

Middlezoy

34/23/00002/EC registered 27/01/23

Expiry Date: 23/03/2023

(Outline Planning Permission)

Proposal:

**Outline application with all matters reserved for, the erection of up to 2no. dwellings with associated parking, at Land North of, Main Road, Middlezoy, Bridgwater, Somerset, TA7 for Mr Onslow**



**Committee decision required because**

*The recommendation is contrary to the views of the Parish Council and to enable the issues raised to be debated.*

**Background**

The application site is located within the Tier 3 settlement of Middlezoy, on an area of land that is flanked by existing residential development and sits immediately to the south east of Coronation Farm. The application is for outline consent only, but access is shown via a track that serves the application site, Coronation Farm to the

North West, and another farmstead to the north east. The application site is currently grassed and bounded by established hedgerows.

Outline consent is sought for the erection of two dwellings on the site. All matters are reserved for subsequent approval although an indicative plan has been submitted showing that a pair of semi-detached dwellings can be accommodated within the site, each with two parking spaces to the rear, and a shared turning area. Given the nature of the shared access it has been shown that there is scope for a pedestrian access to run alongside the vehicular access.

### **Relevant History**

The following permissions have been granted, however all have lapsed without implementation

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
34/19/00015	EC	GTD	Outline application with all matters reserved, for the erection of 2 semi-detached dwellings with associated parking and turning.
34/16/00005	LE	GTD	Outline planning application for the erection of 2 dwellings and garages.
34/12/00009	STH	GTD	Erection of two dwellings, formation of access and parking
34/08/00007	STH	GTD	Erection of two dwellings
34/98/00014	TRB	GTD	Erection of one pair of semi detached dwellings, one detached dwelling, two detached garages and formation of access
34/98/00004	TRB	GTD	Erection of two dwellings and formation of access

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

Planning Statement

### **Consultation Responses**

Middlezoy Parish Council – Object

Over development of the site  
Not in keeping with the street scene  
Plans STILL not accurate  
Nothing mentioned about the right of access with the track.

Environmental Health – No objection

Recommends conditions to secure a watching brief for possible contamination, foul drainage details and to ensure any external lighting is limited to illuminate the application site only.

Somerset County Council Highways – Standing Advice

South West Heritage Trust - No objection.

**Representations**

One objection received – loss of light

**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 Policies

National Planning Policy Framework 2021

Sedgemoor Local Plan 2011-2032

S2 Spatial Strategy  
T3a Tier 3 settlements - Housing  
D1 Flood Risk and Surface Water Management  
D14 Managing the Transport Impacts of Development  
D25 Protecting Residential Amenity

## **Main Issues**

### Principle of Development

Policy S2 Sedgemoor Local Plan 2011-2032 sets out the spatial strategy for the district. Middlezoy is identified therein as a Tier 3 settlement. Policy T3a provides support in principle for infill opportunities within existing settlement boundaries where the proposal meets a specific set of criteria. The application site has had the benefit of various consents over the years for outline permission for a pair of semi detached dwellings. Each application to date has expired without being implemented. This application effectively amounts to a resubmission of the consent granted under 34/19/00015. Outline consent was granted on 23/01/2020 however as a reserved matters application was not submitted within three years, the consent has since expired. The planning history forms a material consideration however the application is assessed on its merits and against the relevant policy and site specific constraints.

The application site is flanked by existing residential development and fronts the main road through the village and there is no indication of any other use of the land.

In this case, the proposal does not involve the loss of or unacceptable harm to spaces or facilities which contribute to the character and role of the existing settlement.

Whilst it is noted that the Position of the Parish Council has altered, it is not considered that the proposed development, in outline form is unacceptable and the indicative block plan serves to indicate that a pair of semi detached dwellings could, subject to an assessment of the detail, be delivered in a way appropriate to the scale, design and existing character of the settlement and with sufficient parking and turning, and small private amenity spaces to the rear to be accommodated at a scale and density appropriate to the established character and identity of the area. It is therefore considered that the principle of development is acceptable and in accordance with policies S2 and T3a Sedgemoor Local Plan 2011-2032.

