



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, G S Dowding, S Y Goss, B Heywood, I Jones, A Kingston-Jones, K Mills, C Morgan, P H Murphy, J Parbrook, K H Turner, T Venner, R Woods

Our Ref TB/TM

Your Ref

Contact Tracey Meadows t.meadows@tauntondeane.gov.uk

Extension 01823 356573

Date 14 February 2018

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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 22nd February 2018

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

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Yours sincerely

A handwritten signature in blue ink, appearing to read "Bruce Lang".

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 22 February 2018 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 25th January 2018 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

To receive and record any declarations of interest or lobbying in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

The Chairman/Administrator 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 wishing to speak at this meeting there are a few points you might like to note.

A three minute time limit applies to each speaker and you will be asked to speak after the officer has presented the report but before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Where an application is involved it has been agreed that the applicant will be the last member of the public to be invited to speak. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Town and Country Planning Act 1990 and Other Matters (Enforcement)

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The West Somerset Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

Report No: Nine

Date: 14 February 2018

<u>Ref No.</u>	<u>Application/Report</u>
3/01/17/013	Various internal and external alterations. Almshouses, Woolston Lane, Sampford Brett
3/06/17/002	Change of use of agricultural land to equestrian, erection of 1 No. stable/barn with formation of access track. Land at un-named road, Mill Lane to Scotts Hill, Clatworthy, Somerset
3/21/17/115	Demolition of outbuilding / storage building and erection of 1 No. detached dwelling with formation of access, associated parking and garden to the rear. 56 Bampton Street, Minehead, TA24 5TU
3/21/17/119	Application for approval of reserved matters following Outline Application 3/21/13/120 for a residential development of up to 71 No. dwellings, access, landscaping and associated works. Land off Hopcott Road, Minehead

3/26/17/023	Variation of Condition No. 02 (approved plans) of application 3/26/14/017. Land adjacent to Walnut Tree Cottage, Huish Lane, Washford, Old Cleeve, Watchet, TA23 0NY
3/32/17/015	Flood defense improvement works. Gorpit Lane, Stogursey
TPO	TPO confirmation at Brushford

6. **Exmoor National Park Matters** - **Councillor to report**

7. **Delegated Decision List** - **Please see attached**

8. **Appeals Lodged**

Appeal against the refusal of planning permission for the variation of condition no. 2 (approved plans) on planning application 3/26/14/017, which relates to the erection of a dwelling on a plot adjacent to Walnut Tree Cottage, Huish Lane, Washford, Old Cleeve, Watchet, TA23 0NY (application 3/26/17/020).

Appeal against the refusal of planning permission for the reconstruction and conversion of two derelict buildings into two holiday let accommodation at the former Scarr House, Lydeard St Lawrence, TA4 3RH (application 3/02/16/005).

9. **Appeals Decided**

No appeals decided

10. **Next Committee date** – 29th March

11. **Reserve date for site visits** – Monday 26th March

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact (Consequences)							

Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;

Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

PLANNING COMMITTEE

Minutes of the Meeting held on 25 January 2018 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor I Aldridge	Councillor C Morgan
Councillor S Dowding	Councillor P Murphy
Councillor S Goss	Councillor J Parbrook
Councillor B Heywood	Councillor K Turner
Councillor K Mills	Councillor T Venner
	Councillor R Woods

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Planning Officer – Sue Keal
Planning Officer (Heritage) – Elizabeth Peeks
Legal Advisor – Nick Hill – Shape Partnership Services
Democratic Services Officer – Clare Rendell

P62 Apologies for absence

There were apologies for absence from Councillor I Jones

P63 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 14 December 2017 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor K Turner, seconded by Councillor B Maitland-Walker

The **motion** was carried.

P64 Declarations of Interest or Lobbying

Councillor S Dowding declared a personal interest on application No. 3/01/17/009 as he frequented the Public House. Councillor K Mills declared an interest on application No's 3/21/17/113 and 3/21/17/114 as she was the previous portfolio holder for Regeneration and Economic Growth. Councillor P Murphy declared that he had been lobbied on application No. 3/37/17/020. Councillor J Parbrook declared a personal interest on application No's 3/21/17/113 and 3/21/17/114 as she was a member of Minehead Costal Community. Councillor R Woods declared a prejudicial interest on Application No. 3/37/17/020. She declared that she would leave the room during the discussion of this application.

P65 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P66	3/37/17/020	Outline Planning Application with all matters reserved for a residential development of up to 250 dwellings. Liddymore Farm, Liddymore Lane, Williton, Watchet, TA23 0UA	Mr C Mitchell Anne Reeder Mr C Mitchell Mrs Whetlor Mr V Woods Mrs Benham Mr R Strutt Mr R Stendela Mr G Perkins Linda Bulpin Catherine Knee	Speaking on behalf of the school Agent Collier Planning	Objecting Objecting Objecting Objecting Objecting Objecting Objecting Objecting Objecting Infavour Infavour
P66	3/21/17/113	Display of 6 No. non-illuminated lectern and wall mounted interpretation panels. The Esplanade, Minehead, TA24 5BE	Cllr A Hadley		Infavour
P66	3/21/17/114	Change of use of land and erection of 8 No. Gabion baskets to form open air exhibition. The Esplanade, Minehead, TA24 5BE.	Cllr A Hadley		Infavour
P66	3/05/17/012	Variation of Condition No. 02 (approved plans) of application 3/05/14/011. Land north of Church Lane, Carhampton	Mr N Ratcliff	Agent	Infavour
P66	3/05/17/013	Erection of 1 No. additional detached dwelling. Land north of Church Lane, Carhampton	Mr Hide Mr N Ratcliff		Objecting Infavour
P66	3/05/17/016	Outline application with all matters reserved, except for means of access, for the erection of 5 No. dwellings and associated works on land adjacent. Garlands, Withycombe Lane, Withycombe, Minehead, TA24	Cllr Faye Barrington-Capp	On behalf of Carhampton Parish Council	Objecting

		6RF			
P66	3/01/17/009	Display of 4 No. non illuminated directional signs and 1 No. non illuminated 'A' board (retention of works already undertaken). The Bicknoller Inn, 32 Church Lane, Bicknoller, Taunton, TA4 4EL			

P66 Town and Country Planning Act 1990 and Other Matters

Report eight of the Planning Team dated 17 January 2018 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

RESOLVED That the Recommendations contained in Section 1 of the Report be Approved (in so far as they relate to the above), including, where appropriate, the conditions imposed and the reasons for refusal, subject to any amendments detailed below:

Reference Location, Proposal, Debate and Decision

3/37/17/020 - Outline Planning Application with all matters reserved for a residential development of up to 250 dwellings Liddymore Farm, Liddymore Lane, Williton, Watchet

Comments by members of the public;

- Increase in traffic on Liddymore Road and other local roads;
- Lack of infrastructure;
- Lack of public transport;
- Drainage issues;
- Lack of employment in the town;
- Concerns with access to the site;
- Loss of identity to residents;
- 33 letters of objection were received;
- Issues with sewers in Govier Lane not being able to take extra homes;
- Not a sustainable development;
- Comments by local people needed to be taken into consideration for this development;
- Applicants had been through a comprehensive application process with Officers, Highways as well as engagement with Watchet Town Council, the Head Teacher and Governors of the School and the wider local community;

- No objections had been received by any consultees on any technical matters;

The Member's debate centred on the following issues;

- Master Planning needs to be underway to look at the impact on the town in respect of all planning applications going forward;
- Highway issues;
- Infrastructure issues;
- Traffic assessment not fit for purpose and needed revisiting;
- The scale of the development was too large for the size of the road serving it;
- This site would contribute to future housing needs;
- Access on and off of the site needed looking at;
- Concerns that there were no educational contributions;
- Concerns with the junction to Doniford Road;

Councillor K Turner proposed and Councillor S Goss seconded a motion that the decision to grant outline planning permission be delegated to the Assistant Director Planning and Environment subject to the conditions and legal obligations set out in the Officer report and subject to the additional following assurances:-

- The Traffic Assessment would be reconsidered and that all relevant junctions would be modelled;
- The Educational contributions would be revisited with the Education Authority ; and
- All reserved matters would return to Committee.

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

3/21/17/113 - Display of 6 No. non-illuminated lectern and wall mounted interpretation panels The Esplanade, Minehead, TA24 5BE

Comments by members of the public;

- Funding for this project had come from the EU;
- This application would draw visitors along the seafront;
- The position of the lectern had been carefully positioned to allow visitors to interact with the various features;

The Member's debate centered on the following issues;

- This was just the first part of an exciting lot of funding that is going to help Minehead support tourism;
- Concerns with the marinisation of the signs, how were they going to be protected against sand, ultra violet and salt;
- Concerns that one of the signs was going to be sighted very close to the Gabions. We needed to see how the two interact together;
- Concerns with sign No. 4. Would have preferred to see this situated sufficiently away from the South West Costal Path which is to be sighted

near the open hands, near the Coastal Path marker to indicate that there were different aspects of the Sea Front. Would like to see this location revisited;

- Who would be responsible for the maintenance of the equipment once installed;

Councillor J Parbrook proposed and Councillor K Mills seconded a motion that the application be **Approved** subject to an additional condition 6 being added that the sign would be placed at a reasonable distance away from the Coastal Path Marker.

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

3/21/17/114 - Change of use of land and erection of 8 No. Gabion baskets to form open air exhibition The Esplanade, Minehead, TA24 5BE

Comments by members of the public;

- These Gabions have been built to provide a better impact to visitors and to distract from the Pumping Station and other eyesores in the immediate area;
- The Gabions have been carefully positioned to ensure a 5 meter space between the sea wall and Gabion gallery and to allow unrestricted access along the esplanade;

The Member's debate centred on the following issues;

- Good opportunity to open up this part of the sea front to bring tourist into the town and Harbour;
- Concerns with the weight of the Gabions on services under the tarmac;
- Would like to see that services had been consulted on this;
- Gabions do not fit in with the Conservation area and were a waste of Public money;
- The Gabions clutter the area;
- The Gabions were there to display outside art we need to support this;

Councillor K Mills proposed and Councillor J Parbrook seconded a motion that the application be **Approved**

The **motion** was carried

Reference Location, Proposal, Debate and Decision

Application No. 3/05/17/012- Variation of Condition No. 02 (approved plans) of application 3/05/14/011 Land north of Church Lane, Carhampton

Comments by members of the public;

- The proposed scheme would not detract from the setting of the Church;
- This was a minor amendment to the approved scheme;
- No changes to Highway safety;

The Member's debate centred on the following issues;

- Properties were not being increased on this application;

Councillor K Mills proposed and Councillor R Woods seconded a motion that the application be **Approved**.

The **motion** was carried

Reference Location, Proposal, Debate and Decision

3/05/17/013 Erection of 1 No. additional detached dwelling Land north of Church Lane, Carhampton

Comments by members of the public;

- Drainage problems had not been resolved;
- Wessex Water had not been informed of this development as incorrect address used;
- Proposed dwelling will be the same as already approved;
- No objections had been received from the Highway Authority;
- Wessex Water had not raised any objections to the application;
- New sewer and plastic pipe work to the development would be paid for by the developer;
- Percolation tests would determine the size and location of the soak away to meet the relevant standards under Building Regulations. Underground attenuation crates would be located under the car parking area, subject to detailed design;

The Member's debate centred on the following issues;

- This development must not be to the detriment of existing residents;
- Concerns with sewage flooding issues;
- Percolation tests need to meet building regulations if we are to agree this application;
- Concerns with flooding in this area;

Councillor K Turner proposed and Councillor R Woods seconded a motion that the application be **Approved**.

It was noted that concerns were raised on the discharge of water and sewerage and that the Building Regulations were fully adhered to prior to the start of construction.

The **motion** was carried.

Reference Location, Proposal, Debate and Decision

3/05/17/016 - Outline application with all matters reserved, except for means of access, for the erection of 5 No. dwellings and associated works on land adjacent Garlands, Withycombe Lane, Withycombe, Minehead

Comments by members of the public;

- Flooding issues;
- Additional housing would put additional strain on the existing sewage system;
- Increased traffic would be detrimental on the rural lane;

The Member's debate centred on the following issues;

- Concerns with surface water flooding;
- Concerns that this application does not conform to Policy TR2 and SC1;
- Concerns with Traffic and Visibility Splays;
- Parish Council concerns with flooding needed to be taken into consideration;

Councillor Maitland-Walker proposed and Councillor P Murphy seconded a motion that the application be **Refused**

Reasons

- The Applicant had not demonstrated that he was able to provide the visibility splays required by Highways standing advice; and
- The Applicant did not meet the following policies of the Local Plan;
- SC1, bullet point D – the development would generate additional traffic movements over Minor roads to and from the County Highway route network;
- TR2 it would have the effect that it would increase movement over a minor road to the national highway network; and
- CC2 The applicant had not demonstrated that the development had been designed to mitigate against any adverse flooding impact which would arise from its implementation or that it would not increase flood risk elsewhere.

The **motion** was carried.

Reference Location, Proposal, Debate and Decision

3/01/17/009 - Display of 4 No. non illuminated directional signs and 1 No. non illuminated 'A' board (retention of works already undertaken) The Bicknoller Inn, 32 Church Lane, Bicknoller, Taunton

The Member's debate centred on the following issues;

- Signs were vital as the Bicknoller Inn was a small local pub in a popular tourist area;
- Signs were movable and very small and did not cause any obstruction;
- Signs did not retract from the Street Scene;
- Concerns that the signs were advertisements not directional signs;
- Concerns that the A Boards were not safe;

Councillor S Dowding proposed and Councillor K Turner seconded a motion that the application be **Approved**

The **motion** was carried

Councillor B Heywood stated that there was nothing to report this month as there had not been a meeting of the Exmoor National Park Planning Committee.

P68 Delegated Decision List (replies from Officers are in italic)

No queries raised

P69 Appeals Lodged

No appeals lodged

P70 Appeals Decided

Appeal against the erection of a porch to front elevation at The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Old Cleeve, TA24 6JF – appeal dismissed.
(Application No. 3/26/17/009)

Appeal against the erection of a porch to front elevation (amended scheme to 3/26/17/009) at The Sanctuary, 55 Cleeve park, Chapel Cleeve, Old Cleeve, TA24 6JF – appeal allowed. (Application No. 3/26/17/015).

The meeting closed at 9pm

Application No:	3/01/17/013
Parish	Bicknoller
Application Type	Listed Building Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 309483 Northing: 139882
Applicant	Mr S Dowding
Proposal	Various internal and external alterations
Location	Almshouses, Woolston Lane, Sampford Brett
Reason for referral to Committee	The Agent is a District Councillor

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A4) Location Plan
(A4) Contract of Sale secondary glazing details Cottages 1 and 4
(A4) Contract of Sale secondary glazing details Cottage 3
(A4) Sectional drawing - Application 3 (received 10 January 2018)
(A4) Drawing No 1 Proposed work

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

Proposal

It is proposed to install secondary glazing into three of the four almshouses. The other almshouse (No. 2) already has secondary glazing. The frames would be black finished powder coated alloy and will be fixed to the window reveals rather than the

window frames to ensure that the existing ironmongery can be retained. Kitchen ventilation to all of the Almshouses at the rear is also proposed. The vents would be sited above the kitchen windows. The grills on the vents will be white plastic approximately 150mm x 150mm to match the colour of the render. In addition, mesh has been incorporated over the holes at the top of the chimneys to prevent birds entering the chimneys

Site Description

The Bartholomew Thomas Almshouses are a Grade II listed building situated on the edge of Woolston. The rendered and tiled building is set back from the edge of the road with gardens at the front and at the rear. The building is surrounded by fields. The stone gate piers, gates and wall fronting the road are also a Grade II listed building.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/01/12/016	Addition of ventilation tile to exterior and extract fans to bathroom of each of the four dwellings and addition of secondary glazing to dwellings 1, 3 and 4	Grant	23 October 2012

Consultation Responses

Bicknoller Parish Council - Bicknoller Parish Council has no objections to this application.

Representations Received

No representations received.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH1	Historic Environment
NH2	Management of Heritage Assets

Determining issues and considerations

As the Almshouses is a Grade II listed building this application must be determined in accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that the listed building, its setting and any features of historic or architectural interest must be preserved when considering whether to grant listed building consent.

Listed Building Consent was granted in 2012 for secondary glazing but the approved scheme was not implemented. The principle of secondary glazing has therefore been accepted. This application proposes a different secondary glazing scheme to that approved which through discussions has been amended to help ensure that the residents of the Almshouses can operate the system. This has included putting the secondary glazing across the bay windows rather than around each window in the bay as the latter would mean that the windows would not be able to be opened. The fixing of the secondary glazing onto the window reveals will preserve the appearance and integrity of the windows.

The proposed ventilation to the kitchen will increase the number of openings in the rear wall but as the grilles will match the colour of the render they will not be visually intrusive. The appearance of the building will therefore be safeguarded.

The retention of the mesh in the gaps at the top of the chimneys does not detract from the character or appearance of the building or the setting of the front wall and gate as the mesh is not visually obtrusive.

The NPPF states that where a development proposal would lead to less than substantial harm to the significance of the listed building (as in this case) this harm should be weighed against the public benefits of the proposal including ensuring the optimum viable use for the building. It is considered that the public benefit of the proposal is neutral as the building is already used as dwellings for the over 55's but that ensuring that the building is more energy efficient and that the kitchens are properly ventilated will preserve the integrity of the building and also enable the building to be used for the purpose it was built for.

In conclusion, it is considered that the character and appearance of the listed building and the setting of the listed front wall, gate and gate piers will not be adversely affected by the proposals and will ensure that the building can be used for the use for which it was provided. Local Plan policies will also be complied with.

Listed Building Consent is therefore recommended.

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



Application No 3/01/17/013
Various internal and external
alterations
1 Almshouses, Woolston Lane,
Sampford Brett
Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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Easting: 309483
Northing: 139881

Scale: 1:1250

Application No:	3/06/17/002
Parish	Clatworthy
Application Type	Full Planning Permission
Case Officer:	Karen Wray
Grid Ref	
Applicant	Mr Clatworthy
Proposal	Change of use of agricultural land to equestrian, erection of 1 No. stable/barn with formation of access track.
Location	Land at un-named road, Mill Lane to Scotts Hill, Clatworthy, Somerset
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

- 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:

Dr No. 1602/100 (A1) Existing Site Plan (A1) (Site Location & Site Block Plan)
Dr No. 1602/203 (A1) Proposed Plans and Elevations

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

- 3 The development hereby permitted shall only be used for private recreational purposes and shall not be used in connection with any commercial livery or other equestrian enterprise.

Reason: In view of the location of the site in the open countryside the Local Planning Authority does not consider the site suitable for anything other than private use having regard to the provisions of Policy OC1 of the West Somerset Local Plan

- 4 Prior to the commencement of the stabling building hereby permitted, details for a landscape planting scheme to include details of species, siting and numbers of species to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The landscape planting shall be completely carried out within the first planting available season following approval of the scheme unless otherwise extended within the agreement in writing with the Local Planning Authority. For a period of five years after the completion of the planting all trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application. Certain elements of the proposal were deemed to be unacceptable in respect of landscape impact. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

The proposal is for a change of use of two small agricultural fields to enable the keeping of horses.

The application also originally proposed to erect a field shelter in one field and a larger building in the second to provide stabling and storage. The buildings were to be accessed by the formation of a 3m wide gravel track that would run from the field access off the public highway along the northern boundary of the fields to the buildings. Works to widen the field access and the laying of a short section of the hardcore track within the field entrance have been undertaken.

Following concerns raised during the consultation process, the scheme has been amended. The field shelter has been omitted and a smaller traditional style stable building will now replace the larger stable building and has been resited adjacent to

the roadside boundary hedge. A short section of trackway is now proposed to the proposed building.

The proposed stable building will comprise one stable and a store room and will be of feather edge boarded walling with a dark grey metal sheet clad roof. Due to the sloping nature of the field, the building will require cutting into the slope and the formation of a small retaining wall to the northern elevation and the formation of a Devon bank to the south. Planting will be carried out to the rear between the building and the hedge.

Site Description

The application site is an 8 acre (3.24 ha) parcel of agricultural land accessed off an unclassified road between Clatworthy and Huish Champflower.

