



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 17 January 2018

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 25th January 2018

Time: 4.30 pm (there will be a planning training session starting at 3.30pm)

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.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Democratic Services on 01823 356573.

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 25 JANUARY 2018 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 14th December 2017 - **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: Eight

Date: 17 January 2018

<u>Ref No.</u>	<u>Application/Report</u>
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
3/21/17/113	Display of 6 No. non-illuminated lectern and wall mounted interpretation panels. The Esplanade, Minehead, TA24 5BE
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
3/05/17/012	Variation of Condition No. 02 (approved plans) of application 3/05/14/011. Land north of Church Lane, Carhampton
3/05/17/013	Erection of 1 No. additional detached dwelling. Land north of Church Lane, Carhampton
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 6RF
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

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

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

8. **Appeals Lodged**

No appeals lodged

9. **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).

10. **Next Committee date** – 22nd February

11. **Reserve date for site visits** – Monday 19th February

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 14 December 2017 at 2.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor I Aldridge
Councillor S Dowding
Councillor A Hadley
Councillor B Heywood
Councillor I Jones

Councillor P Murphy
Councillor J Parbrook
Councillor K Turner
Councillor R Woods

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Planning Officer (Heritage) – Elizabeth Peeks
Legal Advisor – Nick Hill – Shape Partnership Services
Democratic Services Officer – Tracey Meadows

P53 Apologies for absence

There were apologies for absence from Councillors S Goss, K Mills, C Morgan, T Venner.

Substitution

Councillor A Hadley for Councillor K Mills

P54 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 2 November 2017 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor Turner, seconded by Councillor Hadley

The **motion** was carried.

P55 Declarations of Interest or Lobbying

Councillor Hadley declared a Personal Interest regarding application No's 3/21/16/075 and 3/21/16/076. He declared that he would not participated in the debate or vote on these applications but would like to speak as a Minehead member on application No. 3/21/16/076. He declared that he would leave the room when the application was debated and voted on. Councillor Maitland-Walker declared a Personal Interest regarding application No. 3/05/17/011, she declared that she would leave the room whilst the application was discussed and voted on.

P56 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P57	3/21/17/088	Outline application with all matters reserved, except for means of access, for the erection of 1 No dwelling and associated works to the south. Land to the rear of 44 The Avenue, Minehead			
P57	3/21/16/075	Application No 3/21/16/075 – Erection of 17 No dwellings with conversion of the main Listed former school building into 14 No flats (6x2 beds + 1 bed). The 17 No dwellings are comprised as follows; 1x2 Gate House single storey 2 bed dwellings, a terraced of 5 two storey dwellings (1x4 bed +4x3 bed, a pair of semi-detached two storey dwellings J&K, (1x4 bed and 1x3 bed) plus L&M (2x3 bed) and 4x Eco styled detached dwellings, C&D (2 beds) and N&O (4 beds) Periton Mead, Minehead			
P57	3/21/16/076	Conversion of the listed building into 14 flats (6x two-bed flats and 8 X one-bed flats). Periton Mead, Periton Road, Minehead	Cllr Hadley Mr T Dunkley	Member of Minehead Agent	Objecting Infavour
P57	3/05/17/011	Erection of two storey side extension. 1 Tanyard, Carhampton,			

		Minehead			
P57	3/05/17/015	Installation of waiting bay (resubmission of 3/05/17/008). Fourways, Carhampton, Minehead			
P57	3/21/17/095	Conversion of 3 No. first floor flats into 6 No. 1 bedroom flats with associated parking and removal of chimney. Flats 5, 9 & 11 Tythings Court, Minehead			
P57	Miscellaneous Report	Affordable Housing site in Huish Lane, Washford			

P57 Town and Country Planning Act 1990 and Other Matters

Report seven of the Planning Team dated 6 December 2017 (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

3/21/17/088 - Outline application with all matters reserved, except for means of access, for the erection of 1 No. dwelling and associated works to the south. Land to the rear of 44 The Avenue, Minehead

The Member's debate centred on the following issues;

- Disappointed that the Ambulance service had not responded;
- Comments from the Fire Service need to be sent to the applicant;
- Concerns with the access to the site;
- Brown site fill in;
- Concerns with public safety;

Councillor Turner proposed and Councillor Murphy seconded a motion that the application be **Approved**

The **Motion** was carried

Reference **Location, Proposal, Debate and Decision**

3/21/16/075 – Erection of 17 No. dwellings with conversion of the main Listed former school building into 14 No. flats (6 x 2 beds + 8 x 1 bed). The 17 No. dwellings are comprised as follows; 1 x 2 Gate House single storey 2 bed dwellings, a terrace of 5 two storey dwellings (1 x 4 bed + 4 x 3 bed), a pair of semi-detached two storey dwellings J & K, (1 x 4 bed and 1 x 3 bed) plus L & M (2x 3 bed) and 4 x Eco styled detached dwellings, C & D (2 beds) and N & O (4 beds) Periton Mead, Minehead

Reference **Location, Proposal, Debate and Decision**

Application No. 3/21/16/076 – Conversion of the listed building into 14 flats (6 x two-bed flats and 8 x one-bed flats). Periton Mead, Periton Road, Minehead

Comments by members of the public;

- Concerns with the lack of affordable housing;
- Concerns that the West Somerset Local Plan was being ignored;
- Concerns with the loss of green open space and higher house prices;
- Realignment of the grass crete road would be an improvements to the site;
- The scheme submitted would enhance and protect the site;

The Member's debate centred on the following issues;

Councillor Dowding arrived just before the vote of this application.