### Residential amenity

Whilst concerns have been raised regarding the siting of the proposed dwellings and proposed impact on loss of light, the layout, and design detail of the dwellings are to be considered at the reserved matters stage, the indicative site layout plan demonstrates that there is adequate scope within the site for two dwellings to be

sited at an acceptable distance from existing neighbouring residential properties so as not to cause any undue overlooking, loss of light or visual domination.

### Highways and parking

SCC Highways have confirmed standing advice is applicable.

Whilst this application is outline only, an indicative site layout plan has been provided showing that the site can adequately accommodate a sufficient level of parking and turning with the site.

Given that the access would appear to serve also a number of farm buildings, and the nature of the traffic that may use this access, it has been demonstrated that a pedestrian access can be delivered alongside this shared vehicular access.

Access is proposed via a restricted byway to meet the highway and an informative will be added to any consent. The proposal will not necessarily adversely affect that right of way however private rights to use part of the PROW falls outside of the control of the planning system and will be a matter for the applicant to address.

### Other matters

#### Flood Risk

The application site itself lies predominantly within flood zone 1, although the crossroads at which the access meets the public highway and a small corner of land to the south west of the application site falls within flood zone 2. The area of land within the application site that falls within flood zone 2 would appear to form an area of front garden to serve one of the dwellings proposed.

#### Ecology

The application site lies within the settlement boundary for the parish of Middlezoy and is not within any bat consultation zone, or the catchment for the Somerset Levels and Moors RAMSAR.

A condition would be applied to any permission to require a programme of mitigation and enhancement measures as part of the reserved matters application together with a condition restricting external lighting. Subject to such conditions, the proposed development is not considered to give rise to any unacceptable ecological

impacts and the principle of the proposal complies with the requirements of policy D20 Sedgemoor Local Plan 2011-2032.

### Pollution Impacts

Environmental Health have suggested conditions for a watching brief for contaminated land, to restrict lighting and for details of foul drainage to be submitted. The application site lies outside of the catchment for the Somerset Levels and Moors RAMSAR, and whilst a connection to the nearest mains foul drain would be expected, it will be for building control to address drainage rather than it forming part of an outline planning application. Whilst the approach for contaminated land is a more precautionary approach than previously taken, the condition will simply require a watching brief and as such this is not considered disproportionate. A condition regarding lighting would be applied to address both pollution and ecological impacts.

### Conclusion

The proposal for outline consent, with all matters reserved, for the erection of two dwellings is acceptable subject to detailed consideration of reserved matters, and subject to appropriate conditions. Planning permission is therefore recommended for approval, subject to conditions.

### **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 either before the expiration of [five] years from the date of this permission, or 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.

Reasons: The application was submitted as an outline application in accordance with the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015. 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 As part of the reserved matters application a programme of biodiversity mitigation and enhancement measures will be submitted for approval. The approved scheme shall be installed in full prior to the first occupation of the dwelling hereby approved. Once installed, the biodiversity enhancements shall thereafter be retained.

Reason: In the interests of biodiversity net gain in accordance with Sedgemoor Local Plan 2011-2032 Policy D20.

- 4 Prior to the first occupation of the development hereby permitted, a lighting design shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (with the provision technical specifications and operation) so that it can be clearly demonstrated that external lighting will be limited to the application site only. 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. No external lighting other than those approved shall be installed without the prior written consent from the local planning authority.

Reason: To prevent light pollution and unacceptable impacts to neighbouring residential dwellings and in accordance with policies D24 and D25 Sedgemoor Local Plan 2011-2032.

- 5 If, during the works contamination is encountered which has not previously been identified, then the contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land and in accordance with policy D24 Sedgemoor Local Plan 2011-2032.

**Schedule A**

Location Plan Drg No. 00126-23-01B

**DECISION**

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