The land is laid to grass and slopes to the south to a woodland and river (tributary to the River Tone) running along the southern boundary. The site is split into two fields with a post and wire fence dividing them.

Relevant Planning History

None

Consultation Responses

Clatworthy Parish Council – The Parish Council having reviewed revised plans continue to object to the application, both as inappropriate for the declared use and as an unwarranted development in an area designated as open countryside in the Local Plan.

Highways Development Control – Recommend Standing Advice

Economic Regeneration and Tourism – No comments received.

Tree Officer - I think that these proposed works will be OK with regards to trees. Although they have already enlarged the entrance to the south by cutting away some hedge- bank, they are still far enough away I think to have avoided damaging the oak tree significantly.

Having met the owners who happened to be on site, I understand that no excavation will be necessary for the track.

The proposed barn and stable block appears to be far enough away from the nearest hedgerow oak so as not to damage it. It might be worth requesting that the

drawing is amended to show the hedgerow oak in relation to this building.

They have created a new hedge-bank into the field south of the gate. I have requested that some of this is removed, as it is on top of oak tree roots, which they have agreed to do.

Landscape Officer – Following objections to the design, scale and siting of the proposed development the scheme was amended based on the recommendations of the Council's Landscape Officer who suggested the siting of a traditional timber style stable building adjacent to the roadside boundary hedgerow by cutting into the slope of the field.

Representations Received

Three letters of representation have been received which related to the original scheme. These stated that the development was inappropriate in a scenic valley and that the size of the stable building was excessive for the field size. The design of the barn was considered inappropriate for stabling horses with limited ventilation and natural light and concerns of effluent pollution from a muck heap. Further objections related to the formation of the widened access and the stone track which would have an effect on floodrisk due to surface water run-off onto the road. It was also stated that the development would set a precedent and give rise to future approvals.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
NH13	Securing high standards of design

Determining issues and considerations

The main issues to consider in determining this application are the principle of development, design and landscape impact, highways, floodrisk and pollution.

Principle

The site is in an open countryside location where Policy OC1 of the West Somerset Local Plan up to 2032 would guide development and in such locations development is generally not acceptable. Policy OC1 does not specifically cover equestrian developments however the use of agricultural land for the keeping of horses is an accepted and common use in such rural locations, in particular where there is good access to off road riding or quieter country lanes away from busier trafficked roads as is the case with this application. The proposed building would provide for stabling for private use in association with the use of land. There are no other buildings suitable for conversion within the landholding. The proposed scale of the building is commensurate with the size of the landholding and the proposed use of land and therefore the principle of the development is considered acceptable.

Design and Landscape impact

The scheme has been amended to address concerns regarding the design, scale and siting of the proposed stable/store building and the visual impact of associated development. This has seen the removal of both the isolated field shelter and the formation of the trackway along the northern field boundary from the scheme. The proposed stable building has also been redesigned, reduced in scale and resited. As a result, the building is now of a scale commensurate with the size of the associated landholding. The building now reflects a traditional timber stable building which is a common feature of rural landscapes.

On the advice of the Council's landscape officer the building has also been resited against the roadside boundary hedge utilising this natural boundary for screening. The building will be cut into the slope of the land to further reduce its height and its prominence in the landscape. As the public highway is a sunken lane with tall hedgerows either side, views of the stable building whilst on the road will be minimal.

There is a public footpath however that that leads from the public highway in a north/south direction across fields the other side of the road to the site. The footpath rises through the fields passing the site however the roadside boundary hedge will assist in screening the development. With additional planting proposed to the rear of the stable building the affect the development would have on the visual amenities of the area and the subsequent amenity value of using the footpath is considered minimal.

Highways

Concern has been expressed at the works which have already been carried out at the field entrance. These works however can be carried out as permitted development under Part 2 Class B of Schedule 1 of the Town and County (General

Permitted Development) Order 2015.

The Highways Authority have recommended standing advice. The use of the land for the keeping of horses and the erection of a stable block will not give rise to any significant increase in traffic using this access and the public highway. Any concerns that relate to any future use of the site cannot be taken into account in the determination of this application. To ensure however that the development is solely used for private use and not DIY livery, it is recommended that a condition is attached accordingly should permission be granted.

Floodrisk and pollution

There is a stream that runs along the southern boundary of the site but the grazing of horses would have no further pollution risk than when the field is grazed by livestock.

The stables will be a considerable distance from the stream and with one stable, both the distance involved and the amount of waste produced would not give rise to any effluent run off concerns.

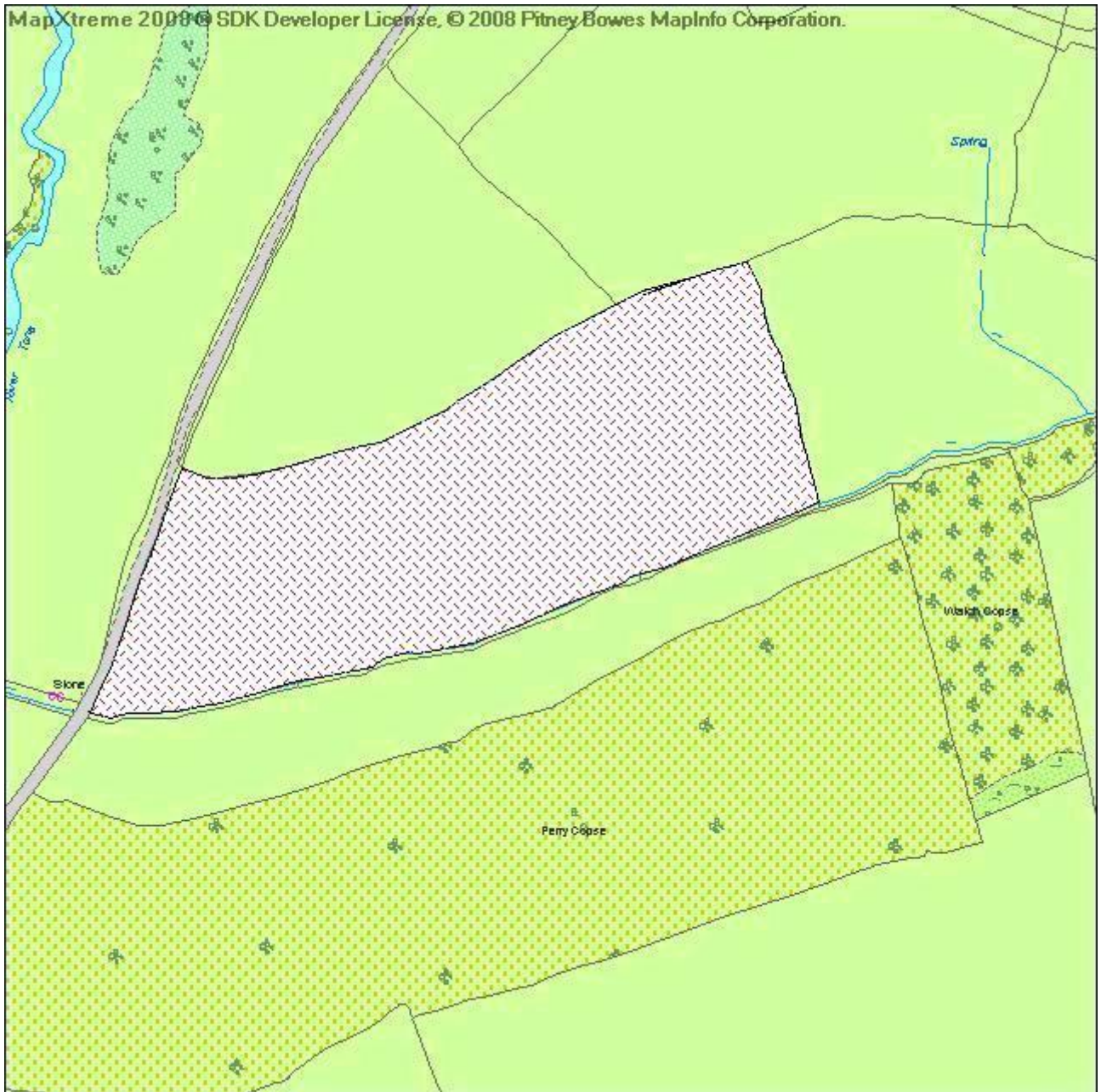
The site is located within a floodzone 1. With the stables sited on the upper slopes and the increase in ground levels there would be no risk of flooding from the stream to the south.

In terms of surface water run-off from alterations to the field access as stated previously such works can be undertaken as permitted development and could be carried out regardless of this application.

Conclusion

The proposed stable building is of a scale and design that would be commensurate with the size of the landholding and the keeping of horses for personal use. The building is well sited adjacent to the road side boundary hedge and with additional planting to the rear of the building will result in minimal landscape impact. For these reasons it is recommended that planning permission should be granted.

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



Application No 3/06/17/002
 Change of use of agricultural
 land to equestrian, erection of 1
 No. stable/barn and 1 No. field
 shelter with formation of access
 track
 Land at unnamed road, Mill Lane
 to Scotts Hill, Clatworthy
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA



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West Somerset Council
 Licence Number: 100023932

Easting: 305045
 Northing: 130479

Scale: 1:2500

Application No:	3/21/17/115
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 296669 Northing: 145906
Applicant	Mr E Billins
Proposal	Demolition of outbuilding / storage building and erection of 1 No. detached dwelling with formation of access, associated parking and garden to the rear
Location	56 Bampton Street, Minehead, TA24 5TU
Reason for referral to Committee	The views of the Town Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

- 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:

(A1) DRNO 1592/301 PROPOSED FLOOR PLANS
(A1) DRNO 1592/302 PROPOSED STREET ELEVATION
(A3) DRNO 1592/300 PROPOSED SITE PLANS

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

- 3 Prior to the construction of the building/extension 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 building/area.

- 4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) WTFR - FRA-2017/08/Q08 dated 17th October 2017 and the following mitigation measures detailed within the FRA:
- Finished floor levels must be set at least 300mm above current floor level.
 - Flood resilience and resistance measures to be used in the construction of the property.
 - No sleeping accommodation on the ground floor.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason; To safeguard occupants in the event of severe flooding.

- 5 The development hereby permitted shall not be commenced until details of a strategy to protect bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blue Sky Ecology's submitted report, dated November 2017 and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Measures for enhancement of places of rest for bats

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate bats.

- 6 The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The condition relating to wildlife requires the submission of information to protect bats. The Local planning Authority will expect to see a detailed method statement clearly stating how bats will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for bats

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

Bats are known to use the building(s) as identified in Green Ecology's report, dated July 2017. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

Proposal

Demolition of outbuilding /storage building and erection of 1 No. two storey, 3 bed, detached dwelling with formation of access, associated parking and garden to the rear. The new house has an overall floor area of 90sqm plus a car port with two car parking spaces and an outside patio area of 13.8sqm. The current two storey and single storey building is to be demolished and the new dwelling to occupy the same footprint. The new dwelling will be stone faced at ground level with render above.

Site Description

The site is not located within a designated conservation area and the buildings on the site are not listed. The total site area is 130sqm and the footprint of the new dwelling includes an open fronted car port.

The site is on falling ground and is located within floodzones 2 and 3.

The existing streetscene comprises of a series of terraced dwellings on both sides of Bampton Street and also in Dugdale Street. The land at Bampton Street falls from the north of the site and rises to the south and the adjoining side road of Dugdale Street rises steeply to the northwest.

Materials in the area comprise of natural stone and painted render with redbrick detailing around the windows and doors and corner of the terrace as well as a decorative band below the windows at first floor level in the run of dwellings from 56 - 7. Dwellings in Dugdale Street are a mixture of natural stone and painted render. The buildings are clad with a mixture of both plain brown tiles and terracotta tiles. Fenestrations are a mix of traditional wooden sash windows and upvc.

There is an existing rear access lane that runs behind dwellings 56-78 Bampton Street and these properties also have long narrow gardens facing onto the lane where a few have developed rear garages and outbuildings but there still remains a break in development between the rear of the houses and the rear entrance. Dwellings no. 1 Dugdale Street and no. 2 West Street face side onto the same lane. Also from this rear lane at the rear of no. 68 a rear access lane runs to the rear of dwellings 1-25 Dugdale and 2-20 West Street.

Relevant Planning History

RUD/21/16/001, Prior approval for proposed COU from retail shop (Class A1) to dwellinghouse (Class C3) and assoc. building operations, Prior approval required & given, 16/11/16.

Consultation Responses

Minehead Town Council - Recommend refusal. The size of the development is not sufficient for 3 bedrooms. The area recommended for 3 bedrooms is 90 sq ft. This is only 70 sq ft.

Biodiversity and Landscaping Officer - The application is for the demolition of outbuildings and the erection of a detached dwelling at 56 Bampton Street, Minehead.

Blue sky Ecology carried out a Bat and Bird assessment in November 2017. Findings were as follows;

Bats

The buildings were found to have moderate potential for crevice dwelling bat species.

I agree that a precautionary approach to the demolition needs to be undertaken. If evidence of bats is found then works will need to stop until an EPS licence has been granted.

If permission is granted I would like to see the new build enhanced with bat roost features.

Birds

The surveyor found no evidence of birds using the outbuildings.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blue Sky Ecology's submitted report, dated November 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Measures for enhancement of places of rest for bats

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented

Reason: To protect and accommodate bats.

Informative Note

The condition relating to wildlife requires the submission of information to protect bats. The Local planning Authority will expect to see a detailed method statement clearly stating how bats will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for bats

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

Bats are known to use the building(s) as identified in Green Ecology's report, dated July 2017. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

Wessex Water Authority - No comments received.

Environment Agency -

Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of conditions which met the following requirements:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) WTFR - FRA-2017/08/Q08 dated 17th October 2017 and the following mitigation measures detailed within the FRA:

Finished floor levels must be set at least 300mm above current floor level.
Flood resilience and resistance measures to be used in the construction of the property.
No sleeping accommodation on the ground floor.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Highways Development Control - Standing Advice.

Representations Received

None

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SD1	Presumption in favour of sustainable development
NH1	Historic Environment
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design
TR2	Reducing reliance on the private car
CC6	Water Management
CC2	Flood Risk Management

Retained saved policies of the West Somerset Local Plan (2006)

T/8 Residential Car Parking

Determining issues and considerations

The main issues and consideration in this case are;

- **Principle of development**
- **Impact on the character and appearance of the area**
- **Biodiversity**
- **Impacts on residential amenity**
- **Highway Safety**
- **Flooding**

Principle of development

This site is located within the development limits of Minehead and therefore there is a presumption in favour of sustainable development. It is understood that the current lawful use of the site is retail/residential. Therefore the proposal to develop this site is in accordance with local planning policies SD1, SC1 of the West Somerset Local Plan to 2032.

Impact on the character and appearance of the area

The site is not located within a designated conservation area, however, the edge of the Wellington Square Conservation Area ends on the opposite side of Dugdale Street opposite the site.

The current building is in a poor state and constructed in natural stone with under a clay tiled roof and also a mix of stone facing and red brick. The proposed construction materials of the new dwelling are stone facing to first floor level with render above, with cream facing brick quoins and clad with natural slate above timber roof joinery. It is noted that surrounding properties are primarily a mix of stone facing with render above with brick quoins to the door and window reveals. Dwellings in Bampton Street are a mix of painted render, stone and brick facing with

natural slate of fibre cement roof coverings.

Given the above detail the proposal will not have any significant impacts on the character or appearance of the area and the setting of the nearby conservation area will be preserved in accordance with local policies NH1, NH2 and NH13.

Biodiversity

As the buildings are in a dilapidated state and have been unoccupied for some time, a Bat and Bird Assessment has been prepared by BlueSky Ecology (dated November 2017) in support of this application. This document has been assessed by the councils biodiversity officer whose comments can be seen above in this report. Comments returned regarding protected species have recommended that a condition and informative note be appended to any approval. It is considered therefore that the scheme accords with local planning policy NH6 of the West Somerset Local Plan.

Impacts on residential amenity

No representations from the local community have been received on this development.

It is noted that comments received from Minehead Town Council have recommended refusal to the scheme as in their opinion the new dwelling provides only 70sqm of accommodation which is too small for a 3 bedroom house. However, the agent confirms and the officer has checked that the gross internal floorspace proposed is 90sqm overall. This measurement has also been assessed against the National Housing Space Standards (2015), which guides that a 3 bed. two storey dwelling should provide the following;

4 persons (bedspaces) = 84sqm,
5 persons (bedspaces) = 93sqm,
6 persons (bedspaces) = 102sqm.

It is therefore concluded that in terms of floorspace the development complies with the first of these standards (which do not form part of the development plan)

In terms of overlooking/overbearing impact, the new dwelling is to be constructed on the same footprint of that currently existing and which has been occupying this site for some considerable length of time and thought to have been constructed at the time that the street was developed. The proposed layout of the new dwelling will be accommodated within the 2 storey and adjoining 1 1/2 storey with a bedroom over the car port area. the roof level of the car port is to be raised by approximately 900mm above the existing level in order the accommodate the internal ceiling height.

No window/door openings are proposed on the western elevation facing the rear access lane. On the eastern end elevation facing the house (currently known as 56

Bampton Street) a set of French doors are to be inserted at ground level for access to the enclosed patio area. On the southern elevation facing the rear garden areas of the existing terrace housing four rooflights are proposed to be inserted at high level to avoid overlooking. The majority of the new windows and doors are located on the southern elevation facing Dugdale Street and includes three small dormers and one high level rooflight.

The proposed patio area will adjoin the small rear patio area of no 56 Bampton Street and be divided by a single brick wall. Therefore given these considerations it is concluded that the proposed dwelling on an existing footprint will not have significant impacts on residential amenity in the area and is in accordance with local policies NH1 and NH13 of the West Somerset Local Plan to 2032.

Highway Safety

Standing Advice comments have been returned from Highways on the proposal.

The proposal is for a new dwelling plus an attached car port to one end which will accommodate two cars and an aco drain is to be inserted into the ground in front of the structure. The existing natural stone walls at the site are also to be lowered directly in front of the dwelling and at the lower gable end to aid visibility when emerging from the car port.

The site is located in Zone B according to the SCC Parking Strategy, and for a 3 bed house in zone 'B' a total of 2.5 car parking spaces are required plus visitor parking. Only two spaces are to be provided with the development, facing onto Dugdale Street, however, there is also on-street car parking available in Dugdale street and Bampton Street.

A bike shed is also shown on the Proposed Floor Plans (dwg. 1592/301), which is to be located within the patio area, as well as the bin storage.

The site is located close to the town centre of Minehead and it is considered that the applicant has demonstrated that he can provide 2 spaces of the 2.5 required. The site is also close to a rear service lane and will not impact on this. The proposal is therefore in accordance with local policies TR2 of the West Somerset Local Plan to 2032 and retained policy T/8 of the West Somerset District Local Plan 2006.

Flooding

According to the Environment Agency's flooding data, the site is located on the boundary of flood zone 3a (high vulnerability) and where the chance of fluvial flooding. The applicant has submitted a Flood Risk Assessment, (FRA) dated 17/10/17, prepared by WtFR. This document also assesses the risk of flooding to the site and to other developments and how flooding will be managed in terms of surface water flooding. It is further noted that in flood zone 3a, essential infrastructure should be designed and constructed to remain operational and safe in time of flood. The environment agency does not have records of historic flooding

form rivers affecting this site and the Environment Agency's updated flooding map for surface water flooding show the area of the development to be at low risk of surface water flooding. Residential dwellings are classified as 'more vulnerable' within table 2 of the Planning practice guidance and such development within flood zone 3 require exception and sequential tests. The FRA, considers that the proposed development can be operated safely in flood risk terms without increasing floodrisk elsewhere thereby appropriate development in accordance with the NPPF, National Planning Policy Framework.

The proposed development does not include any ground floor sleeping accommodation and ground floor level is to be set at 300mm above 30.98mAOD. Flood mitigation measures are also to be incorporated within the development. Comments returned from the Environment Agency on this scheme can be seen above and they have recommended that a condition be appended to the decision regarding flooding, prior to the occupation of the dwelling.

Drainage will be via connection into the main system (as shown on drawing 1592/301).

Given the discussion and considerations above and the comments from the statutory consultee on flooding it is considered that this proposal accords with local planning policy CC2 and CC6 of the West Somerset Local Plan to 2032.