- A strong message needs to be sent out to developers that we want what was in our Local Plan;
- We need to be pragmatic about this application. The site was derelict, if we refuse this application the site would not be developed;
- The site should consist of 35% Affordable Housing;
- The building should not be left to fall into disrepair, we had a right to force the owners to maintain this Listed Building;
- Flooding issues;
- Application needs to comply with the Exmoor National Park lighting policy;

Councillor Parbrook proposed and Councillor Woods seconded a motion that both applications be **Approved** with an amendment to the additional conditions as set out in the Late Correspondence Sheet. These should read as below;

- There should be no occupation of the **8th** (10th) new build dwelling until all repair works to the listed building (as set out in submitted application and the Heritage Statement) and including the installation of the hereby approved replacement windows have been completed;

- No more than 15 of the new build dwellings shall (**not** removed) be occupied until all of the proposed landscaping and formal gardens and the courtyard have been provided;
- Additional condition for the maintenance of the garden;

The **motion** was carried

Reference Location, Proposal, Debate and Decision

**Application No. 3/05/17/011 – Erection of two storey side extension. 1
Tanyard, Carhampton, Minehead**

The Member's debate centred on the following issues;

- Extension not in keeping with the existing building;
- This was an attractive extension;

Councillor Murphy proposed and Councillor Jones seconded a motion that the application be **Approved**.

The **motion** was carried

Reference Location, Proposal, Debate and Decision

**3/05/17/015 – Installation of waiting bay (resubmission of 3/05/17/008),
Fourways, Carhampton**

Comments by members of the public;

- The property does not have any car parking provisions, the proposed installation would make a safe parking haven for the applicants;
- Waiting Bay would improve visibility to neighbours;
- Improvement to Highway safety;

The Member's debate centred on the following issues;

- This bay would improve visibility and traffic flow;
- Concerns that the property has no access;

Councillor Aldridge proposed and Councillor Dowding seconded a motion that the application be **Approved** with added conditions that the natural stone finish for the retaining wall at the rear of the hereby approved waiting bay shall match in colour, style, bonding and texture the existing stone wall to be retained and the waiting bay shall only be used by vehicles in association with the property known as Fourways.

The **motion** was carried.

Reference Location, Proposal, Debate and Decision

3/21/17/095 – Conversion of 3 No. first floor flats into 6 No. 1 bedroom flats with associated parking and removal of chimney. Flats 5, 9 and 11, Tythings Court, Minehead

Councillor Heywood arrived at the start of this item.

The Member's debate centred on the following issues;

- A condition for charging points should be added should this application be approved;
- Concerns with the internal size of the properties;
- Parking issues;
- There was a demand in Minehead for 1 bedroom units;
- Over development of the site;
- Storage area needed on site for bins and recycling;

Councillor Turner proposed and Councillor Heywood seconded a motion that the application be **Approved** with conditions to be delegated by Officers.

The **motion** was carried.

Miscellaneous Report – Affordable Housing site in Huish Lane, Washford

Outline planning application for the erection of 6 dwellings, access, public footpath/cycleway and associated works at The Nursery Site, A39, Washford and 3/26/14/026 - Outline planning application for the erection of up to 10 dwellings, access, replacement allotments, public car park and associated works at Land north of Huish Lane, Washford

Reported that in April 2016, the Planning Committee considered two linked planning applications for residential development in Washford. As the two applications were separate, with the open market housing being on one site and the affordable housing on a different site, it was necessary to secure a legal obligation to ensure that affordable housing was delivered as part of the overall development. It was considered that it would not be acceptable for just the open market housing on the nursery site to be delivered without assurances that the affordable housing on the allotment site would also be delivered in a similar timescale.

The applicants submitted a Unilateral Undertaking that included a requirement that prior to the commencement of development on either site, that they would enter a contract with a Registered Provider (RP) for the disposal of the affordable housing land as either a freehold or long leasehold interest. This mechanism allows for the development of the nursery site to take place, but not before the allotment site has been sold to an RP. It was considered that once the nursery site was in the ownership of an affordable housing provider, there was a degree of certainty that affordable housing would be provided on that site.

