the north of *Broadlands Lane*, an unadopted access road that connects to *Durleigh Road* approximately 300m to the south.

The application seeks consent for the erection of a single storey dwelling, to be located within the grassed area to the east of the existing dwelling. The proposed building is to be finished with a hipped roof covered with concrete tiles and brick walls. The dwelling is proposed to include an integral garage.

The application is a departure from the Local Plan and has been advertised as such by newspaper advert and site notice.

## **Relevant History**

None relevant

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

Location Plan Drg No. 30 Rev A

Existing Land Survey Drg No. 14

Existing Block Plan Drg No. 31

Block Plan Drg No. 32 Rev. B

Proposed Elevations and Floor Plans Drg No. 33 Rev. B

## **Consultation Responses**

### **Durleigh Parish Council – Object**

*Access, highways safety or traffic generation:*

*Broadlands Lane is a long very narrow and thinly surfaced lane and is not suited to additional traffic. It is not an adopted Somerset highway but in private ownership. The tarmac layer is not of highways standards. The residents of Broadland Lane object to additional traffic generated*

*by heavy construction traffic and future residents of a new build.*

*Conclusions reached within the application's Access Statement are disputed. Traffic has increase substantially along the Lane over the last five years from not only 1,2, 3, 3a, 3b, 4, but also those with back access onto the lane who live on Spaxton Road.*

*4.4 is wrong as it is not possible for vehicles to pass one another at the junction of the Lane with Spaxton Road. Also, sightlines to the west are poor.*

*4.3. Any light vehicles wishing to pass in the Lane must use private driveways. Heavy vehicles cannot pass any traffic anywhere within the narrow lane particularly including the applicant's driveway.***Bridgwater West Division Member: Cllr. Slocombe** – Object

*We still have major concerns about the access and egress routes for this proposed development.*

*There are still discrepancies regarding the ownership of land where the vehicles need access to this proposed property, therefore, until this is resolved, we cannot support this application.*

**SW Heritage** – No comment/objection

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

**Environmental Health** – Comment recommending Contaminated Land Watching Brief condition and lighting conditions.

**Highways** – Standing Advice

**Division Member: Cllr. G. Slocombe** – Conditional objection

*(25/01/2024) – We still have major concerns about the access and egress routes for this proposed development.*

*There are still discrepancies regarding the ownership of land where the vehicles need access to this proposed property, therefore until this is resolves, we cannot support this application.*

*(10/04/2024) – We are raising these serious (sic.) to this application as there are many anomalies as to the ownership of land gaining access and egress to the proposed application site.*

*The rights of way of Broadlands Lane and Merridge Barton have been in dispute for some time.*

*However, in simple terms if this application an have a condition placed on it, that this*

*application and any others on the same site ensure that they only use Broadlands Lane then we feels this will ensure that all parties can live together in the safe knowledge the no illegality is present.*

*At the present time we feel that if this condition cannot be placed on this application then we will object to it because of the uncertainty of the access routes.*

## **Representations**

3 letters of support from 3 addresses raising the following planning considerations:

- Single storey building would not result in overlooking or overshadowing of neighbouring properties
- No detrimental impact on highways safety
- No adverse impact on landscape or trees/hedges
- No impact on neighbouring properties

5 comments from 4 addresses, raising the following planning considerations:

- The existing boundary fence/shrubs should be retained.
- Potential detrimental impact of a proposed gravel drive in respect o noise and dust generation
- The Access Report suggests only one vehicular movement at peak times which is inaccurate
- Surface water run off impact if the driveway is finished with tarmac
- Concern regarding the potential use of Merridge Barton Drive
- Concern that Broadlands Lane is not suitable for heavy traffic with unsuitable visibility and passing places.

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

- Unsuitable pedestrian access onto Merridge Close.
- Broadlands Lane is unsuitable for an increase in traffic use
- Potential highways conflict with the consented school scheme (ref 23/10/00004).
- Development is outside of the settlement boundary

## **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 December 2023

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

### Sedgemoor Local Plan (2011-2032)

S2: Spatial Strategy for Sedgemoor

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D25: Protecting Residential Amenity

D26: Historic Environment **Community Infrastructure Levy (CIL)**

The application is for residential development in Durleigh where the Community Infrastructure Levy (CIL) is £120 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

The application site lies outside of, but next to, the Development Boundary for Bridgwater, with the southern and eastern boundaries of the site forming the Boundary. In respect of the Local Plan, there are no exceptions policies in respect of single dwelling schemes that are well related to the Boundary for the Principal Town.