Conclusion

Given the discussion above and the responses from statutory consultees, regarding the redevelopment of this site with a new family dwelling on the same footprint of the current structures at the site and the restricted size of the site and the national space standards it is considered that this single dwelling is acceptable. The dwelling will not have significant impacts on the character and appearance of the area or on residential amenity, or highway safety. The flood risk and protected species are subjects of attached conditions and therefore approval of the scheme is recommended.

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



Application No 3/21/17/115
 Demolition of outbuilding /
 storage building and erection of 1
 No. detached dwelling with
 formation of access, associated
 parking and garden to the rear
 Stores rear of 56 Bampton
 Street, Minehead, TA24 5TU
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA

West Somerset Council
 Licence Number: 100023932

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Easting: 296658
 Northing: 145908

Scale: 1:1250



Application No:	3/21/17/119
Parish	Minehead
Application Type	Reserved matters
Case Officer:	Bryn Kitching
Grid Ref	Easting: 296395 Northing: 145492
Applicant	Homes and Communities Agency
Proposal	Application for approval of reserved matters following Outline Application 3/21/13/120 for a residential development of up to 71 No. dwellings, access, landscaping and associated works
Location	Land off Hopcott Road, Minehead
Reason for referral to Committee	The views of the Town Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

- (A1) DRNO 1 REV C LOCATION PLAN
- (A1) DRNO S02 REV C PROPOSED SITE LAYOUT P
- (A1) DRNO S03 REV C PROPOSED PARKING, REFUSE & TENURE
- (A1) DRNO S04 REV C PROPOSED FINISHES PLAN
- (A1) DRNO S05 REV C PROPOSED BUILDING HEIGHT PLAN
- (A1) DRNO A090070-373 LA1-LA3 REV C LANDSCAPE STRATEGY
- (A1) DRNO A090070-373 LA1-LA3 REV C PLANTING PROPOSALS LA2.2
- (A1) DRNO A090070-373 LA1-LA3 REV C PLANTING PROPOSALS LA2.1
- (A1) DRNO A090070-373 LA1-LA3 REV C PUBLIC OPEN SPACE
- (A1) DRNO A090070-373 LA1-LA3 REV B HARD LANDSCAPE LA.3.1
- (A1) DRNO A090070-373 LA1-LA3 REV B HARD LANDSCAPE LA.3.2
- (A1) DRNO 100 REV P1 SWEEP PATH ANALYSIS: BUS & REFUSE
- (A1) DRNO 1100 REV P1 PROPOSED SITE LEVELS
- (A1) DRNO 500 REV P1 PROPOSED DRAINAGE MASTERPLAN Public
- (A1) DRNO HP_SE01 REV A STREET ELEVATIONS
- (A1) DRNO S11 PROPOSED SECTIONS - SHEEFT 01
- (A1) DRNO S12 PROPOSED SECTIONS - SHEEFT 02

- (A3) ARBORICULTURAL IMPACT ASSESSMENT PLAN 1
- (A3) ARBORICULTURAL IMPACT ASSESSMENT PLAN 2
- (A3) ARBORICULTURAL IMPACT ASSESSMENT PLAN 3
- (A3) ARBORICULTURAL IMPACT ASSESSMENT PLAN 4

(A3) ARBORICULTURAL IMPACT ASSESSMENT PLAN 5
(A3) ARBORICULTURAL IMPACT ASSESSMENT PLAN 6
(A3) DRAFT TREE PROTECTION PLAN 1
(A3) DRAFT TREE PROTECTION PLAN 2
(A3) DRAFT TREE PROTECTION PLAN 3
(A3) DRAFT TREE PROTECTION PLAN 4
(A3) DRAFT TREE PROTECTION PLAN 5
(A3) DRAFT TREE PROTECTION PLAN 6
(A3) TREE CONSTRAINTS PLAN 1
(A3) TREE CONSTRAINTS PLAN 2
(A3) TREE CONSTRAINTS PLAN 3
(A3) TREE CONSTRAINTS PLAN 4
(A3) TREE CONSTRAINTS PLAN 5
(A3) TREE CONSTRAINTS PLAN 6
(A3) TREE RETENTION / REMOVAL PLAN 1
(A3) TREE RETENTION / REMOVAL PLAN 2
(A3) TREE RETENTION / REMOVAL PLAN 3
(A3) TREE RETENTION / REMOVAL PLAN 4
(A3) TREE RETENTION / REMOVAL PLAN 5
(A3) TREE RETENTION / REMOVAL PLAN 6

(A3) DRNO A00-1 REV B GROUND FLOOR MAISONETTE HP A00A
(A3) DRNO A00-2 REV B FIRST FLOOR MAISONETTE HP A00B
(A3) DRNO A00-3 REV A ELEVATIONS 01
(A3) DRNO H01-5 A REV A ELEVATIONS
(A3) DRNO H01-6 A REV A ELEVATIONS
(A3) DRNO H02-2 REV D GROUND AND FIRST FLOORS
(A3) DRNO H02-3 A ELEVATIONS
(A3) DRNO H02A-1 REV D LOWER GROUND AND FIRST FLOORS
(A3) DRNO H02A-2 REV C FIRST FLOOR
(A3) DRNO H11-1 REV C GROUND AND FIRST FLOORS
(A3) DRNO H11-2 REV C GROUND AND FIRST FLOORS
(A3) DRNO H11-3 A REV A ELEVATIONS
(A3) DRNO H12A-3 A REV A ELEVATIONS
(A3) DRNO H12A-4 A REV A ELEVATIONS
(A3) DRNO H14-1 REV C GROUND AND FIRST FLOORS
(A3) DRNO H14-2 REV A ELEVATIONS
(A3) DRNO H15-1 REV B GROUND FLOOR
(A3) DRNO H15-2 REV B FIRST FLOOR
(A3) DRNO H15-3 A REV A ELEVATIONS
(A3) DRNO H15-4 A REV A ELEVATIONS
(A3) DRNO H16-1 REV B GROUND AND FIRST FLOORS
(A3) DRNO H16-2 REV B SECOND FLOOR
(A3) DRNO H16-3 ELEVATIONS
(A3) DRNO H17-1 REV B LOWER GROUND AND GROUND FLOORS
(A3) DRNO H17-2 REV B FIRST FLOOR
(A3) DRNO H17-3 REV A ELEVATIONS
(A3) DRNO H18-1 REV B LOWER GROUND FLOOR Public
(A3) DRNO H18-2 REV C GROUND FLOOR
(A3) DRNO H18-3 REV B FIRST FLOOR

(A3) DRNO H18-4 ELEVATIONS
(A3) DRNO H20-1 REV C LOWER GROUND FLOOR
(A3) DRNO H20-2 REV C GROUND FLOOR
(A3) DRNO H20-3 REV C FIRST FLOOR
(A3) DRNO H20-4 A REV A ELEVATIONS

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

- 2 Prior to the construction of the building/extension 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 building/area.

- 3 (i) A planting scheme and schedule shall be submitted to and approved in writing by the local Planning Authority prior to the landscape scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application issues were raised regarding the highway layout. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Proposal

This reserved matters application is for the erection of 71 dwellings following the grant of outline planning permission in November 2014. As well as the principle of a residential development of up to 71 dwellings being granted consent, the outline application also considered the access to the site off Hopcott Road at that stage. Therefore the application for reserved matters covers only the appearance, landscaping, layout and scale of the development.

In accordance with the Section 106 legal agreement, the application includes 25 affordable residential units (35%) in a mix of house types and sizes that comprise:

Affordable Housing (25 units)

- 4 x 1-bed (2 person) maisonette
- 10 x 2-bed (4 person) semi-detached
- 8 x 3-bed (5 person) terrace
- 2 x 3-bed (4 person) semi-detached
- 1 x 4-bed (6 person) detached

Open Market Housing (46 units)

- 10 x 2-bed (3 person) terrace
- 4 x 2-bed (4 person) terrace
- 7 x 3-bed (4 person) terrace
- 6 x 3-bed (5 person) detached
- 12 x 3-bed (5 person) semi-detached
- 4 x 4-bed (6 person) semi-detached
- 3 x 4-bed (6 person) detached

The access has already been determined as part of the outline application and the submitted plans show this in the approved location at the north of the site. The road layout traverses the sloping site with the primary road extending to the eastern boundary (and wider site allocation), being designed to take higher vehicle flows and buses. All other roads are designed to take the volume of traffic associated with the development.

The residential development takes in account the sloping site that has a 20m fall from the south to the north. The dwellings are a mix of detached, semi-detached and terrace of 2 and 3 stories. The 3-storey dwellings are built into the slope so that they are 3 storey at the front, but 2 storey at the back. The garages are on the ground floor and built into the slope.

An area of public open space is to be located in the centre of the site and this would be equipped for children's play.

Parking is to be provided in a mix of garages, driveways, forecourts, and on street at the following levels.

- 1-bed unit – 1 space each
- 2-bed unit – 1.5 spaces each
- 3-bed unit – 2 spaces each
- 4-bed unit – 3 spaces each

All boundaries are to have a 3 metre buffer which will be planted with native species and these will exclude rear gardens. Where possible existing trees will be retained and new trees are to be planted throughout the development on the edge of the highway.

Site Description

The prominent site on the southern fringe of Minehead slopes up from Hopcott Road in a southerly direction rising approximately 20m. The field is currently divided into two by a fence with one half down to grass and the western half being used for sheep. This part of the field also has a number of fruit trees, Ash and Hawthorn. The roadside, southern and eastern boundaries are bordered by native hedgerows with mature trees whereas the western boundary which divides the field from the adjoining houses is a mixture of brick walls at the northern end and shrubs and trees at the southern end. The site is surrounded by fields to the east and with fields and reservoir to the south.

Relevant Planning History

In December 2013 an outline planning application was submitted for the erection of up to 71 dwellings. This was recommended for approval and considered by the planning committee in June 2014. Members decided not to approve the application and wanted to see additional information regarding a masterplan for the wider site at Hopcott Road and details of how the application site would fit in with the wider masterplan.

The applicant had already indicated that they did not consider it necessary to wait until the larger site had been masterplanned and 14 days later, they submitted an appeal against the non-determination of the application.

At the subsequent planning Appeal Hearing, officers argued that the site should form part of a masterplan that should be prepared for the larger site allocation and that planning permission should be refused. Officers also argued that should the Inspector be minded to allow the appeal without the need for a masterplan at that stage, that it should be a planning condition.

The Inspector considered that it would be unreasonable to expect a developer with a small interest in the wider site to delay the submission of a reserved matters application until such a time as other developers with an interest in the land come together to formulate a masterplan – especially when the council had a undersupply of housing and the appellant had demonstrated that play facilities and open space could be provided within the site and highway linkages could be made to the wider

allocation.

The inspector also considered the council's suggested conditions that would require a masterplan and associated design code prior to submission of reserved matters were not reasonable or necessary. On that basis the appeal was allowed and outline planning permission was granted.

Consultation Responses

Minehead Town Council - Recommend refusal.

Concerns are:-

- 1) Lack of public transport – no service in the area
- 2) Sewerage capacity – the main sewers are running at capacity already
- 3) Surface drainage
- 4) Lack of master plan for the whole of the A39 development area

Environment Agency – no comments received

Wessex Water Authority –

Foul Drainage

Applicant proposes an offsite gravity connection to the existing foul network in Whitegate Road which is acceptable in principle. Foul drainage proposals and points of connection to be agreed at detailed design stage in consultation with Wessex Water. Applicant should contact local development engineer, development.west@wessexwater.co.uk and refer to Wessex Water's guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections' for further guidance

Surface Water Drainage

The drainage masterplan (WYG - 500/P1) indicates surface water attenuation with restricted discharge to the local highway drainage system in Hopcott Road which will be subject to approval by the Lead Local Flood Authority and Highway Authority. Elements of the surface water system can be offered for adoption but Wessex Water do not currently adopt attenuation basins or crate storage and your authority will need to be satisfied with the future ownership and maintenance arrangements.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Somerset Drainage Board Consortium – The proposed development is outside of the Board's District but will discharge to it. The principle of the surface water drainage development has been established through the Flood Risk Assessment which was deemed acceptable by the planning inspectorate at appeal.

The proposals are also restricting the flow to greenfield run-off rates and volumes. The Board therefore, has **no objection** to the proposals, but would state that further information would be required to satisfy conditions 15 and 16 of the outline approval.

Biodiversity Officer –

As the site is located 1.3 km from Exmoor SAC has the county ecologist been approached to carry out a Test of likely significance?

Environmental Health Team – no comments received

Housing Enabling Officer –

I have no comments to make regarding the tenure mix or the general size of the affordable housing proposed. Having had discussions with the Agent, I am pleased that they have met the Council's requirements in terms of the identified Housing Need in Minehead. I look forward to continuing discussions regarding the practical delivery of any affordable housing proposed.

My only comments would be regarding the three bedroom affordable housing for

rent – specifically Plots 46 and 47. At our pre-planning meeting on 5th October, it

was established that our preference would be for three bedroom five person homes. I note, however, that the two three bedroom homes to be offered for rent have reverted to three bedroom four person homes, despite all the three bedroom affordable homes being the same square meterage.

Whilst I appreciate that the Council does not have any minimum standards in terms of property size, I would like to make the point that under current Homefinder Policy, this will preclude 5 person households who are in need of housing from applying for them.

Planning Policy –

The following comments and observations have been made in respect of the policies contained within the West Somerset Local Plan to 2032 (WSLP to 2032) adopted, November 2016, including the retained policies from the West Somerset

District Local Plan – Adopted, April 2006 (WSDLP). References to documentation other than the WSLP to 2032, WSDLP and, those items that comprised the application are cited via footnotes. Whilst there are references to some of the policies mentioned below in the Planning Statement that accompanies the application, in many instances the coverage is superficial and fails to indicate how the proposal will actually address the criteria and/or requirements of the respective policy.

- The site adjoins the contiguous built-up area of Minehead and it is therefore consistent with the locational requirements as set out in criteria 4 of Policy SC1: Hierarchy of Settlements, in the WSLP to 2032 and the definitions associated with it.
- The site forms a part of a larger strategic site allocation for Minehead (Policy MD2) and will contribute towards the overall level of housing identified as being required in the Local Planning Authority (LPA) area up to 2032 as set out in Policy SC2: Housing Provision.
- The proposed type and mix of the proposed housing reflects the advice on the local need provided by the Enabling Housing Officer and is therefore consistent with the requirements of Policy SC3: Appropriate Mix of Housing Types and Tenures, and Policy SC4: Affordable Housing of the WSLP to 2032.
- Whilst the original Outline planning permission was granted at a time when the policy position for future development in the WSLP to 2032 was still emerging, this has now been clarified through the adoption of the WSLP to 2032 in November 2032. The proposal site forms part of a much larger strategic site allocation for up to 750 dwellings as set out in Policy MD2: Key Strategic Development Allocation at Minehead/Alcombe. The proposed development appears to create a single self-contained entity with minimal access links or potential integration with development that is expected to occur on the land surrounding it. Policy MD2 makes clear that the site should be a part of an overall master-plan for the whole of the strategic site allocation. As proposed it provides the impression of a development in isolation rather than integration. It also compromises the development of the remainder of the mixed-use strategic site in terms of the potential location of the non-residential uses to be accommodated within the overall development.
- The proposal is for a wholly residential development with no consideration of other non-residential uses within the wider mixed-use strategic site allocation of which it forms a part. Given that the site forms a part of a larger mixed-use strategic site allocation (Policy MD2) it could be considered as not making a positive contribution to the local economy as provided for through Policy EC1: Widening and Strengthening the Local Economy of the WSLP to 2032.
- In terms of accessibility through the site, this appears to be primarily based around the route of the estate road with cycling expected to make use of the road and pedestrian provision restricted to immediately adjacent to it. It is appreciated that the topography of the site imposes certain limitations on the route adopted in respect of powered vehicular traffic resulting in a 'snake-like' layout. However, this creates a disincentive to pedestrians and cyclists by generating extra distance to be travelled due to the absence of more direct routes. Two potential pedestrian/cycle links are shown to adjoining development locations to the south and south-east of the site. However, these

are the only routes that provide safe means of access within the site away from motorised traffic and the health risks they represent especially to pedestrians. Narrow paths to service the rear of properties are shown on the Site Layout Plan but these are not linked and, therefore an opportunity is lost to provide any form of alternative, and more direct access through the overall site, for pedestrians. In the absence of any safe alternative routes, for pedestrians in particular, through the site from south to north, the proposal is inconsistent with the requirements of Policy CF2: Planning for Healthy Communities of the WSLP to 2032.

- The site falls within Zone 1 in respect of fluvial flooding as identified in the Level 1 Strategic Flood Risk Assessment (SFRA) and, therefore, is not a high risk location in this respect. However, the site is on a slope and comprises part of a much larger feature, Hopcott which forms a continuous piece of higher ground overlooking the built-up area of Minehead and Alcombe. Rainfall on the upper reaches of Hopcott flows downhill in a north/north-easterly direction, across the site, towards the lower ground to the north and north-east of Seaward Way at Marsh Common and Alcombe Common. The proposal shows drainage arrangements to deal with surface water within the site but does not indicate any provision for that originating from outside, particularly the higher ground to the south. The Environment Agency flood-risk mapping facility indicates that the lower north-western part of the site closest to Hopcott Road is vulnerable to surface water flooding originating from outside of the development area. The Minehead Surface Water Management Plan suggests that the possible origins for this could be the land to the south of the covered reservoir that adjoins the site in that direction. It should be noted that the flows of surface-water Management Plan is based on 'bare-earth' mapping and ignores any man-made structures that may have been erected subsequently which could significantly alter the direction of flow. The absence of reference to implications (and methods for dealing with) surface water from outside of the site is inconsistent with the requirements of Policy CC2: Flood Risk Management and also Policy CC6: Water Management, of the WSLP to 2032.
- The site is located within the Minehead Exmoor Fringe of the Blue Anchor Bay Landscape Character Area and the strategic site allocation, of which it forms a part, was subject to a landscape character assessment as part of the site selection process. This latter document indicated that development in this location could have a 'high adverse' visual impact on the landscape. It acknowledged that with suitable mitigation measures this could be reduced to a 'moderate adverse' impact and, if only the lower parts of the areas assessed this could be reduced to 'low adverse'. The planning statement makes no mention of any mitigation measures in respect of the wider landscape other than the retention of a number of existing trees on the eastern and south-western boundaries. In the context of landscaping generally, it concentrates on the new hard and soft landscaping of the development itself. In the absence of consideration of the wider landscape, the proposal does not meet the requirements of Policy NH5: Landscape Character Protection, of the WSLP to 2032.
- The Planning Statement makes reference to the need to carry out surveys and, where necessary, implement mitigation measures in respect of identified species and their habitats. This is consistent with the provisions of Policy

NH6: Nature Conservation and the Protection and Enhancement of Biodiversity in the WSLP to 2032. It is advised that although the land does not fall within an area where an Appropriate Assessment is required, consideration of the findings of the Habitats Regulations Assessment (HRA) that accompanied the WSLP to 2032 on its route to adoption, might be a prudent course of action given the proximity to a known 'bat foraging corridor'. This would also be seen as addressing any requirements arising from Policy NH11: Bat Consultation Zone. Also reference to the Somerset Environmental Records Centre (SERC) for any updating on records of specific species of flora and fauna associated with the area.

- The site is located within 500m at its closest point to the Exmoor National Park, the boundary of which broadly follows the crest of the Hopcott feature in this location. As the proposal, and the wider strategic site of which it forms a part, will comprise major development within the setting of National Park, the application should take account of impact on this. There is no mention of this having been considered through the Planning Statement and it is an issue that in conjunction with the comments made in respect of Policy NH5 above should be seen to be addressed. As currently presented, the proposal does not appear to address the requirements of Policy NH14: Nationally Designated Landscape Areas, of the WSLP to 2032.

The Planning Statement that accompanies the application states that the outstanding 'saved' policies of the West Somerset District Local Plan of 2006 (WSDLP) are not relevant to this application. However, the resolution of Full Council of 23rd November 2016 that moved to adopt the WSLP to 2032 included provision for the continued retention of policies from the WSDLP for development management purposes where they had not been superseded by new policies in the WSLP to 2032 and were deemed to be NPPF compliant in their application. In the light of this the development proposal should also be considered in the context of the requirements of the following policies.

- Although there is a covered reservoir to the south of the site, the application does not make clear if the intention is for the development to be linked to this or another facility. Clarification on this matter would help to resolve any possible conflict with the provisions of Policy W/4: Water Resources in the WSDLP.
- The Planning Statement makes clear that it has made adequate provision in the development in respect of cycle parking consistent with the Highway Authority's requirements but not in respect of those relating to car-parking. There is no indication in the Planning Statement or elsewhere in the application that the County Council has agreed to a reduction in the level of provision expected. The LPA will defer to the Highway Authority's final decision on this matter but in the absence of any evidence to date, the application cannot be regarded as completely meeting the requirements of Policy T/8: Residential Car Parking in the WSDLP.
- Provision has been made for public transport in the form of buses to access part of the application site in the longer term when/if it is linked to development that occurs on the surrounding land that forms part of the Strategic Site Allocation in Policy MD2 of the WSLP to 2032. As such this would address the requirements in general terms of Policy T/13: Bus Facilities and

- Infrastructure in the WSDLP.
- Whilst the Planning Statement makes passing reference to the provision of 'public open space' and the Site Layout Plan identifies a triangular piece of land for this purpose, there is no indication as to the provision of children's play area or other relevant facilities for residents of the development. As such it is inconsistent with the requirements of Policy R/5: Public Open Space and Larger Developments and the associated appendices in the WSDLP.
 - The site is surrounded on its northern, eastern and south-western edges by a combination of hedges and trees. The Site Layout plan shows the intention to retain two stretches of the more mature trees on the eastern and south-western boundaries which would help to contribute towards mitigating the visual impact of the proposed development on the wider landscape of the area. This is of particular importance in respect of the landscape generally (see comments re. Policy NH5: Landscape Character Protection, above) and also the setting of the Exmoor National Park (see comments re. Policy NH14: Nationally Designated Landscape Areas, above). Neither of these two lengths of retained tree-scape extend for the whole length of the boundary in their respective locations. Having retained these two stretches of tree, the Site Layout plan also indicates the route to link the road layout of the proposal with the wider development of the strategic site. This entails the removal of at least three of the specimens that have been retained. Having deemed the trees worthy of retention it seems odd that the routing of the potential 'link road' at a later date should be to negate this. It would seem that this part of the overall proposal could be inconsistent with Policy TW/1: Trees and Woodland Protection of the WSDLP.

Rights of Way Protection Officer – No comments received

Planning at Exmoor National Park –

Thank you for consulting Exmoor National Park Authority on the above reference reserved matters application. I have consulted this Authority's Senior Landscape Officer who has offered the following comments:-

"The site forms a part of a significantly larger area outlined for future development. The site layout (inclusive of access arrangements and planting proposals) does not appear to address this. This is a steeply sloping site where siting three storey houses on the most elevated ground will impact on the wider setting of the National Park. The need to address vehicular access into and within the development has resulted in a road layout that is unconnected to neighbouring development sites and that proposes existing ground levels are increased in the most elevated part of the site. The area indicated on the site layout as being a 'potential future link' to the eastern boundary would require the removal of a group of mature trees that are currently being shown as being retained, and are identified as 'B' category trees in the tree survey.

The planting as proposed will provide very limited structural planting to mitigate the impact of this development on the setting of the National Park with few opportunities

to incorporate this retrospectively. There is an opportunity for this site to be a constituent part of the masterplan for the Hopcott wider development area providing green infrastructure/ structure planting that both enhances the setting of the proposed developments and conserves the setting of the National Park. The visibility of the most elevated area of the development from the National Park could be significantly softened by good use of structural planting. Additionally the plot layout creates significant areas of landscaping to the rear of fenced garden areas that it is unclear what the purpose is for these.

The selection of materials for planting and hard landscaping could better reflect local distinctiveness and landscape character in the species and materials proposed to be used, given this is a distinctive coastal setting in close proximity to the National Park as at present this is not evident.”

There is, therefore, some concern in relation to the impact of the proposed development on the setting of the National Park, and I would be grateful if these comments could be taken into account when determining the application.

Western Power – no comments received

Somerset County Council Education – no comments received

Highways Development Control –

I refer to your letter received 14 November 2017 regarding the above planning application, and apologise for the delay in this response. The Highway Authority has the following observations on the highway and transportation aspects of this proposal following consideration of the application details and a site visit carried out on 14 December 2017.

This application is for reserved matters, following the granting of outline planning permission at appeal for the development of 71 dwellings.

Traffic Impact

A Transport Assessment (TA) was submitted in support of the outline planning application, and was subject to a detailed peer review at that time. It was concluded that there would not be significant traffic impact resulting from the proposals, and the Highway Authority therefore raised no objection to the principle of this development. This remains the case for this reserved matters application.

The Inspector at Inquiry subsequently considered the traffic impact of this development in view of continued local concern. The inspector's conclusion was that there was no evidence that the local highway network was near capacity, that there was no identified accident problem on this part of Hopcott Road and that the proposed access to the development would operate within capacity. With this in mind the Inspector was not persuaded that there would be any material harm to the

safety or free flow of traffic in the area.

With the above in mind it would be unreasonable for the Highway Authority to object to the principle of this development in terms of any likely traffic impact.

Travel Plan

I understand from my Travel Planning colleagues that, while the provision of a suitable Travel Plan (TP) has been secured by agreement under Section 106 of the Town and Country Planning Act 1990, an approved TP remains outstanding. A suitable TP must be provided in accordance with the signed agreement.

Parking

The optimal parking provision as set out in the adopted Somerset County Council Parking Strategy (SPS) for a residential development, in a Zone B area such as this location, is:

ZONE B	1 Bed	2 Bed	3 Bed	4 Bed	Visitor	TOTAL
Policy	1.5	2	2.5	3	0.2	-
#Dwellings	4	24	35	8	-	71
Optimum	6	48	90	24	14.2	183
Actual*	4	36	70	26	14	150

* Actual provision taken from Proposed Parking, Refuse & Tenure Plan

From the details provided, the proposed overall parking provision of 183 spaces for the 71 dwellings is significantly (18%) below the SPS optimum level.

The applicant states that a lower level of parking is appropriate in this instance as they have been unable to produce a suitable design that provides safe and convenient parking in view of the particular nature of the site. It will be for the Local Planning Authority to determine if such a lower level of parking is justified on the planning balance terms presented by the applicant. However, the Highway Authority has concerns that lower parking provision is unlikely to be reflected in reduced car use, resulting in inappropriate parking on the new estate roads (introducing the negative visual and safety aspects that the applicant asserts they wish to avoid), or on the adjacent A road, with subsequent capacity and safety issues.

The applicant states that secure cycle parking meeting the SPS optimum standard will be provided for each property. No specific motorcycle parking has been provided, and this should be considered within the proposed parking courts and at other locations where space is not available within dwelling curtilages.

Finally, no mention is made of the need to provide electric vehicle charging points; access to such points is required under the SPS for all new dwellings to encourage the use of such vehicles.

Highway Works

Access

Access was not a reserved matter at the outline application stage, and no objection was raised by the Highway Authority at that time. However, it was made clear that the Highway Authority considered it prudent to 'future-proof' the access so that it can cater for additional traffic in the longer term, and in fact the appropriateness of a ghosted right turn lane has been identified during the technical and safety audit process for the current proposals. As the site forms part of a larger area that has been identified for future development, and indeed the current proposals include a 'potential future road link' as part of the estate road design, it is still considered that the facility to upgrade this junction, if and when required, should ideally be secured by agreement under Section 106 of the Town and Country Planning Act 1990.

The current application does not provide full details of the new access, in terms of horizontal and vertical layout, drainage proposals, lighting proposals and similar detailed issues. However, the construction of the access will be controlled by a suitable legal agreement, which will require the submission of detailed proposals for technical approval prior to the commencement of works on site.

Estate Roads

The applicant should be aware 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 (APC). This will include any private roads/ drives that serve more than 2 dwellings. Under APC, the detailed design of the estate roads will require further detailed assessment by the Highway Authority.

The applicant may wish to offer some of the roads and footpaths within the estate for adoption as public highway, and with this in mind the proposals have been reviewed by the Highway Authority's estates roads team, to identify any issues that may need to be addressed to assist the applicant developing designs suitable for future adoption.

While not necessarily affecting planning approval for this development, it is recommended that these be reviewed at this stage to ensure suitable amendments can be achieved within the layout proposed for planning approval.

Adoptable 17.0m forward visibility splays will be required throughout the inside of all carriageway bends. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above the adjoining carriageway level. The required adoptable visibility splays should be clearly indicated within all future revisions of the site layout drawing.

The longitudinal gradients of channel lines within type 4 bitumen macadam carriageways and block paved shared surface carriageways should not be steeper than 1:14. Approval from the Highway Authority (SCC) will be required should this gradient be designed to be steeper, as this could have an impact on materials to be used within the highway. Footways/ footpaths should not be designed with

longitudinal gradients steeper than 1:12. Anything steeper will provide difficulties for wheelchair users. The gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Hopcott Road.

If the proposed traffic calming feature directly outside the driveway serving plot 69 includes vertical deflection then the feature should be relocated outside the extent of the driveway and any other driveway. It is also noted that rumble strips are being proposed within the carriageway outside plots 41, 51 and 55, where speeds are expected to be very low, and it is not clear why these features have been included.

All adoptable shared surface carriageways within the development site should be constructed in block paving.

Due to the possible volume of pedestrian movement within the carriageway (Road 2a) between plots 36-69, it might be beneficial from a safety viewpoint if the carriageway serving these plots were to take the form of a type 4 bitumen macadam carriageway with footways and have the length of carriageway (Road 2b) serving plots 52-71 as a block paved shared surface carriageway.

If the cycle and footpath links are to be constructed as unsegregated cycleway/footpath links then a minimum width of 3.0m will be required. This width will need to be increased to 3.5m should a segregated link be proposed.

In terms of adoption, the proposed cycle and footpath link to the north of plot 60 will need to connect directly to the prospective publicly maintainable highway.

The proposed footway along the southern side of the estate road should be extended approximately 5.0m beyond the entrance to the Parking Court 1.

An adoptable margin/ footway will be required between plot 68 and the Public Open Space area, and the 1.8m wide adoptable margin/ footway that terminates prior to plot 64 should be continued across the front of plots 61-64.

If the footpath serving plots 42-45 is to be offered to SCC for adoption, then it shall be built to adoptable standards with a minimum width of 1.8m, and adequately lit and drained.

An adoptable hardened margin/ footway will be required in front of plots 50-55. Adoptable 1.0m wide hardened margins will also be required at the ends of the turning head fronting plots 56-60 together with a 1.0m wide adoptable margin along the south-eastern side of the turning head.

If Shared Surface 1 is to be offered to SCC for adoption then a suitably dimension turning head will need to be provided and the carriageway constructed to a minimum width of 5.0m with 500mm wide margins.

The entrances to Shared Surface 1, Parking Court 1, Shared Surface 3, Parking Courts 4 and 5, shall incorporate adoptable visibility splays based on dimensions of 2.0m x 25.0m in both directions. There shall be no obstruction to visibility within

these areas that exceeds a height greater than 300mm above the adjoining carriageway level.

Any planting within the prospective public highway will require a commuted sum payable by the developer with a comprehensive planting schedule for checking/ approval purposes for planting either within or immediately adjacent to the public highway. Trees to be planted within the public highway or immediately adjacent to it will need to be planted within a tree grid, details of which are to be approved by SCC.

Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees must be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. The proposed tree located adjacent to the entrance to Parking Court 4, could restrict visibility and interfere with vehicular movement in/out of the parking court and as such, should either be removed from the scheme or relocated elsewhere within the site.

It is noted that steps are proposed within pedestrian links. The design of steps shall be in accordance with 'Estate Roads in Somerset – Specification Construction Notes' (Section 9.5).

For any retaining walls constructed as part of this development either to be adopted by SCC or located within 3.67m of the highway boundary and/ or which will have a retained height of 1.37m above or below the highway boundary, SCC will need to be assured of the safety and durability of such structures. Therefore, detailed design drawings and calculations must be submitted to SCC for checking/ approval purposes prior to the commencement of any construction to the retaining walls. Retaining walls to be adopted by SCC will require the submission of an Approval In Principle and payment of a commuted sum.

Private drives that serve garage doors shall be constructed to a minimum length of 6.0m, as measured from the back edge of the proposed highway boundary. Tandem parking bays should be constructed to a minimum length of 10.5m and parking bays that immediately but up against any form of structure (planted, wall or footpath), shall be constructed to a minimum length of 5.5m.

No doors, gates, low-level windows, utility boxes, down pipes, porches or similar features are to obstruct footways or roads. The Highway limits shall be limited to that area of the footway/ carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps and all such features.

Off-Site works

In response to the outline application, the Highway Authority confirmed that the development would necessitate off-site improvements in terms of highway infrastructure for both pedestrians and cyclists.

The Inspector confirmed at appeal that accessibility to the surrounding area by

means other than the private car would be important in terms of the sustainability of the site.

The proposed improvements put forward in that application included the provision of new bus stops, a cycle/ footway path along the northern side of Hopcott Road and a pedestrian/ cycle crossing of Hopcott Road (shown on Hydrock drawin 13450/T08 submitted as part of that application), together with the provision of an approved Travel Plan. These improvements, to be secured under a signed Section 106 agreement, are still regarded as essential by the Highway Authority.

A section 106 Agreement for this development was signed in September 2016 but, while the agreement includes the provision of an approved Travel Plan, it does not include the provision of the highway works on Hopcott Road. It is recommended that the necessary highway works be conditioned as part of any approval and that their provision be secured under an appropriate legal agreement.

Other

Where works have to be undertaken either within or adjoining the public highway, a licence under Section 50 NRSWA 1991 (Sewer connections) will be required. These are obtainable from the SCC Streetworks Team.

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. Application forms can be obtained from Laura Williams

(LZWilliams@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. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.

The developer shall be held responsible for any damage caused to the public highway by construction traffic proceeding to/from the application site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the SCC Highway Supervisor, showing the condition of the existing highway network adjacent to the site and a schedule of defects agreed prior to works commencing on site.

Existing carriageway gullies and drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development works. If any extraneous matter from the development site enters an existing road drain or public sewer, the developer shall be responsible for its removal.

The developer must keep the highways, including drains and ditches, in the vicinity of the application site, free from mud, debris and dust arising from the works at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

Allowances shall be made to resurface the full width of Hopcott Road where it has been disturbed by the extended construction and to overlap each constriction layer of the carriageway by a minimum of 300mm. Cores may need to be taken to ascertain the depths of the existing bituminous macadam layers.

Drainage

Surface water from all private areas, including drives and parking bays will not be permitted to discharge onto the prospective publicly maintained highway. Private interceptor drains must be installed to prevent this from happening.

Subterranean Attenuation Crates are proposed. These must not be located either within or immediately adjacent to the prospective publicly maintained highway, and the maintenance will need clarification by the applicant.

Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required, with a copy submitted to SCC.

The surface water drainage proposals relating to this application have been reviewed by the Highway Authority's drainage engineer, and the following significant issue was identified.

The Flood Risk Assessment submitted in support of the Outline Planning Application confirmed that agreement had been reached with Wessex Water to discharge the surface water run-off from the site, at a controlled rate, into the existing public sewer network to the east (point of connection fronting the entrance to the caravan park). The highway authority's comments on the drainage proposals for the outline planning application were predicated on this outfall arrangement and hence no objection on drainage grounds was made.

However, it is noted that the submitted Proposed Drainage Masterplan now makes reference to a proposed connection into the existing highway drainage system serving Hopcott Road, and the highway authority are unable to grant a consent for such a connection which will mean, in turn, that Condition 15 of the outline consent cannot be discharged. It remains this authority's legal stance that at the point at which surface water from any source other than the public highway enters a highway drainage system it, in effect, ceases to be a 'highway drain' and becomes a 'sewer'. In essence we would not be prepared to accept the increased liability of having to maintain a drainage system that directly serves private property. It is noted that whilst the supporting Planning Statement advised of amendments to the surface water drainage strategy, in terms of the means of attenuation, it is silent on the subject of the outfall.

In any event, as this highway drainage system would have been designed to serve

the impermeable catchment of the highway only (i.e. no greenfield run-off from land) to the, then appropriate, design and flood protection criteria, the Highway Authority does not believe it would have the capacity to accept any more flow no matter how small and in reality is now substandard in today's design terms when taking into consideration climate change implications.

One potential means of resolution, that leaves the point of connection as currently proposed, would be to secure adoption from Wessex Water of this highway drain downstream from the point of connection under Section 102 Water Industry Act 1991. It must be appreciated that it will be Wessex Water's decision whether or not to enter into an agreement to adopt and if so then in all likelihood the drain will require upgrading.

In addition to the above, the drainage engineer noted that the attenuation tanks should be located at a sufficient distance from the perimeter of the prospective public highway within the site to reduce the potential for future highway maintenance and/or statutory undertaker's works from inadvertently compromising their structural integrity. This buffer distance will be dependent upon the types of tank and waterproofing proposed.

The designer will also need to consider whether additional measures, above standard road gullies and connections, will be necessary to ensure that surface water run-off up to the 1 in 100 year event plus climate change are retained on site. The flow routes for events in exceedance of this return period are accepted.

Conclusions

The Highway Authority does not object to the principle of this development in terms of the likely traffic impacts on the existing highway network.

A suitable Travel Plan is required, which has been secured under a Section 106 Agreement, but has not as yet been provided by the applicant. A condition to require the provision of an agreed Travel Plan is recommended, if considered as still appropriate by the Local Planning Authority in view of the existing legal obligation. Improvements are required on Hopcott Road to provide better facilities for cyclists and pedestrians to encourage travel by modes other than the private car, as confirmed by the Inspector when granting outline approval at appeal. These improvements should also be secured under an appropriate agreement, and a condition requiring the provision of these improvements is recommended.

The proposed level of parking is less than the optimum set in the Somerset Parking Standard, and the Highway Authority considers that any under-provision is likely to result in the problems that the applicant state they are trying to avoid by reducing the amount of car parking provision. However, this is an issue for the Local Planning Authority to determine within the planning balance as presented by the applicant.

The Highway Authority accepts the proposed simple priority access as suitable for the current level of development, but recommends that the facility to provide a future ghost right turn lane is secured to allow for further possible development. No

specific condition is recommended, pending consideration by the Local Planning Authority of the need to facilitate any further development at this stage and, if so, the most appropriate way to secure this.

A number of detailed issues have been identified in respect of the proposed estate road layout and, while these would not necessarily affect the grant of planning approval, the applicant is recommended they be reviewed at this stage to ensure any approved layout would allow the development of roads and footways suitable for adoption as public highway, should this be the intention. Standard conditions relating to the development of estate roads are recommended.

A significant issue has been identified regarding the proposed surface water discharge arrangements. The original proposals at outline stage, which were not objected to, have been amended to instead propose a connection into the existing highway drainage system, which will not be consented to. The applicant will therefore need to review the surface water drainage proposals to develop a suitable design, and it is recommended that an appropriate condition be applied to any consent to ensure this.

With the above in mind, the Highway Authority recommends that the following conditions be imposed if planning permission is granted:

No work shall commence on the development hereby permitted until details of the proposed highway works (including, but not limited to, the provision of a shared footway/ cycleway on Hopcott Road from the development access to Whitegate Road) have been submitted to and approved by the Local Planning Authority. Such highway works shall then be fully constructed in accordance with the approved plan, to an agreed specification, before first occupation.

The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development, and thereafter maintained until the completion of the construction works for this development;

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site;

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 before first occupation and thereafter maintained at all times.

The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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, motorcycle 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;

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;

The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;

The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;

In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority;

No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;

There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;

The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied; and

No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

Construction vehicle movements; o Construction operation hours; o Construction vehicular routes to and from site; o Construction delivery hours; o Expected number of construction vehicles per day; o Car parking for contractors;

Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

A scheme to encourage the use of Public Transport amongst contractors; and o

Measures to avoid traffic congestion impacting upon the Strategic Road Network.