Whilst this scheme has not come forward as a self build dwelling, it is worth noting that policy D9 permits small scale self-build residential schemes on the edge of settlements Tiers 1-4. Given that the site is on the edge of Bridgwater, the Principal Town for the former district, it is considered that the proposed dwelling in this location would not be a form of unsustainable development.

The site is surrounded by residential properties to the south, west and east, with the land to the north allocated for housing. Considering the surrounding residential properties, and the proximity to the Development Boundary, it is therefore considered that this would be an appropriate location for a single dwelling.

### 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 existing dwellings in the vicinity are single storey dwellings, and the proposed development would therefore be considered as in-keeping in respect of size and scale. Additionally, the plot size for the proposed dwelling is comparable to the other properties in the vicinity.

In relation to material finish, a condition is proposed to be used to approve the exact materials due to the lack of detail provided within the application.

It is therefore considered that in this respect, the application 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.

The proposed dwelling is considered to be of an appropriate size, scale and distance from other properties to not result in a detrimental impact on the amenities of existing occupants.

In respect of future occupiers of the proposed dwelling, the size of the accommodation is acceptable and all habitable spaces are served by appropriate levels of natural light.

It is therefore considered that in this respect, the application is compliant 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 application, and in respect of the proposal, this requires the resultant dwelling to be served by an adequate off-road parking provision and a safe access onto the highway network.

The application seeks consent for the erection of a 4 bed dwelling, and a property of this size, in this location is recommended to be served by at least three off-road parking spaces. The submitted site plan indicates that this is achievable within the curtilage of the property.

In respect of access onto the highway network, the proposal seeks to utilise *Broadlands Lane*, an unadopted access track that serves *Queenswood Farm* and 4 other dwellings. It is not considered

that the use of the track by additional dwelling would result in an unacceptable intensification of use. The track has an access to *Durleigh Road* and whilst the track does not adhere to Standing Advice in respect of the width requirements, given the existing use of the access, combined with the standard of the access, it is not considered that there would be a detrimental impact on highways safety.

It is therefore considered that in this respect, the application is compliant with policy D14 of the Local Plan.

### Historic Environment

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.

The application site is shown to be within an area of an archaeological site. SW Heritage have reviewed the application and have raised no objection due to the limited archaeological implications of the proposal. As such, the application is considered compliant with policy D26 of the Local Plan.

### Other Issues

A number of third party representatives have raised concerns regarding land ownership. Whilst Certificate B has been submitted detailing the other owners of Broadlands Lane, Certificate D was considered to be the correct approach as not all of the land is registered. This was subsequently submitted with the publication of a newspaper advert.

Concerns have been raised regarding the potential use of Merridge Barton Drive, however this access route has not been included within the red line of this application. A previous, withdrawn, application for dwellings at the site included Merridge Barton Drive within the red line, however this is not the case for this application. If future residents utilise the private access, this would be a civil matter and is therefore not reasonable to impose a condition to prevent trespass.



A third party representation has requested that repair works to Broadlands Lane, a private track, is secured. However, this too is a civil matter and it would not be appropriate to impose such a condition.

It should be noted that matters relating to rights of access are a civil matter that are not dealt with via the planning system.

### 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, historic environment or highways safety. As such the proposal complies with policies S2, D2, D14, D25 and D26 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 If any unforeseen contamination is found during excavations, the Local Planning Authority shall be notified immediately. Where remediation is deemed necessary by the Local Planning Authority, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the submitted details.

Reason: To ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable

risks to human health, controlled waters and other receptors both onsite and offsite, in accordance with Policies D24 and D25 of the Sedgemoor Local Plan and section 11 and 15 of the National Planning Policy Framework.

- 4 All external lighting shall only directly illuminate the application site and shall be fully adjustable and shall be maintained as such thereafter.

Reason: To prevent excessive lighting and protect the residential amenity of occupiers in accordance with Policies D24 and D25 of the Sedgemoor Local Plan

- 5 Prior to the first occupation of the development hereby approved, a Biodiversity Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the detailed measures shall be installed prior to the first occupation and maintained and retained thereafter in perpetuity.

Reason: In the interest of biodiversity enhancement as in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

- 6 No development above DPC shall be carried out unless details of the following have been submitted to and approved in writing by the Local Planning Authority:-

- a) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;

Once approved such details shall be implemented as part of the development unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy D2 of the Sedgemoor Local Plan 2011-2032.

## **Schedule A**

Location Plan Drg No. 30 Rev A

Existing Land Survey Drg No. 14

Existing Block Plan Drg No. 31

Block Plan Drg No. 32 Rev. B

Proposed Elevations and Floor Plans Drg No. 33 Rev. B

DECISION

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