As some work relating to this development may need to be undertaken within or adjacent to the existing public highway, the following note should be added to any planning certificate:

The applicant will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

Landscaping Officer –

- The landscape strategy and planting proposals are generally satisfactory. I particularly support the planting of a buffer zone around the site.
- I would prefer to see just *Fagus sylvatica* used for hedging rather than *Fagus sylvatica purpurea*
- Full details are required showing planting distances and numbers

Representations Received

14 letters of OBJECTION have been received which raise the following issues:

- Increase in traffic through Whitegate road which is already very busy.
- Hopcott Road is already very busy with fast moving traffic
- Roads need improving linking Minehead to the M5
- Loss of countryside/farmland
- Loss of wildlife.
- The foul drainage system can not cope with extra dwellings – there are already issues in the local area.
- Lack of local infrastructure such as schools, doctors, leisure facilities, employment and public transport
- Will water supply be increased?
- Design of houses are not in keeping
- Plans show a bus stop proposed on land which is in private ownership.
- Water already pours off the field in heavy rain

- Nearby properties already suffer for surface water flooding from water running off the fields and down Hopcott Road.
- Concern that underwater tanks for water storage will not be adequately maintained.
- Want confirmation from highways that surface water discharged into the highway drain can be accommodated.
- Impact on adjoining property and new houses would be overbearing.
- Building hours should be controlled with adequate parking provided for delivery vehicles.
- Development should be completed as quickly as possible
- Trees should be retained on the site rather than replaced
- Welcome the buffer strip, but who will own and maintain this?
- Future footpath linking south west corner to wider site allocation could have an impact if that ran alongside the boundary of the neighbouring property.
- Too many houses
- Not enough parking
- There is no overall masterplan
- Rear gardens of properties would run down to the A39 and require screening to be removed
- How can we be sure that the affordable housing and other planning gains will be delivered?

3 letters of COMMENT have been received which raise the following issues:

- The primary road should extend to the boundary of the site so that it can link to the wider development in the future.
- Question whether the density is too high to gain an aesthetically pleasing development.
- Traffic calming should be put in along Hopcott Road and Periton Road

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
MD2	Key strategic development allocation at Mine/Alco
SC2	Housing Provision

SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
EC1	Widening and strengthening the local economy
CF2	Planning for healthy communities
CC2	Flood Risk Management
CC6	Water Management
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH11	Bat Consultation Zone
NH14	Nationally designated landscape areas

Retained saved policies of the West Somerset Local Plan (2006)

W/4	Water Resources
T/8	Residential Car Parking
T/13	Bus Facilities and Infrastructure
R/5	Public Open Space and Large Developments
TW/1	Trees and Woodland Protection

Determining issues and considerations

Principle of Development

This is an application for reserved matters approval where the council can only consider the appearance, landscaping, layout and scale of the development. Both the principle of developing this site for 71 dwellings and the access to the site have already been granted planning permission by way of the appeal decision dated November 2014. That outline permission considered a number of development impacts in principle which include:

- The principle of building 71 dwellings on the site.
- The location of the site in relation to Minehead, including access to local services and public transport links.
- The need for a Travel Plan (which has been secured by the Section 106 legal agreement).
- The design of the vehicle access to the site (and legal agreement to secure those works).
- The provision of community infrastructure contributions.
- Whether the site could come forward without the need for a masterplan and design code.
- Whether there is suitable infrastructure (and capacity) in the area in terms of education, leisure, retail, employment, healthcare etc.
- Whether flood risk and surface after drainage can be managed in principle.
- The amount of affordable housing to be delivered.
- The need for on-site open space and play space and financial contribution towards off-site provision of community facilities.

As such, the requirements of the section 106 agreement cannot be revisited nor can the principle of development coming forward in isolation to the larger allocation. The wider policy requirement for non-residential uses on the allocated site can not be

considered or secured through this application, nor can strategic landscaping that would be located outside of the application site.

Where the outline application considered issues in principle, but required the submission of further information, such as a detailed drainage design with points of connection to existing systems, this was dealt with by the imposition of appropriate planning conditions. These remain in place and would need to be discharged prior to development commencing (or at the time stipulated by the condition). This application for reserved matters is for the appearance, landscaping, layout and scale of the development and in determining the application, consideration is limited to these matters. It is necessary to consider issues such as whether the layout allows for the provision of a surface water attenuation system, but it would not be appropriate to consider the detailed design of such a system or points of connection.

With regard to the reserved matters, their definition in the planning legislation is:

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

Layout

The proposed layout of the site results in a density of 34 dwellings per hectare which is considered to be an efficient use of the site land. Density levels tend to be lower on sloping sites due to the changes in levels and general requirement for longer roads in order to deal with gradient. The higher density dwellings are at the northern part of the site and a slightly lower density as you move up the slope to the south.

The proposed road is required to 'snake' through the site as result of the gradients and the primary route at the northern part of the site is shown on amended plans to reach the edge of the site (as required by a condition on the outline planning permission). In order to achieve the turning radii in combination with the slope, it has been necessary to include a large area of highway toward the south of the site that would be dominant in the terms of the layout. However, this is due to the site constraint which can not be overcome. Tree planting is shown which will soften this to some extent.

Due to the changes in levels, it is not possible to have pedestrian or cycle link through the site that run in a north south direction. To achieve this would result in steps which would preclude cycling and the routes would raise issues of overlooking into rear gardens of the proposed dwellings. However, cyclists and pedestrians would be able to use the road and pavements which would be at an appropriate gradient. The layout of the scheme also includes potential pedestrian and cyclist links to the wider site allocation to the south east and southwest of the site.

In the centre of the site, there is an equipped children's play area that is part of the open space provision. This is overlooked by the surrounding residential dwellings and will form a focal point in the centre of the development. This is one of the areas where underground drainage crates could be located as surface level attenuation ponds would be difficult to provide on a sloping site and would take up a significant amount of space. A second area of open space is in the north east corner of the site which would be more informal and again, this would be the location for underground surface water storage crates.

There are neighbouring properties to the east of the site which are approximately 12-14 metres from the site boundary. The building to building distance would be 20 metres to the dwelling known as 'Dusk' and 30 metres to the dwelling known as 'Callens Edge'. These are considered to be acceptable distances given the positions of openings in the buildings and would not result in an unacceptable loss of residential amenity. A 3 metre planted buffer zone is proposed at the edge of the site which would not form part of the garden to the new properties and this would soften the impact of the development on neighbouring properties.

The parking for the new dwellings is a mixture of garages, driveways, parking courts and some formal and informal on-street parking. The County Highway Authority have raised concerns regarding the level of parking provision and that it is below the optimum standard set out in the County Council Parking Strategy. Minehead is classed as being in Zone B where the optimum standard would be 183 spaces, however, due to the nature of the site and to avoid an over dominance of hard landscape and car park which would result in overcrowding and a poor sense of place. 150 parking spaces are proposed for the 71 dwellings which is more than the 2 spaces per dwelling identified in saved policy T/8 and given that there is a travel plan as part of the Section 106 agreement which aims to reduce car use for occupants of the dwellings, it is considered that there is sufficient parking provided. It is agreed that a higher level of parking would start to have unacceptable impacts on the layout of the proposal, and therefore it is up to the local planning authority to determine the level of parking as part of the overall planning balance. In this case, it is considered that the proposal strikes that balance.

Appearance

The appearance of the development is heavily influenced by the site topography. A contemporary approach to the design of the dwellings has been adopted while trying to retain a traditional palette of materials which include red and brown brick under a grey or brown roof tile. Tile hanging is also proposed in the same colours. The dwellings are considered to be of an acceptable design that would not harm the character of the area – which does not have a dominant architectural style.

The hard landscaping materials for the residential development include matching brickwork for walls, and close boarded fencing for rear gardens. Gabion basket stone walls will be used where retaining structures are required due to the sloping site.

The roads would be black tarmac with some block paving to delineate changes from the primary road route to the lower trafficked road as it rises up the slope. Parking forecourts are to be finished in block paving.

The detailed approval of materials can be secured by a planning condition requiring a sample panel to be built on site and approved prior to their use in the development.

Overall, the appearance of the proposed development is considered to be acceptable.

Landscaping

The proposed landscaping of the site is confined to being within the site area that was granted outline consent. A 3 metre wide buffer strip is to be provided around the edge of the site and in places this has been widened to 4.5 metres. This allows for wildlife corridors to be retained as well as allowing for additional planting and the 'gapping up' of hedgerows.

Tree planting is proposed throughout the development and there are significant areas of existing tree planting to the south of the site which help screen it from the National Park. In order to provide a highway link to the eastern edge of the site – which is a requirement of a planning condition on the outline application, it would be necessary to remove part of the hedgerow and the trees within it. This is unavoidable given the requirements of the condition and the topography of the land.

The areas of open space would need to be provided and subsequently managed in accordance with the requirements set out in the existing Section 106 Agreement. This will include the children's play area, open space in the north eastern corner of the site as well as the buffer strip that surrounds it.

Hedge planting is proposed to demarcate the edge of the highway and separate the public and private spaces. The rear gardens of the dwellings will be separated by timber close boarded fencing and these are generally orientated so that they

maximise solar gain. Garden are shown as being laid to grass and it would be down to the individual occupiers to decide how these are landscaped.

Scale

The scale of the buildings proposed are a mix of 2 and 3 storey which take into account the sloping site. The 3 storey buildings allow for undercroft parking that is cut into the slope so that while the front of the dwellings would be 3 storey, the rear would be 2 stories in height. The location of these buildings is generally in the areas where the site is being cut and therefore they will not be overly dominant in the local landscape. As the site has a significant slope that continues to rise to the south, the dwellings will sit within the landscape without creating a new skyline.

The terraces and some of the semi- detached dwellings are designed to have gables fronting the road which helps reduce the potential mass of the buildings, especially where there is a long run of residential units along the primary road.

Conclusions

Many of the comments and consultation responses on this application address issues such as the principle of development, the requirement for it to fit in with a wider masterplan, the provision of the road access or details of drainage. These issues were all dealt with at the outline stage and were considered by the inspector when she granted planning permission. Conditions were imposed which require some of these details to be submitted at a later date and this application deals solely with the appearance, landscaping, layout and scale of the development. Each of these reserved matters has been considered and the proposal represents an acceptable development that would not cause unacceptable harm in any of these respects. It is therefore recommended that planning permission is granted, subject to the imposition of necessary conditions that deal with those matters which are under consideration.

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



Application No 3/21/17/119
 Application for approval of reserved matters following Outline Application 3/21/13/120 for a residential development of up to 71 No. dwellings, access, landscaping and associated works Land off Hopcott Road, Minehead
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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 Northing: 145402

Application No:	3/26/17/023
Parish	Old Cleeve
Application Type	Variation of conditions
Case Officer:	Sue Keal
Grid Ref	Easting: 304987 Northing: 141141
Applicant	Mr Roberts
Proposal	Variation of Condition No. 02 (approved plans) of application 3/26/14/017
Location	Land adjacent to Walnut Tree Cottage, Huish Lane, Washford, Old Cleeve, Watchet, TA23 0NY
Reason for referral to Committee	The Chairman considers that there is significant local interest and should be referred to the Planning Committee

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

- 1 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers:

(A4) DRNO 121/110/01A Street Elevation and Plans
(A3) DRNO 121/110/02A Site Plan
(A3) DRNO 121/110/03A Site Plan
(A3) DRNO 121/110/05A Proposed Elevations
(A3) DRNO 121/110/06B Floor Plans

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

- 2 All external walling, roofing and other hard landscaping materials to be used shall be carried out in accordance with specific details on the submitted drawings, unless otherwise agreed in writing by the Local Planning Authority.

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

- 3 The rooflights hereby approved shall be inserted/constructed in accordance with the approved details. The rooflights shall thereafter be retained in the approved form.

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

- 4 The dwelling shall not be occupied unless the access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety.

- 5 There shall be no obstruction to visibility greater than 900mm above the adjoining carriageway level within the visibility splays shown on the approved plans 121/110/03a.

Such visibility splays shall be fully provided before the new access is brought into use and shall thereafter be maintained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

- 6 No gates or garage doors shall be hung so as to project or open across the adjacent highway at any time.

Reason: In the interests of highway and pedestrian safety.

- 7 Before the dwelling hereby permitted is first occupied the parking spaces (the two spaces within the garage and the space to the front of the garage) shown on the submitted amended plan (drawing no 121/110/03a) shall have been fully constructed and provided within the site, to include being properly consolidated and surfaced, in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Such spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the dwelling hereby permitted.

Reason: To ensure sufficient parking is provided in the interests of highway safety.

- 8 The dwelling hereby approved shall not be occupied unless the bike storage has been provided as per dwg. no. 121/110/03a. The bike storage shall be provided in the approved form prior to the occupation of the dwelling and thereafter retained.

Reason: To ensure that sufficient provision of bicycle parking/storage is provided.

- 9 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with details shown on submitted dwg. 121/110/03a. Such provision shall be made before the dwelling

hereby permitted is first occupied and maintained thereafter at all times.

Reason: In the interests of highway safety.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were deemed to be unacceptable issues/concerns were raised in respect of visibility and parking. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concerns and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

Variation of Condition no. 2 (approved plans) of application 3/26/14/017. The proposed changes to the original permission include enlarging the footprint of the 3 bed dwelling from the previously approved 152.50sqm excluding the garage plus 149sqm rear private amenity space. This proposal seeks to provide the dwelling with a gross floorspace of 177.96sqm, (as increase of 25.46sqm (excluding the garage) and reducing the rear amenity area to 142sqm (reduction of 7sqm). The majority of the additional floor area is to be created in the basement study area and extended utility area, in order to accommodate an air source heat pump and boiler and large heat store for under floor heating plus charging and storage areas for electric disability scooter and outside wheelchair required for use by the disabled applicant.

The increase in floor area is approximately 14.3% and the reduction of rear amenity equates to 4.3%. The proposal also includes minor revisions such as the insertion of 6 high level rooflights at first floor and the insertion of a new 1200mm x 1200mm window to the north east elevation at ground level, plus modification to the steps on this elevation to the rear garden.

Solar panels are proposed on the south east elevation (these are permitted development).

It is accepted that the development has already commenced (in time) and that therefore the permission is kept alive. This allows the applicant to apply for these changes, even though technically the submission came outside of the original 3 year period for commencement.

Site Description

The site is a plot of land/garden area located to the side of Walnut Tree Cottage in Huish Lane Washford. To the southeast of the site on Walnut tree corner and Huish Lane is a property known as Demelza Cottage set at a higher ground level (approximately 5m), than the proposal site. Further to the south of the site is a dwelling known as Jasmine Cottage which stretches from Walnut tree corner across the rear of the proposal site and that of the existing Walnut tree cottage. Opposite the site are semi-detached dwellings known as Knapp Cottages.

Walnut Tree Cottage (adjacent to the site/plot) is a 5 bed dwelling, has a gross floor area of 219sqm and private amenity area of 156sqm and that the new Mews Houses opposite that site have amenity areas around them ranging from 32.5 to 55sqm.

Part of this land has been excavated out from its original sloping profile to form a hard standing at road level. The remainder has been terraced at higher levels and is retained by walls some of which are formed by timber posts. At its highest point the land is some 5m above the road to accommodate the new house, further excavation of the land and realign the retaining structures has been undertaken.

Relevant Planning History

- 3/26/01/053, Proposed Development Of A Single Dwellinghouse, Garage And Access - As Amended By Plans Received 22/01/2002, Grant, 24/01/02
- 3/26/03/030, Erection Of Two Self Contained Dwellings/garaging And Associated Works, refused, 13/01/04
- 3/26/04/007, Erection Of Two Dwellings, Garaging And Associated Works, Withdrawn by Applicant, 20/04/04
- 3/26/10/002, Regularisation Of Garden Retaining Wall, Log Retaining Wall And New Access Incorporating Details Of Log Retaining Wall Received On 20/1/10. Grant, 03/03/10
- 3/26/04/030, Erection Of Dwelling & Garage (revised Design). - As Amended By Plans Received On 26/10/04, 22/12/04 And 18/1/05. Grant 18/01/05
- 3/26/04/021, Erection Of Self Contained Dwelling/garage & Associated Works - As Amended By Plans Received On 18.8.04. Grant, 31/08/04
- 3/26/08/027, Regularisation Of Approval 3/26/04/030 - Addition Of Solar Panels To Rear Roof, Rooflights To Front And Rear Roof, Amendments To French Doors To Rear Elevation and White Pvcu Windows As Amended By Agent's Letters Dated 27 October 2008 And 27 November 2008. Grant, 11/12/08
- 3/26/12/002, Proposed infill dwelling to the south-east of Walnut Tree Cottage, plus alterations to existing access, refuse, 04/04/12
- 3/26/12/017, Proposed two bedroom cottage to the south east of Walnut Tree Cottage together with associated works and parking (resubmission of 3/26/12/002), Grant, 26/09/12
- 3/26/12/024, Proposed three bedroom cottage to the south east of Walnut Tree Cottage (amended scheme to 3/26/12/017), Withdrawn by Applicant, 01/02/13
- 3/26/13/002, Proposed infill three bedroom dwelling and internal garage and associated works, Grant, 18/05/13

- 3/26/14/017, Proposed infill three bedroom dwelling and integral garage and associated works. Grant, 16/09/14
- 3/26/17/020, Variation of condition 2 (approved plans) of application 3/26/14/017, refused 01/09/17

Consultation Responses

Old Cleeve Parish Council -

Old Cleeve Parish Council has consistently objected to the development of this property. The latest proposal is a repeat of the previous application 3/26/17/020 and was determined refused by the Planning Committee. In our opinion, this latest application does not add any further substantive information whilst attempting to address some of our previous concerns.

The new applicant Mr Roberts has signed (by agent) certificate A as owner, however the proposed retaining wall structure, eaves, gutters and downpipe to the North West elevation will trespass upon the existing Walnut Tree Cottage land (owned by Mr D Moore, previous applicant). Certificate B should have been signed and notice served.

The application may not be valid?

The proposal still does not address the comments made previously (copy attached) or the loss of parking to the five bedroom property Walnut Tree Cottage that this proposal will occupy.

Highways Development Control -

Standing Advice applies.

Representations Received

One letter of comment, raising the following concerns;

- Changes to approved plans - there is history of construction not in accordance with approved plans and would like assurance to ensure that what is approved is actually built.
- Boundary treatment - on application 3/26/14/017 on the south west boundary a 1.3m close boarded fence is shown and that the original boundary treatment for the original house at Walnut tree cottage was a 1.6m fence which has not been completed. I wish for assurance that the south west boundary fence is constructed prior to construction of site preparation works.
- Liabilities - I am not sure how much excavation will be needed to construct the property, however, if damage occurs, I would like your assurance that builders/owners of new property are held liable.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
NH13	Securing high standards of design
TR2	Reducing reliance on the private car
CF2	Planning for healthy communities

Retained saved policies of the West Somerset Local Plan (2006)

T/8	Residential Car Parking
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Determining issues and considerations

The principle of the development has been established through the previous grant of planning permission. This application proposes alterations to the previous original scheme for the 3 bed, two storey house by increasing the ground floor internal floor area by approximately 14.3%, and reducing the rear amenity area by 4.3%. The alterations relate to the size of the projecting part of the property which is to the rear of the house at ground level. It is required to be widened to facilitate access via wheelchair through the garage. The basement area will also allow space to incorporate an access lift to the first floor as well as storage area for a disability scooter, air source heat pump, charging and storage areas. The increase in the width of the rear extension is under 1m (700mm). The proposal also seeks to raise the height of the extension in order that the applicant can exit their car in the garage into a wheelchair via the proposed ramp in the garage.

The closest neighbour to the new dwelling is Demelza Cottage, approximately 18m away, at a much higher level behind the current block retaining walls at the site. Comments have been submitted from a neighbour regarding possible damage to their boundary. This would need to be agreed by a Party Wall Agreement (outside of the Planning Process).

Regarding the comments on the wooden fencing from the neighbour on the rear

south western boundary, drawing number 121/110/03a is annotated with a 1.2m close boarded fence. The proposal relates to the new dwelling only and therefore the boundary treatment at the rear of Walnut Tree Cottage (the adjoining site) cannot be controlled under this proposal. It is also noted that boundary fencing to the rear of the site could be up to 2m in height without requiring planning permission and that the neighbour could also erect fencing on their land.

To address the comments about changes to approved plans, this application seeks amendments to the original permission in order to regularise (gain revised planning permission for new works). If any works are carried out without the benefit of planning permission on this or any other site, this would be done at the developers risk as they could be subject to enforcement action. However, this is not the case in this instance. If damage to anyone property occurs that would be a legal matter and not controlled by the planning remit but rather by the legal system.

The alterations mean that the ridge line of the projecting section will be around 500mm higher this would not have a significant impact on the adjoining neighbours. The greatest impact arising from this would be to Walnut Tree Cottage to the north, but given that the roof slopes away from this property, it is not considered that the impact would be significant. It is not considered that there would be any additional adverse impact to the other adjoining residential properties arising from this proposal.

It is noted that the previous application considered by Members of the Planning Committee was refused 'due to over development of the site, resulting in a significant reduction in private amenity space for future occupants. It was considered to be poorly designed and contrary to local policy NH13'. This site however has been granted planning permission on four previous occasions, in 2001, 2004, 2013 and 2014 and the relevant 2014 ref 3/26/14/017 application has been commenced and this proposal merely relates to the need to amend details of the former planning permission.

It is a given that each application is judged on its own merits and that this is permission for the land and not for a specific applicant (person). However, it is also born in mind that the applicant is disabled and requires the use of an internal lift between floors and a mobility scooter/wheelchair. The amended design does see a decrease in amenity space at the rear and a 14% increase in internal floor space, but as discussed in this report this is because of the needs of the applicant. Therefore local policy CF2 (which replaced the former policy AD1 (Access for the disabled in the 2006 Local Plan) applies in this case and relates to the need for 'Planning for healthy communities' and which includes provision for disabled access.

The site is at a lower level than the neighbours on the main road and on the same level as the adjoining neighbour at Walnut Tree Cottage. The proposed high level rooflights are for light only and will not have impacts on residential amenity in terms of overlooking from these windows. Similarly the proposed additional window at ground floor level on the north west side elevation will face the adjoining boundary with the adjoining neighbour, but will not affect amenity. This is a hallway window, not serving an important habitable room, and will not cause significant over looking issues. It is also noted that the rear wall of the proposed house is on the same

building line as Walnut Tree Cottage and the long single storey pitched garage/utility area projects 8m from the rear wall of the main dwelling and on the south west side of the neighbour. It is therefore considered that this would not result in a significant loss of light to the neighbours. These adjoining neighbours have made no comments on the proposal.

The access arrangements have not altered from the previous scheme and the County Highway Authority has returned comments of Standing Advice. In response to the lack of parking for Walnut Tree Cottage made by the Parish Council, the site was sold as a building plot by the former owners of Walnut Tree Cottage. A garage is to be provide in the new dwelling for the occupant and there is also some on street parking available for other residents. Details of the bike and bin store, parking for 3 cars (2 in garage) and visibility across the front of the site are shown on submitted drawing 121/100/03a and are acceptable in accordance with local planning policy TR2 of the West Somerset Local plan to 2032 and saved policy T/8 of the West Somerset District Local Plan 2006

With regards to ownership issues, it has been confirmed that the applicant does own the site. The concerns regarding trespassing of gutters over the adjoining neighbour, have not been made by that adjoining neighbour. If necessary this can be agreed via the Party Wall Act.

Conclusion

It is considered that the amendments now sought to the original permission are required by the applicant in order to live in the dwelling as a disabled person and to enable manoeuvrability around the dwelling. The revisions are considered to be acceptable and in accordance with local planning policies, SC1, SV1, CF2, NH13 and TR2 of the West Somerset Local Plan to 2032. It should be noted that as this submission seeks to vary original conditions and that a commencement of the former application (ref 3/26/14/017) has been established, there is no requirement to append any time limit to the development conditions in this instance. However, the other relevant conditions from the former permission will still apply and are appended. It is, therefore, recommended that planning permission is granted. By virtue of the representations received however, the matter will need to be agreed by the Chair/Vice Chair.

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



Application No 3/26/17/023
Variation of Condition No. 02
(approved plans) of application
3/26/14/017
Site Adjacent to Walnut Tree
Cottage, Huish Lane, Washford

Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932

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Easting: 304994 Scale: 1:1250
Northing: 141137



Application No:	3/32/17/015
Parish	Stogursey
Application Type	Full Planning Permission
Case Officer:	Stephen Belli
Grid Ref	Easting: 322992 Northing: 145260
Applicant	Mr Vincent - Environment Agency
Proposal	Flood defence improvement works
Location	Gorpit Lane, Stogursey
Reason for referral to Committee	The application is accompanied by an Environmental Statement

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

- 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 Prior to any heavy plant vehicles arriving at the site a condition survey of the existing public highway shall be carried out and agreed with the Local Planning Authority in consultation with the Highway Authority prior to any works commencing on site. Any damage to the highway occurring as a result of this development shall be remedied by the developer to the satisfaction of the Local Planning Authority in consultation with the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety and the preservation of the local highway network in a reasonable condition.

- 3 The works shall be carried out strictly in accordance with a Construction Environmental Management plan (CEMP) to be approved in writing by the Local Planning Authority. The CEMP shall be submitted to and agreed in writing prior to the commencement of works on site.

The plan shall include:

- Construction vehicle movements;

- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety

- 4 A monitoring strategy for eels shall be submitted to and approved by the local planning authority prior to the completion of the flood defence works. The monitoring strategy shall be based on surveys of eel usage passing through Little Arch Sluice. Remedial measures shall be included within the strategy should an adverse effect on eel migration be detected.

Reason: In the interests of the integrity of European and Ramsar sites

- 5 No construction work will be permitted on the flood defence embankment and Little Arch Sluice in the period between 15th August to 15th May in any one year to avoid disturbing wintering and migratory birds and impacts on migratory eels unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of wintering and migratory bird species and the integrity of a Ramsar site

- 6 Prior to occupation, a “lighting design for bats” shall be submitted to and approved in writing by the local planning authority. The design shall show how and where security 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. 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 for the duration of the scheme. 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

- 7 Prior to construction works a toolbox talk will be given to all operatives about the shingle ridge and potential presence of water voles, badgers and reptiles, and mitigation measures to avoiding harming these features by an experienced ecologist. A letter confirming the induction will be submitted to the local planning authority within one week of the talk.

Reason: In the interests of protected species and priority habitat within a European and Ramsar site

- 8 A survey for sea barley and slender hare's-ear shall be carried out prior to construction works. Where these are found outside the permanent works their locations will be fenced off for the duration of the construction works. The results of the survey shall be submitted to the local planning authority.

Reason: in the interests of the protection of rare plant species

- 9 No removal of scrub, hedgerows or trees that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nesting wild birds

- 10 All ecological measures and/or works for reptiles shall be carried out in accordance with the details contained in section 13.5.49 of the Environmental Statement (Royal Haskoning DHV / Team van Oord, dated 20 November 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: In the interests of protected species

- 11 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority within one month of the works commencing on site. The scheme shall include details of the species, and position of any new planting and re-instatement of scrub already present.

(ii) The scheme shall be completely carried out as part of the programme of works unless otherwise agreed in writing with the Local Planning Authority.

(iii) For a period of five years after the completion of the landscaping scheme, any plants shall be protected and maintained in a healthy weed free condition and replaced as necessary.

Reason: To ensure that the proposed development does not harm the character and appearance of the area, or the ecological interest of the site.

- 12 The contractors plant and vehicle compound area shall be fully re-instated in line with the landscaping plan referred to above and all hardcore shall be removed from the compound site prior to the cessation of the contracted works unless there has been a specific written agreement together with a submitted plan with the Local Planning Authority that a smaller area of hardcore is left for the use for ad hoc parking by visitors to the site. As part of the overall re-instatement works any public information boards shall also be replaced along with other signage furniture as may be required in relation to public rights of way.

Reason: In the interests of the appearance and character of the area and the amenity of users of the site.

Proposal and Site Description

The site comprises an area of coastal land near to Stolford which is a community of about 20 properties approximately 2kms east of the Hinkley Point Nuclear Power Station. Access to the site is via the minor public highway known as Gorpit Lane which serves the village and then terminates at a bridge overlooking the site. Public access is available to the site and a small parking area has been provided for 4-6 vehicles. Access to the works will be via the existing road network from the A39 via Cannington, Cockwood and Wick.

The works in brief are as follows –

- Temporary site compound of approximately 40m by 25m
- Construction of 180m long new hard sea defence consolidating the earth embankment
- 28 metre wide blockwork revetment with a 5 metre wide rock armour toe to the base
- Reinstatement of footpath on the top of the new defence
- Minor improvement works to the drainage outfall
- Temporary right of ways diversion
- Landscaping and making good following works
- Compensatory salt marsh provision at Steart to the east of the site

Stolford village is partially protected by a low shingle ridge which fronts an area of saltmarsh known as Catsford Common. The Common is backed by an earth embankment (the secondary embankment) to the rear and is approximately 250m distant from the shingle ridge at its widest extent. The Common is open to the tide at its eastern end, and is therefore tidally inundated.

Currently, the Environment Agency maintains the shingle ridge by recycling shingle from its eastern end to its western end, on an “as and when required” basis. If maintenance of the shingle ridge was not undertaken, it is likely that a breach would

occur within ten years. This would place the village of Stolford at risk from flooding from the sea as a result of overtopping of the secondary embankment as well as the longer term risk of erosion and failure of the embankment. This would result in 20 properties within Stolford and approximately 70 hectares of agricultural land and farm accesses becoming flooded. In addition, the only road in and out of Stolford would become impassable. The recycling is becoming increasingly ineffective, unsustainable and uneconomic; therefore a sustainable flood protection solution for Stolford to protect people and property is being sought by the Environment Agency.

The proposed scheme would raise and protect the rear (secondary) embankment along a 180 metre length. The height of the current embankment which carries the England Coast Path would be raised by less than 40 cms. The current embankment profile would be smoothed with the use of varying width granular fill, overlain with a 30cm deep interlocking concrete block revetment on top with a seaward facing toe of small rock armour just over 5 metres wide at the base of the slope. At the same time the recycling of the shingle ridge would cease. The works would effectively extend the existing rockwork that currently terminates at the Stolford Car Park. A design objective has been to minimise the footprint of construction activities on Catsford Common, as well as minimising the scheme footprint in the long term where appropriate to the required protection and standards required. The scheme is designed to provide 1:100 year flood protection. The finished profile will be smooth and this will potentially jarr against the local landscape. That said the smooth surface on the top of the embankment will be much easier to use by those using the public footpath.

The construction phase of Stolford Flood Defence Scheme (FDS) would consist of preparatory and main construction works. The works would commence following planning approval and discharge of any relevant pre-commencement requirements. It is anticipated that the works would commence in April 2018, provided planning permission is received within the programme timescales, and would take approximately 16 weeks including mobilisation, site preparatory works and de-mobilisation. Alternatively works could be undertaken in spring 2019 or beyond if there are any delays in receipt of planning permission. Separate permission would be required from Somerset County regarding the temporary diversion and closure of public rights of way. In addition permission will be required from the Secretary of State under S38 of the Commons Act 2006 for carrying out works on common land.

General habitats within and surrounding the proposed scheme include Catsford Common (saltmarsh) and the shingle ridge towards the sea with semi-improved grassland inland separated by ditches. Commoners have grazing rights over Catsford Common, although the grazing quality is poor at the western extent where the proposed scheme is located.

The secondary embankment is covered in dense scrub, which provides habitat for bats and breeding birds. Field boundaries are key habitat features across the area and predominantly comprise hedgerows with fence lines, often accompanied by a ditch. The field boundaries are dominated by species such as nettle and coarse grasses, although occasional flowering plants occur to add some floristic interest. Stolford is located within the Quantock Vale National Character Area.

Ecological and other constraints

The proposed scheme lies within the boundary of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites (that form the Severn Estuary Natura 2000 site) and the Bridgwater Bay Site of Special Scientific Interest (SSSI). These sites are designated for their estuarine habitats, fish species such as sea and river lamprey, and populations of over-wintering and passage wading birds and waterfowl.

The Bridgwater Bay National Nature Reserve (NNR) is located on the seaward side of the shingle ridge, next to the proposed scheme. The NNR is a component part of the Severn Estuary Natura 2000 site, and it also has an important invertebrate assemblage.

In addition, the proposed scheme study area is supporting habitats for other designated sites and species in the wider area, notably the:

- Exmoor and Quantock Oakwoods SAC and associated Quantocks SSSI, which are designated for their populations of Barbastelle bats whose territories could extend to the proposed scheme area.
- The Somerset Levels and Moors SPA and Ramsar site which are designated for their wetland habitats and key assemblages of over-wintering and passage wading birds and waterfowl, and along with their component SSSIs are ecologically linked to the Severn Estuary as their waterfowl and wading bird populations travel between both sites.

•
Key protected species present include overwintering birds, bats, and eels.

Bridgwater Bay at this location falls within the Parrett Transitional Water Body. It is currently classified as having moderate status due to the existing flood defences. The aim for the water body is to have Good Ecological Status by 2021.

Consultation with the Environment Agency Archaeologist and Somerset County Archaeologist has identified that there is limited potential for uncovering archaeological remains which are, at present, unknown. There are no designated historic environment assets within the area of proposed works; though there are three listed buildings in Stolford.

Commercial fishing activities operating out of Stolford for crustaceans are carried out by a fisherman mainly collecting brown shrimps and a range of fish; he is locally (and nationally) known as the mud-horse fisherman.

A network of Public Rights of Way (PRoW) is present in the area around Stolford, and these include the England Coast Path.

Stolford is surrounded by agricultural land (of Provisional Agricultural Land Classification Grades 3) that is used for both grazing (sheep and cattle primarily).

Environmental Impact Assessment

Prior to the submission of the application a Screening Opinion was given by the Local Planning Authority which confirmed that due to the nature and location of the works in such a sensitive landscape this was sufficient to trigger the need for an Environmental Impact Assessment (EIA). That being the case the application now before the Council contains an Environmental Statement (ES). This application is subject to different rules on timescale for determination and consultations.

The ES has been subsequently amended since submission of the application following discussions between the applicant and other departments of the Environment Agency. Revised details including an addendum to the ES were received on 19 January 2018 following which the application and details have been advertised in the press and neighbours and other statutory consultees re-consulted. The end date for any comments is 25th February so any decision will need to be held pending the expiry date for comments.

The applicants set out the reasons for the changes as follows –

Further to the planning application being submitted for the Stolford FDS, there has been ongoing consultation with the Environment Agency in relation to the proposed culvert extension and the impacts on Water Framework Directive (WFD) and eel passage. We had based our assessments on the shingle roll back creating a blockage to the drain at little Arch Sluice and therefore had included an extension to the existing culvert in order to maintain eel passage and agricultural flow.

Given the uncertainty of the extent of shingle ridge roll back into the drain and the timescales over which it will occur there has been a request from the Environment Agency to take a watching approach to the need for a culvert extension and install one in the future if one is definitely required. The 50m length of culvert extension has therefore been removed from the proposals. The revised scheme layout is shown in the attached General Arrangement Plan now submitted together with amendments to the ES (received 19 January 2018).

As is also required as part of any ES the applicant needs to demonstrate thought has been given to alternatives including the 'do nothing' scenario.

Relevant Planning History

No relevant history in this case.

Consultation Responses

Stogursey Parish Council - Stogursey Parish Council welcomes the efforts that are being made to reduce the risk of over-topping and the resultant flooding associated with it.

To that end, the replacement and improvement of sluice and outfall with protection

of the rear embankment, Gorpit Lane, Stogursey is acceptable.

However, Stogursey Parish Council are concerned at the heavy vehicles movements along very narrow lanes to access the proposed site, and as such, would welcome sight of any traffic movement strategies that will accompany this application.

Highways Development Control - The proposal site sits off the unclassified, no through Gorpit Lane. It is to our understanding that the construction phase will involve access to the works via the existing road network from the A39, the C182 towards Wick, where vehicles will then travel towards Stolford via Gorpit Lane. Gorpit Lane is single track lane consisting of few passing places, narrow verges and ditches to take the surface water from adjacent land and the highway.

Whilst there is no objection to the principle of the proposed development the Highway Authority does have concerns about the potential damage the associated construction vehicles will cause to the road surface and the adjacent verges/ditches. The alternative diversion route is similar to delivery route albeit but for a longer distance and as a consequence the Highway Authority would prefer the primary proposed delivery route.

It is to our understanding that the project will result in up to 788 vehicle deliveries over a 16 period anytime between the months of April and September in 2019 or beyond with up to 34 daily vehicle movements in the peak. The Highway Authority would not wish to see peak vehicle movements above this. If works are to be undertaken during the summer months, the local road, verges and ditches would likely be subject to less damage from the associated vehicle movements to the proposal.

The Highway Authority would require that during the works, a system of inspections is set up between Area Highways and the Environment Agency (or chosen representative) on a monthly basis to carry out repairs to the highway on a rechargeable basis and on completion of the works any damage to verges/ditches is undertaken by the Environment Agency (or chosen representative).

The Highway Authority would strongly recommend a system is put in place to avoid the possibility of these heavy delivery vehicles meeting between Wick and Stolford, to avoid any possibility of two vehicles meeting.

Therefore if the Local Planning Authority were minded to grant planning permission the Highway Authority would require the following conditions to be attached.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

The works shall be carried out strictly in accordance with the Construction Environmental Management plan to be approved in writing by the Local Planning Authority.

The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Environment Agency - Not applicable as EA are applicants

Biodiversity and Landscaping Officer -

Landscape

A LVA rather than a full LVIA was carried out. The study area is located within The Somerset Levels and moors national landscape character Area and Local character Area Quantock vale- Wall Common and Coast. The site is low lying and relatively flat. I agree with the findings of the submitted report that the development will have only minor landscape impact. Light pollution will not be an issue

Biodiversity

The proposed works would result in 180m of new flood defence. This will follow the existing alignment of the rear embankment but due to an increased footprint will extend out into saltmarsh. This will result in a loss of approximately 0.378ha of saltmarsh as a narrow strip some 105m long to the footprint of the new defence. Such works would effectively extend the existing defence that currently terminates at the Stolford Car Park.

In addition the scheme includes the improvement or replacement of the sluice and outfall at Little Arch, and enabling the existing Public Right of Way (PROW) to continue along its current route along the crest of the secondary defence.

Haskoning DHV UK undertook an Environmental statement dated November 2017. Several specific surveys have also been carried out with regards to protected species (Birds, water voles, great crested newts, bats, invertebrates etc). Findings were as follows

Designations

The site lies within the Severn Estuary, Ramsar, SPA and SAC and the Bridgwater Bay SSSI and NNR.

In addition the following sites are potentially subject to impacts

Exmoor Sac – 8.6 km to the west.

Somerset Levels and Moors SPA and Ramsar site- 13.9 km to the east

A Habitats regulations Assessment is required for the development as it effects a European an Internationally designated site

Please consult with Larry Burrows at the County Council to request that he carry out a Test Of likely significance (TOLSE)

Habitat

The site comprises of

Saltmarsh

Intertidal mudflats

Coastal vegetated shingle

Hedgerows

Ponds

river

Rare Plants - No legally protected, notable flora or invasive species were noted on site.

Bats - Five species of bats are known to be present in the works area as identified by the bat activity surveys carried out by First ecology carried out between May and October 2016. As the construction period will take place within the bat active season (i.e. April to September), the following mitigation measures have been identified:

In order to maintain foraging and commuting habitat vegetation should be retained on the rear face of the embankment.

The 6m construction access point shall be located to minimise disturbance to the scrub habitats.

Reptiles- Suitable habitat to support common reptile species is present on site including scrub, boulders and grass piles. However, the proposed working areas are subject to a regular level of disturbance from human activity through the use of the public rights of way, therefore it is considered unlikely that there are dense populations of reptiles.

Two hibernacula and two sheltering places were identified during the 2016 Extended Phase 1 Habitat Survey.

I support the recommendation to implement the Precautionary Method of Working for Reptiles and to provide alternative reptile hibernacula.

Eels and Migratory Fish - Eels are assumed to be using the ditch through little

Arch Sluice. . Main construction activities are to be started after the eel migratory period (after 15th May).

Flow through Little Arch Sluice is to be maintained for eel passage during construction.

Water Vole - Given the historic records and sighting of water vole it is likely that water voles are present in the wider area support a pre-construction check for water voles

Otter - It is assumed that otters pass through the area.

Badger - The surveyor found no signs of badger on site.

Breeding birds - winter bird surveys identified 59 species of bird.

Birds are generally foraging on the exposed mudflats areas whilst at high tide birds collecting at the eastern end of the shingle ridge.

Findings are in line with what would be expected for an important bird site

Scrub removal should take place before the breeding bird period (1st March-31st August). If any additional vegetation removal is required carry out a check survey for nesting birds.

Great crested Newts - No GCN were found in any of the ten water bodies surveyed

Conclusion - I support the findings of the reports. The construction is localised temporary and short term. I see no major impact on species should suggested mitigation be followed. Over time the 0.343 ha of saltmarsh habitat affected by the development will recolonize.

However as stated Larry Burrows at the County Council needs to be requested to carry out a Test Of likely significance (TOLSE)

Further comments on re-consultation - I support the proposed watching brief to the need for the culvert extension. Should it be necessary installation could take place in the future.

Somerset Drainage Board Hinkley - No comments received

Conservation Officer - No comments received

SCC - Ecologist - The application site lies within the Severn Estuary Special Protection Area (SPA - designated for birds), Special Area of Conservation (SAC - designated for habitats and species) and Ramsar (designated as wetland of international importance) sites. Ecological surveys were carried out by RoyalHaskoningDHV between 2015 and 2017 to determine the effect that the proposed flood defence works would likely to have on these European and Ramsar

sites and well as other important wildlife.

The designated sites were subject to 'test of likely significant effect' to determine whether the development was likely to affect the integrity of their cited features. Affects from disturbance due to the works and loss of habitat for wintering and migratory birds was assessed and considered not to be significant based on survey results and furthermore risk of disturbance eliminated by working in the period when these species are mostly absent.

The flood defence works would cause the direct loss of a small area of saltmarsh. I am not concerned about this loss and consider that natural colonisation should occur in this small area. Further saltmarsh loss would occur due to the change of management of coastal defences resulting from the proposed flood defence works over a period of time; approximately 4.5ha would be lost in the next 50 years. However, this loss has been compensated for that created at Steart as part of the planned works set out in the Devon and Somerset Shoreline Management Plan.

The possible presence of eels, a Ramsar cited species, using the outfall Little Arch Sluice has been considered. Works should be timed to avoid migration periods in spring of elvers and late summer /autumn when adults return to the sea to breed. There is concern that this channel could be lost as a result of shifting shingle infilling it over a period of time. A condition for monitoring this channel is required and remedial mitigation to enable eels, if present' to continue their passage would be required.

The TOLSE outcome requires that the following be conditioned:

- A monitoring strategy for eels shall be submitted to and approved by the local planning authority prior to the completion of the flood defence works. The monitoring strategy shall be based on surveys of eel usage passing through Little Arch Sluice. Remedial measures shall be included within the strategy should an adverse effect on eel migration be detected.
Reason: In the interests of the integrity of European and Ramsar sites
- No construction work will be permitted on the flood defence embankment and Little Arch Sluice in the period between 15th August to 15th May in any one year to avoid disturbing wintering and migratory birds and impacts on migratory eels unless otherwise agreed in writing with the local planning authority.
Reason: In the interests of wintering and migratory bird species and the integrity of a Ramsar site

Barbastelle bats, a feature of the Exmoor and Quantocks Oak Woodland SAC were identified being present along the scrub along the landward side of the current coastline. However, no surveys were carried out over the saltmarsh itself. Barbastelle bats from another roosts site were radio tracked over saltmarsh in Porlock Bay so it has to be assumed that they are present at this location too. Barbastelle bat populations are small and the effects on one individual can have a significant effect. Individual barbastelle bats are territorial within the colony's home range in which each has on average three to four such territories. Given the spatial

ecology for the species it is possible that one of two individual exclusive foraging territories exist over the saltmarsh. It is predicted that saltmarsh would be lost over time as a result of natural processes, much as agricultural use changes over time. There is likely to be a natural fluctuation in population size due to several factors and that the creation saltmarsh at Steart should provide extra habitat over time as spatial use of the home range also changes.

Although the security lighting at the construction compound is unlikely to affect barbastelle bats it is possible that non SAC designated species may be affected. Lesser horseshoe bats were recorded by First Ecology in the area at the car park entrance. Recent research suggests that preferred commuting routes for Lesser Horseshoe bats are at lux levels even lower than previously thought: "under natural, unlit conditions ... 0.04 lux" but avoid levels above 3.6 Lux. (Stone, 2009; Stone et al, 2009) They regularly use dark hedgerows which are an average of 0.45 Lux. Stone et al (2009) stated, 'It is unsurprising that few bats flew along the unlit side of the hedge, given that light levels on the unlit side on lit nights (mean 4.17 lux) were significantly higher than those along dark hedges (mean 0.45 lux); even these relatively low light levels may make established routes unsuitable for commuting.' They are potentially disrupted from flying along hedgerows by introduced artificial light levels above 0.5 Lux. It was also found that continued disruption increased the effect, i.e. lesser horseshoe bats do not become habituated to the presence of artificial lighting. This would therefore permanently affect their behaviour possibly having a significant effect on use of flight lines accessing feeding areas. Therefore the security lighting may prevent movement to or from the south. I would recommend the following be conditioned:

- Prior to occupation, a "lighting design for bats" shall be submitted to and approved in writing by the local planning authority. The design shall show how and where security 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. 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 for the duration of the scheme. 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

With regard to the loss of scrub habitat required to facilitate the construction process First Ecology (who carried out the bat surveys) recommends reinstatement of the scrub afterwards whereas RoyalHaskoningDHV / Team van Oord consider it would re-colonise. I agree with the latter's assessment that the small loss of scrub is not significant in terms of bat foraging and probably temporary.

Besides species cited for designated site and bats a number of other species are potentially affected by the works. Unfortunately the mitigation measures are placed within paragraphs in section 13.5 and 13.6 of the EA otherwise it would

have simple to place a condition on referring to the report a menu of set recommendations in a single section. Therefore the following needs to be conditioned:

- Prior to construction works a toolbox talk will be given to all operatives about the shingle ridge and potential presence of water voles, badgers and reptiles, and mitigation measures to avoiding harming these features by an experienced ecologist. A letter confirming the induction will be submitted to the local planning authority within one week of the talk.
Reason: In the interests of protected species and priority habitat within a European and Ramsar site
- A survey for sea barley and slender hare's-ear will be carried out prior to construction works. Where these are found outside the permanent works their locations will be fenced off for the duration of the construction works. The results of the survey will be submitted to the local planning authority.
Reason: in the interests of rare plant species
- No removal of scrub, hedgerows or trees that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
Reason: In the interests of nesting wild birds
- All ecological measures and/or works for reptiles shall be carried out in accordance with the details contained in section 13.5.49 of the Environmental Statement (Royal Haskoning DHV / Team van Oord, dated 20 November 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: In the interests of protected species

Provided the above are conditioned I consider that there is unlikely to be a significant impact on wildlife from the proposed flood defence scheme.

Somerset County Council - flooding & drainage - Having reviewed the amended plans the LLFA would maintain our position and have no objections to the application as submitted.

Natural England - Comments awaited

Rights of Way Protection Officer - Environmental Statement-non technical summary 3.1.1 - Temporary closure and diversion of prowl will be necessary under the Road Traffic Regulation Act 1984. At least 1 months notice will be required for the application to Somerset County Council to allow for advertising and notices to be

posted. A site meeting should take place at the earliest opportunity to agree closures and alternative routes.

The text should read “The England Coast Path National Trail incorporates the West Somerset Coast Path which is 25 miles long and runs from Steart to Minehead. The ECP/WSCP runs through Stolford village on the existing path network. The ECP is of national importance and the WSCP of regional importance. Further to this, there is a network of paths within and surrounding Stolford as shown on

There are a number of inconsistencies through the documents which need to be corrected. On the face of it there should not be a problem with the temporary closure and diversion of the England Coast Path (Natural England will have to be consulted on this) and other paths as it would seem that any diverted route will not be a significant one. A site visit should take place at the earliest opportunity to agree any closures and alternative routes, signage and fencing.

Office of Nuclear Regulation - No objections

Representations Received

Two letters have been received from local residents which on this occasion are set fully below.

First letter

I support the replacement/upgrading of the sluice and the protection of the rear embankment. I assume that arrangements (including timing) regarding the cessation of maintenance of the shingle ridge will be the subject of separate consultation by the relevant authority. Our cottage (including its front door) is directly adjacent to the highway on the proposed delivery route in Stolford. The highway is narrow, has few passing places and a number of blind, sharp bends. The highway is well-used by horse-riders and large farm vehicles and is not of a construction or condition intended to support the 1,576+ HGV movements proposed.

I am therefore of the view that the published Traffic Management Plan is insufficient and request that the following conditions be incorporated in any approvals given for the planned works:

1. A speed limit of 20mph be imposed on all HGV movements between the C182 exit at Wick and the point of delivery.
2. Limits be placed on the width, length and weight of HGVs taking into account the nature and condition of the highway between the C182 exit at Wick and the point of delivery.
3. No HGV movements be permitted on refuse collection days (currently Fridays) or outside of reasonable working hours (e.g., not after 6pm and before 6am).

4. No HGV movement be permitted outside of 9am to 2pm on school days so as not to impede home to school transport and commuters.
5. No HGV movements be permitted around the times of shift changeover at Hinkley Point in order not to further add to existing traffic congestion on and around the C182.
6. Existing passing places between Wick and the point of delivery be upgraded and new passing places be created where possible.
7. A named site contact be available by telephone at all times during HGV movements for local residents to contact in the event of concerns.
8. The proposed diversion route be not enforced because the road is particularly narrow and has a very few passing places.
9. The developer be required to make good in a timely fashion any damage howsoever caused to the highway and to drainage systems, dwellings, fences, gates, hedges, street furniture, trees, verges, walls and any other infrastructure connected or adjacent to the highway. This to include but not be limited to damage caused by collision, erosion and vibration.

Second letter

- 1) Loss of AONB. If planning is given to the above proposal, the pebble ridge and open common land will disappear forever. At the moment the pebble ridge and common are great attractions to visitors and locals who walk their dogs, ride horses and generally enjoy the landscape.
- 2) On the 'recommended approach' on the Stolford Flood Defence Scheme dated 07/Nov 2017) it states The analysis of the performance, economic justification and environmental criteria demonstrated most favourably to the block work revetment, which is a low cost hard structure. This is most alarming, the key message here is low cost! The design of the Revetment is akin to a defence along an industrial shore line or reservoir. It's essentially a mass of concrete and has no bearing on the natural landscape of the shore line at all. This is not an acceptable design for such and area of AONB. Surely someone cares about maintaining the natural habitat and vista as it is now.
- 3) I have not read any information that leads to evidence of there being a case study of the grasses and wild flowers that grow on the common - or an assessment documenting the variety of wildlife, for instance butterflies, dragon flies, beetles and voles all that thrive in their natural habitat of this sheltered common.
- 4) The application the track at the rear of the common that runs adjacent to the common (and is a well used path from Stolford to Steart) will remain at the same height. With the planned loss of the pebble ridge and when the common is allowed to flood the track will inevitably become flooded, it will only take a high tide for it to erode. With global warming and sea heights rising this will of course only get worse.

I am most concerned, it should be made higher by at least 1 metre in my opinion. I'd like to know what the proposed plans are to keep the track in good working order.

5) The access to the Catford Common. The sheer volume of traffic from the huge lorries, machinery and materials will cause no end of turmoil for the local residents of Stolford. The access road to Stolford (from the C182 Hinkley Road) is narrow and in places only wide enough for single flow traffic. It's a country lane and we do not want to see it transformed in to a wider road to enable these huge lorries to access.

6) An alternative solution to the proposed blockwork revetment (in my opinion) for a more cost effective and natural looking sea defence would be to use the pebbles already there, put into gambols already onsite and bring machinery and some rock armour along the track from Steart, which has much better access and is currently used to repair the pebble ridge.

In short; I am most opposed to this plan. Whilst as a resident, I understand that something needs to be done to maintain the sea defences, however this plan is an absolute eyesore and will mean catastrophic, irrevocable changes to our beautiful Somerset shore line. I fail to see how these proposed plans are anything more than 'a low cost option'. This is an opportunity to design what could be a low cost, naturalistic proposal for an environmentally friendly alternative to compliment the amazing work carried out at neighbouring 'protected Steart marshes'.

As a local resident I'd also appreciate knowing the costs involved and that of other proposals (if of course any alternative ideas were ever considered?)

Applicant's agent response

First letter

The cessation of the shingle ridge maintenance does not require consultation. This scheme presents the Environment Agency's intention to ensure that adequate flood and coastal erosion protection is in place to enable shingle ridge maintenance to cease. All maintenance operations will cease on completion of construction of this scheme.

We are very aware of the constraints on access (particularly for HGVs), unfortunately there is only one possible way of gaining vehicular access to the site. We feel the TMP provided presents pragmatic and effective measures to prevent or minimise or resolve impacts relating to the temporary short-term traffic impacts.

Point 1 – all vehicles will observe a safe speed limit appropriate to the designated speed limit and the limited visibility. We do not feel that an overarching 20 mph limit needs to be adopted. All drivers are informed of the sensitivity of the access route and what to be aware of (equestrians for example).

Point 2 – all vehicles will conform to the loading standards of the national road network. If vehicle loads were substantially reduced this would result in a greater number of vehicles required (and thus greater disturbance and potential congestion or 'conflicts'). As noted in the TMP and related responses, the road will be surveyed

prior to works commencing and any damage made good.

Point 3 – Reducing delivery days on refuse collection days would result in an increase in numbers on the remaining four days or extension to the delivery duration. The latter is less acceptable because of the potential impact on a constrained programme. The former has a greater potential to extend deliveries into peak or other critical hours. We would suggest that delivery drivers are made aware of the refuse collection. Similarly, informing the refuse collection service of the potential for increased HGVs along Gorpit Lane would help to de-conflict potential congestion.

Point 4 – Reducing the hours of delivery is not always possible. We would however work to minimise transport numbers during peak / critical hours, but do not feel a constrained delivery window would be workable in this situation.

Point 5 – The shift changeover and overall vehicle numbers is very changeable and attempting to fine tune movements is very difficult and would ultimately end up in delays in delivery and could result in further conflict due to extended duration of vehicle delivery programme.

Point 6 – our targeted use of piloting and convoy movements is intended to reduce the risk of conflict, to the point where additional significant works along the route are considered unnecessary for a temporary vehicular presence.

Point 7 – as stated in the TMP (and EAP) a site contact will be clearly posted on signs at the site.

Point 8 – the alternative route would be a choice, and just provides an alternative system.

Point 9 – this is covered in Section 3.7 of the TMP.

Second letter

Point 1 – the site does not lie within an AONB or any form of landscape designation. In terms of landscape character, Natural England encourage the ‘naturalisation’ of the coastline in order for habitats to develop and evolve naturally (and provide ‘natural’ views). As described in the ES, the pebble ridge will evolve naturally after cessation of shingle ridge maintenance. This will entail more material being transported eastwards as a result of wave action, and as there is a reduced ‘source’ of material from the west this will result in narrowing, flattening, and intermittent loss of the shingle ridge. Roll back of the ridge and long-term wave action will also result in the loss of part of the common. These are all natural evolution and we have stated these within the ES. The secondary embankment will remain, which will allow clear and unfettered access along the coast. Access to the foreshore will be retained (and improved) at the car park, and access to the common will remain at the eastern end of the proposed revetment. Whilst there may eventually be a reduction in the amount of area of common land, there would remain a consistent length of common; and further access to the foreshore will actually be easier if the shingle ridge reduces, which would be a greater area for equestrians to use. The

scheme provides what is considered to be the most sustainable (and cost-effective solution) for protecting the houses inland whilst ensuring the natural character of the area is enhanced. As described below, any other options would result in significantly greater and negative impacts.

Point 2 – The use of ‘low cost’ is linked to the word ‘solution’. Whatever the intended form of coast protection along the line of the secondary embankment, the proposed solution is the most efficiently developed and hence ‘low cost’ option. It is the option that would work. Other options would cost more and would not necessarily ‘work’ for the timescale provided. It must be accepted that coastal and flood protection is constrained by the money available to the government, which is not required to provide such protection. In the case of Stolford, the number of properties is low and hence the cost per property of providing a solution is very high and efficiency of delivery has been the only way that a workable solution has been put forward. It is also noted that the most suitable cost which would significantly enhance the ‘natural habitat’ and vista would be zero. If no money was spent on a defence and the shingle ridge was allowed to become a natural (non-maintained feature) and sea level rise and coastal erosion would remove the shingle ridge and properties behind, this option would enhance the naturalness and vista immensely at the loss of the properties. The option proposed is the best option to protect properties and land whilst maintaining (and even improving) the naturalness of foreshore.

Point 3 – NVC survey results are presented in Appendix N of the ES, along with the consideration of impacts on the various ecological aspects of the Common (see Section 13 of the ES). It is noted that the Common is predominantly colonised by saltmarsh vegetation. The Environment Agency are providing compensatory (saltmarsh) habitat as part of the project to offset the losses that will occur from the scheme.

Point 4 – If we understand the ‘track’ that is being referred to, this is a ‘berm’ that is present in front of the existing secondary defence embankment within the saltmarsh. Whilst this will be lost due to the presence of the Hillblock system in front of the 180m length of the proposed defence, this berm will remain along the front of the embankment for the remainder of the Common, over 800m. It is accepted that over the long-term as sea level rise occurs there is a potential that there would be more frequent inundation of this area (which is already inundated occasionally). However, its complete loss is not expected over the lifetime of the project. Access to the Common will be available along the length of the Common with the exception of the short length fronting the proposed scheme.

Point 5 – The concern regarding traffic is noted. We agree that we do not want to transform the lane into a wider road, and hence the measures presented are intended to minimise conflict during the short-term and temporary construction period.

Point 6 – The proposed option has been developed on the basis of considerations of the ground conditions at the site, the coastal processes and wave activity, to name some of the key issues and constraints. Other options (which may be similar to those noted by the writer) would not maintain the line of the defence for the intended

life of the project. The volume and height of any defence would need to be significantly greater, which would require greater volumes of material. Using the shingle material itself would remove the naturalness of the shingle ridge, and would not provide sufficient material. The various options considered are described and detailed in Section 4 of the ES, of those rock revetment/concrete flood wall options were considered, however the volume/cost of material required to meet the required standard of protection was outside of the available budget, and would also have resulted in additional potentially significant environmental impacts of a greater scale than the proposed scheme.

Overall, we understand the concerns the writer has regarding maintaining the status quo. Unfortunately we are working with a natural system (that is removing material from the area) in a designated area, with limited resources. The option presented provides long-term property protection with as little disturbance to the area as possible. Any other options that provide the same level of protection and function would be significantly greater in scale, more disturbing, and significantly more costly. Alternative options that were appraised to protect Stolford from tidal inundation included a rock armour revetment (along the same alignment as the proposed Hillblock option) and a rock armour revetment with a concrete flood wall. All combinations that were assessed, modelled and optimised were disproportionately expensive compared to the level of protection offered. They were therefore discounted on this basis. The scheme maintains the line of scrub behind the secondary bank (which is used by rare bat species), and enables the shingle ridge and intertidal habitats to evolve naturally, whilst providing compensatory habitat at Steart. Steart Marshes is a scheme where managed realignment has been carried out by the Environment Agency to enable habitats to evolve naturally so that those lost (such as at Stolford) are replaced.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
CC2	Flood Risk Management
CC6	Water Management
NH1	Historic Environment
NH10	Development in proximity to Hinkley Point Nuclear Power Stat
NH1	Historic Environment

NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement

Retained saved policies of the West Somerset Local Plan (2006)

T/6	Public and Communal Car Parking in Villages
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Determining issues and considerations

- The key considerations in this case are as follows
- Principle and public benefit
- Landscape visual impact and character impact
- Ecological impact
- Highway considerations
- Impact on local amenity including local residents and recreational use
- Other matters such as archaeology, flood risk, and other legislation

PRINCIPLE

The West Somerset Local Plan and the Saved Policies contained in the former Local Plan lay a presumption in favour of sustainable development and a presumption against development in the open countryside unless it can be demonstrated that there are exceptional reasons for doing so such as to protect local communities and land management. Sustainable development in this case can cover a range of factors such as protection of property from flood risk whilst also supporting and mitigating any harm to ecology or landscape.

The works now proposed fit into a pattern of necessary works set out in other documents such as the Severn Estuary Flood Risk Management Strategy and the North Devon and Somerset Shoreline Management Plan.

In recent years the shingle ridge has become very narrow and at risk of breach at Stolford. The vulnerability of the shingle ridge and rear embankment to a breach is increasing due to the impacts of climate change and accelerated sea level rise. If a breach were to occur then 20 properties within Stolford and approximately 70 hectares of agricultural land would become inundated and the only road in and out of the village would become impassable for all road vehicles. This would happen regularly until emergency repairs to the breach could be carried out. Recycling and replenishment of the shingle ridge by the EA has had to be carried out more frequently and such works in any event provide a less robust defence against flooding than any naturally occurring shingle ridge. These recycling activities will become increasingly ineffective and uneconomical over time.

Consequently the EA is now seeking solution for the frontage that will allow the implementation of a longer term, more sustainable flood protection for the village and this part of the coastline.

In this case provided the harmful impact of any such work can be ameliorated it is considered the principle of flood defence works are both necessary and agreed. The applicants need to demonstrate this is the case through their Environmental Impact Assessment.

LANDSCAPE AND VISUAL IMPACT

The key policy consideration here is Policy NH5 which requires that any development should be located and designed in such a way so to minimise adverse impact on the quality and integrity of that local landscape character area. The impact of the works will be significant locally in as much as they will result in the widening and re-profiling of the existing earthen secondary embankment protecting the village as well as marginally increasing its height. The current earthen bank will be changed to more of an engineered structure on the seaward side with a block work revetment using 300mms square blocks with a rock armour toe. The change in appearance from the current grassy bank and shallow dip will be marked and have an undoubted visual impact. That said the impact over a distance of 180 metres in length and 30 metres in width will be small compared to the overall scale of the coastline and the overall width of the foreshore coupled with the shallowness of the feature in terms of the slope.

The works can also be balanced against the long term re-profiling of the artificially maintained shingle bank which in itself is a stark and unnatural looking feature. The existing shingle bank over time will disperse and the resulting wider embankment will create a gentler land form on the foreshore area. Whilst the works when viewed close to will be significant it is considered that in wider landscape impact or character terms the effect will be less noticeable and more acceptable. Overall subject to appropriate landscaping and reinstatement particularly on the landward side it is considered that the proposal will be acceptable from a landscape point of view. This view is supported by the applicant's Landscape and Visual Impact Assessment and no objections have been submitted by the Council's landscape advisor. The concerns on this point raised by the local objector have been noted but the importance of getting in place a robust and effective structure does outweigh the localised landscape harm on this occasion.

Within the applicant's Landscape and Visual Impact Assessment (LVIA) the point is made that this section of coastline has multiple examples of flood defence work with other similarly engineered structures. Whilst the impact of the works on the seaward side will be locally marked the impact when viewed from the village and landward side will be less noticeable as the grassy bank and scrub vegetation will be retained. The reasonable conclusion reached by the LVIA is that the embankment which is built to last at least 50 years will have a less natural more engineered look than the existing bank and take some time to blend in with the landscape. The proposals will result in adverse effects; some natural, some manmade but these are however fairly local and not considered to be significant adverse effects.

ECOLOGY

The site contains a significant degree of ecological interest for both fauna and flora. The area is covered by a number of European Directives under the Habitats Directive and the Birds Directive. These set out Special Areas of Conservation and Special Protection Areas. Flowing from these designations the Habitats Regulations 2010 set out under Regulation 61 the procedure for the assessment of the implications of plans or projects on European sites particularly where the works are not specifically aimed at the conservation of those sites and area for ecological benefit.

There are 4 basic steps to the Habitats Regulations Assessment process i.e. –

1. Screening or likely test of significance (TOLSE)
2. Appropriate assessment
3. Assessment of alternative solutions
4. Imperative reasons of overriding public interest

The ES report above sets out the key constraints. In this case of course the Environment Agency have their own in house specialist ecological teams. The EA has a joint responsibility to ensure that communities are protected from river and sea flooding as well as at the same time protecting the environment. The works have been subject to detailed consideration by the Council's landscape and biodiversity officer as well as the specialist bespoke advice provided to the Council by the County Council Ecologist. The key policy considerations in this case are NH6 as well as the policies contained in the National Planning Policy Framework (2012). Natural England will also advise on the works and will give their opinion as to whether or not the works will have an adverse impact on protected species.

The ES together with the addendum statement and accompanying Habitats Regulations 'shadow assessment' has been carefully considered by the County Ecologist and the view is taken that overall the works will not be as significant as to warrant a full Appropriate Assessment under the Habitat Regulations. Nevertheless the works will still be subject to the need for mitigation and a strategy of mitigation is suggested for all protected species and plants. It will also be crucially important to ensure that the works themselves only take place during the least sensitive part of the year which in this case will be May to August. Any works outside those parameter dates must be minor works of setting up for example and should be agreed beforehand.

Natural England are still to respond to the TOLSE submitted to them at the time of writing this report. If an Appropriate Assessment is required the County Ecologist considers this can be done and response received in time for the Committee meeting. A verbal update on this matter will be given at the meeting.

HIGHWAY SAFETY

Whilst the Local Plan does not contain any specific highway related policies relevant to the works proposed it is clearly a material planning consideration to ensure that highway safety standards can be maintained. The County Council have published general Standing Advice and this is in line with the advice on highway safety contained in the National Planning Policy Framework (2012). The Highway Authority do not object in principle to the works but express the need to ensure that certain conditions are met as set out above.

The application includes a Traffic Management Plan (TMP). It is also intended to formulate a Construction Environmental Management Plan (CEMP) and to set up a single point of contact as a Traffic Management Co-ordinator whose role it will be to ensure that a system is in place to pilot HGVs to and from the site and to ensure that disruption to local residents and other visitors is kept to a minimum. The TMP suggests a primary delivery route for vehicles and a secondary alternative diversion route for local traffic so as to prevent vehicles meeting each other in the narrow lanes which do suffer from inadequate widths and lack of passing places.

The project envisages a total of 788 vehicle trips (1576 two way movements) over the 16 week construction period. The peak periods will be during the delivery of the Hill blocks used for the revetment of the bund when there could be up to 17 deliveries per day (i.e. 17 laden to site and 17 returning empty from site)

In response to the Highway Authority comments the applicant's agent states the following -

We understand their concerns regarding potential damage to highways that could be caused by construction vehicles. We feel we have addressed the potential issues of conflict between vehicles within the various measures in the TMP (and see above clarifications and responses).

We accept that a Planning Condition for a highway condition survey prior to works commencing should and shall be undertaken. We would be surprised if such a survey needs to extend further than the junction with the C182, given that the C182 is being used by the Hinkley Point C construction traffic that is considerably greater in number than for the Stolford FDS (a peak daily of 34 HGVs compared to the in excess of 500 HGVs at HPC).

The information requested for inclusion in the CEMP is already presented within the TMP and the EAP. These elements will be collated to form the 'CEMP'. However, it is noted that there are no public transport routes that provide access to the site, therefore such a constraint on a short-term and temporary activity is considered to be unnecessary. It is expected that site personnel would car share wherever possible as it is economically beneficial to them. Our measures presented in the TMP are intended to alleviate or avoid potential congestion on the Strategic Road Network (as well as minimising conflict on the minor roads to the site).

The ES presents concerns and issues raised by consultation, with those raised by

the Stogursey Parish Council based on two meetings that had been carried out in 2017. Another meeting with the Parish Council has been organised for the 5th February 2018 to further discuss concerns and provide responses to them. A public meeting is also being carried out in February.

Overall it is considered that subject to the conditions as specified by the Highway Authority the proposal is acceptable. It is inevitable with a project and scale of works of this nature that there will be an element of disruption for local residents and other visitors who wish to use the area for recreational purposes. There are however proposals that are in draft at present but can be firmed up with the agreement of the Highway Authority to mitigate the impact of the works and to limit local disruption. The greater benefit of the community being protected from flood risk over the longer terms is considered to outweigh the short term disruption in this case.

It is understood at the time of writing this report that a meeting has now taken place between the applicant and the Parish Council where the issue of highway safety and safe routing of vehicles to and from the site was discussed. It is likely that further consideration can be given to this by the County Highways department in consultation with this office in agreeing a Construction and Environmental Management Plan.

LOCAL AMENITY IMPACT

A number of local residents will be directly impacted by the works through noise and general disruption. It is however intended that the CEMP referred to above together with other measures such as restrictions on hours of work, lighting and dust control measures can be put in place to minimise this loss of general amenity. The other aspect of local amenity in this case is the potential impact on recreational use. It is however considered that such a use will be able to continue through the time period of the works with temporary diversions of the public rights of way and a continuation of public car parking throughout the works. Clearly the works will have a major impact on the enjoyment of the area during a key summer period but again the longer term benefits that will accrue outweigh such an impact on this occasion. The alternative of rock armour suggested by some local residents will have if anything a greater impact in visual terms and will not be as efficient in managing wave energy as has been demonstrated by the applicants most recently in their discussions with the Parish Council.

Rights of way issues

Further consideration has now been given to these matters on site between the case officer, applicant and the County Rights of Way officer. It is likely that a temporary closure application will need to be made of the England Coast Path with a diversion route for this right of way. Natural England will have to be consulted as the coastal margin (land seaward of the ECP) is also open to the public may be affected.

The County Council rights of way officer in a meeting with the case officer and applicant on site has now verbally confirmed that subject to a more detailed consideration when the application is made for temporary diversion she is satisfied

that an alternative route can be found during the works which will be as commodious as the current route. There may be some minor phasing issues associated with the works which will mean some disruption to footpath users towards the latter end of the works near the car park but this can be managed as it happens at the time and will only be short term.

OTHER MATTERS

Archaeology – the principal archaeological interest in the site was its proximity to records of a submerged forest depicted to the northwest of the site on a 1961 OS map. In addition borehole studies of the deposits beneath the beach adjacent to the site have recorded up to four layers of peat separated by alluvial clay deposits. These have been radio carbon dated as ranging from between 7000-3500BP. Consequently a scheme of investigation including trial trenching has taken place. These investigations have shown there is a peat deposit that is most coherent towards the southeast part of the site. Notwithstanding this the degree of depth of works is unlikely to have any impact on the buried soil beneath and any paleo environmental importance.

Heritage assets – Whilst Stolford village itself is not covered by a Conservation Area it does contain three Grade II Listed Buildings, Seaview, D'Arches and Stolford Farm. The impact on the setting of these buildings has been considered with a conclusion reached that there is no significant adverse impact on the character or setting of these heritage assets.

Flood Risk - The application is accompanied by a detailed Flood Risk Assessment including a sequential and exception test. The FRA also considers the West Somerset and Exmoor National Park Strategic Flood Risk Assessment. The scheme has been designed to provide flood resilience and not exacerbate flood risk elsewhere. Given the responsibilities of the applicant in relation to matters of flood risk it must be assumed that the scheme will be acceptable in detail.

Water framework directive – The WFD was established by the European Commission as a framework for community action in the field of water policy. The WFD requires that all EU Member states must prevent deterioration and protect and enhance the status of aquatic ecosystems. This means that Member states must ensure that new schemes do not adversely impact upon the status of aquatic ecosystems and that historical modifications that are already impacting need to be addressed. An assessment under the WFD usually follows guidelines produced by the EA themselves with a number of stages including taking into account other projects in the area such as in this case the new nuclear power plant under construction at Hinkley Point. An assessment must then conclude if the scheme is compliant or not taken with appropriate mitigation measures. Overall the study and assessment submitted concludes that provided the identified mitigation measures are put in place then the constructing and operation of the Stolford FDS will have a negligible risk of causing direct deterioration in status of the Parrett transitional water body or prevention of achieving EP status for this water body. The mitigation recommendations can be included in a planning condition.

Common Land application for works – a separate application has now been submitted under Section 38 of the Commons Act 2006 to carry out the works involving changes to ground levels, loss of grassland and temporary fencing. The local commoners have been consulted on this application and the application will in turn be determined by the Planning Inspectorate. Confirmation has been received from PINs that an application was received in January and should be determined prior to the time when the works will need to start. To date it appears that no negative comments have been received to the application. The applicant is in consultation with the local Commoners association regarding this matter.

Contractors plant area - there will be a need to use part of the common between the road bridge and the earthen embankment as a secure area for contractors vehicles and plant etc. The Parish Council have noted in their recent meeting with the applicant that hardcore will be laid in this area and have expressed the view that some of this hardcore could be left in place to complement and add to the car parking opportunities at the site. Some concern would be raised in visual terms if this resulted in an expansive area of hardcore but conversely a small area left to provide car parking for say 6-10 vehicles would not have an adverse impact and could be considered of such a minor nature not to trigger a change of use planning application requirement. Details of this can be agreed at a later date as necessary. The contractor's plant area will need to be securely fenced with Herras style fencing during the work. The current line of footpath near the road bridge will not be affected by this plant compound.

CONCLUSION AND PLANNING BALANCE

The Stolford FDS the subject of this application will have an environmental impact particularly in relation to visual appearance of the area and short term traffic impact during construction. It is considered that the ecological impact on this important area can however be successfully mitigated and subject to appropriate conditions regarding this and other matters the proposal is acceptable given the overall public benefit that will accrue with a long term flood risk solution in place.

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



Application No 3/32/17/015
Replacement and improvement
of sluice and outfall with
protection of the rear
embankment
Little Arch Sluice, Gorpit Lane,
Stolford
Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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Easting: 323377 Scale: 1:1250
Northing: 145892

REPORT FOR THE WEST SOMERSET PLANNING COMMITTEE, 22 FEBRUARY 2018

Objection to West Somerset District Tree Preservation Order T/3/134, (Brushford No.1) 2017, land north of 2 Orchard Cottages, Brushford.

The Tree Preservation Order protects one birch tree, two oaks and four beech trees. The birch, oaks and one beech are on the site of a proposed development, under application 3/04/17/010. The remaining three beech trees are on land to the west, called The Pound.

RECOMMENDATION

It is recommended that the Tree Preservation Order is confirmed, unmodified.

Background

The Tree Preservation Order (TPO) was served on 13 October 2017.

The grounds for serving the TPO was stated as follows:

A planning application has been submitted (3/04/17/010) to develop the land north of 2 Orchard Cottage. It is considered that the trees have amenity value. The TPO aims to ensure that the trees shown to be retained are protected, and that the large beech trees on the land to the west of the development are protected, in anticipation of pressure to prune or fell if planning permission is granted.

Procedure

A Tree Preservation Order comes into force on the day that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the Council. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision whether to confirm a TPO that raises objections is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

Representations

An objection to the TPO was received by email on 23rd October, from Mrs Courtnell, owner of The Pound, and therefore three of the protected beech trees. (No objection to the TPO was received from the owner of the development site).

The reasons given for objection can be summarised as follows:

- a) Prior to the development application, the trees had not been classed as having a high amenity value, and had not been protected by the council with a TPO.
- b) The owner has no intention of felling the trees, and would not be swayed by pressure from neighbours.
- c) The owner would like to be able to carry out management works to the trees without the need to seek permission from the council.
- d) Minor pruning would not affect the visual impact of the trees.

Determining Issues and Considerations

The TPO protects seven trees. All seven trees appear to be healthy, and have amenity value. Four of the trees are on the site of a proposed development for two new houses, under application 3/04/17/010. It is understood that this development application has been recommended for approval. The four trees are on the boundaries, and are shown to be retained on the development plans, so it is not surprising that the owner of this site has not objected to the TPO. The TPO aims to ensure that these trees are retained and correctly managed in the future.

The objection to the TPO has been raised with respect to the three beech trees on land to the west of the development site, called The Pound. The three trees are mature beech trees, growing near to the northern boundary embankment. Because of their age, species, and elevated growing position, they are visible from a wide area, notably from Brushford New Road, the main road through the village. They appear to be healthy specimens, with no obvious defects.

The beech trees in The Pound were included in the TPO in anticipation that planning permission might be granted for new dwellings on the adjacent plot. This raised two concerns:

- a) The beech trees are large, mature specimens that will cast shade and shed leaves and beech mast. If planning permission is granted, there may be pressure from the occupants of the adjacent new house, to prune or fell the trees.
- b) If planning permission is granted, The Pound might also be considered a suitable site for development, thereby threatening the beech trees.

In response to the points raised by the objection:

- 1 Tree Preservation Orders are generally served when there is a known or perceived threat to trees. High quality trees in the district are not automatically protected by TPO, even though they may be worthy of protection.
- 2 Although it is good to hear that 'there is no intention to fell the trees', the council can only be sure that the trees are protected by the serving of a TPO.
- 3 A TPO application would be required to prune the trees (unless removing dead or dangerous branches). However, the application process is straightforward, the form is not lengthy and there is no charge. It would not be good for the health of the trees to be frequently pruning them, so the number and frequency of applications should be low.
- 4 It is agreed that minor pruning would probably not harm the health or visual impact of the trees. However, the TPO aims to ensure that any management works that are carried out are in accordance with the recommendations in British Standard 3998 (2010), and are therefore professionally executed and not excessive.

A site meeting was held by the owners and Tree Officer on 16th November, at which some management works (to prune low branches) were agreed in principle, subject to an application being made.

It is therefore recommended that the Tree Preservation Order is confirmed, unmodified.

Note: Dead or imminently dangerous branches can be removed from the trees, subject to written notice to the council, giving the council up to 5 days to respond.

Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/04/17/014	Chilcotts Nightcott, Nightcott Lane, Brushford, Dulverton, TA22 9RT	Replacement of extension with erection of two storey extension and additional outbuilding	24 January 2018	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/04/17/015	25 Nicholas Close, Brushford, Dulverton, TA22 9AN	Conversion of garage to living accommodation with erection of first floor extension above	29 January 2018	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/06/17/001	The Old Rectory, Clatworthy, Taunton, TA4 2EQ	Erection of a powder coated aluminium glasshouse	18 January 2018	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/18/17/008	Sunnyside, Millands Lane, Kilve, Bridgwater, TA5 1EB	Replacement of porch (retention of works partly undertaken)	30 January 2018	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/112	Radley, Market House Lane, Minehead, TA24 5NW	Removal of the existing sliding doors and replacement with metal bi-folding doors and painted metal window and door set	18 January 2018	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/124	Maples, Ellicombe Lane, Alcombe, Minehead, TA24 6TR	Outline application with all matters reserved, except for means of access, for the	01 February 2018	Refuse	SK

erection of 2 No.
dwellings within the
garden (resubmission
of 3/21/17/026)

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/126	Briar Rose, Bircham Road, Alcombe, Minehead, TA24 6TW	Erection of single storey side extension	18 January 2018	Grant	SW
3/21/17/127	Flat 2, Merton Place, Western Lane, Minehead, TA24 8BZ	Replacement of bay window	26 January 2018	Grant	SW
3/21/17/131	22 Exmoor Way, Minehead, TA24 8AZ	Erection of a single storey side extension to the south west elevation	05 February 2018	Grant	SW
3/26/17/025	32 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JD	Erection of conservatory to the rear elevation	22 January 2018	Grant	SW
3/37/17/028	19 Liddymore Road, Watchet, TA23 0DT	Erection of garage to the rear	23 January 2018	Grant	SW
EUA/39/17/00 1	Bowhays Cross, Smithyard Lane, Willition, TA4 4NN	Erection of a 11kV switchroom	07 February 2018	Grant	DA
HPN/32/17/00 1	13 Vicarage Road,	Erection of rear single storey extension with flat	30	Prior	SW

Stogursey,
Bridgwater, TA5
1RD

roof. The extension will extend 6m from the rear of the dwelling, with a height of 3.5m (including rooflights) and an eaves height of 3m as specified by the following submitted details:
Application form, proposed site plan and block plan, proposed floor plan and elevations

January 2018 approval not required

Ref No.	Application	Proposal	Date	Decision	Officer
PRE/02/17/00 2	Combe Shorney Farm, Ashland Lane, Brompton Ralph, TA4 2SB	Erection of five-bed, five-bathroomed two-storey dwelling, conversion of existing bungalow into a garage and workshop, replace one of the barns with an office/gym, creation of new driveway across a field, erection of a barn to store agricultural vehicles	31 January 2018	Advice Given	SK