The owners now wish to dispose of both sites but the Council's preferred developer Falcon Rural are not in a position to immediately acquire the nursery site. To minimise delays whilst staying with the preferred developer, the owners have offered Falcon Rural a 12 month Option to acquire the allotment site at an agreed fee to deliver the affordable housing. However, they would like dispose of the nursery site for the open market housing prior to completing the sale of the allotment site to Falcon Rural.

The owner's solicitor has requested a letter from the Planning Authority to confirm that the completion of an Option with Falcon Rural will satisfactorily discharge the obligation to provide the affordable housing by an RP and allow for the market site to be disposed of.

Recommendation

The that Planning Committee agree to providing written confirmation that the completion of an Option with Falcon Rural will satisfactorily discharge the obligation to provide the affordable housing by an RP and allow for the market site to be disposed of.

The Member's debate centred on the following issues;

- Falcon were well known in the area and looked after their tenants;
- Who would be responsible for the removal of the allotments;
- Sewage problems on the site;

Councillor Turner proposed and Councillor Aldridge seconded a motion that the variation be **Approved**

The **motion** was carried

P58 Exmoor National Park Matters

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 5 December 2017 of the Exmoor National Park Planning Committee. This included:

- 6/14/17/102 - Proposed change of use of agricultural land to proposed burial mound, Emmetts Grange House, Simonsbath, Somerset - Refused
- 6/8/17/111 - Proposed part change of use of existing toilets to office (B1a) storage (B8) Gym (D2) together with external alterations. (Full) – Wheddon Cross Toilets, Car Park (The Rest and Be Thankful Inn), Wheddon Cross, Somerset – Approved
- 6/8/17/110 - Proposed erection of agricultural building. (Full) – Putham Farm House, Cutcombe, Somerset – Approved
- 6/14/17/105 - Proposed installation of a telecommunications pole and ancillary equipment (3m high pole). (Full) – Land near Halscombe Plantation – Approved
- 6/41/17/103 - Proposed demolition of existing single storey extension at southern end of building and erection of two storey extension and construction of single storey extension to rear elevation (west). Demolition of existing shed in rear garden and erection of new outbuilding. (Householder) – 3 Cogan Cottages, Withycombe, Somerset – Approved

No appeals lodged

Higher Court Farm Appeal dismissed

P59 Delegated Decision List (replies from Officers are in italic)

No queries raised

P60 Appeals Lodged

Appeal against the refusal of planning permission for the erection of a porch to the front elevation at 55 Cleeve Park, Chapel Cleeve, Old Cleeve, TA4 6JF (application 3/26/17/009).

Appeal against the refusal of planning permission for the erection of a porch to the front elevation (amended scheme to 3/26/17/009) at 55 Cleeve Park, Chapel Cleeve, Old Cleeve, TA4 6JF (application 3/26/17/015).

P61 Appeals Decided

Appeal against the refusal of listed building consent for the replacement of sash windows to slimlite double glazed sliding sash windows to the front elevation at 10, 10A and 10B The Parks, Minehead, TA24 8BS (LBC application 3/21/16/124) – appeal dismissed.

Appeal against the refusal of the change of use of land and building from equestrian stabling to Class C3 (dwelling) and associated building and engineering operations at The Stables, Chilcombe Lane, Bicknoller, TA4 4ES (planning application 3/01/16/003) – appeal dismissed.

The meeting closed at 4:59pm

Application No:	3/37/17/020
Parish	Watchet
Application Type	Outline Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	Easting: 308061 Northing: 142504
Applicant	Mr Mead
Proposal	Outline Planning Application with all matters reserved for a residential development of up to 250 dwellings
Location	Liddymore Farm, Liddymore Lane, Williton, Watchet, TA23 0UA
Reason for referral to Committee	

Recommendation

The decision to GRANT OUTLINE PLANNING PERMISSION be delegated to the Assistant Director Planning and Environment subject to the planning conditions recommended below and the completion of a Section 106 legal agreement (or other suitable mechanism) to secure the following:

- An appropriate mix and tenure of affordable housing at a rate of 35% of the total number of dwellings provided.
- A financial contribution to Early Years education for 13 places at £14,175 each (£184,275).
- Provision and maintenance of on-site play and open space (including Biodiversity off-set)
- A financial contribution of £25,000 towards cycling provision, linking the site to Doniford Road to the east.

Recommended Conditions (if applicable)

- 1 Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 Prior to occupation of the building(s), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses / To ensure the adequate provision of drainage infrastructure.

- 3 No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Detailed drainage layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drainage calculations that demonstrate there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Consideration of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Demonstration of how the first 5mm of rainfall (or 'first flush') will be managed to promote infiltration/evaporation/evapotranspiration, and with focus on the removal of pollutants;
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Demonstration of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Confirmation of agreement in principle of proposed adoption and

- maintenance arrangements for the surface water drainage system;
- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Demonstration that appropriate access is available to maintain drainage features, including pumping stations.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

- 4 A report detailing the intrusive site investigation based on the risk assessment, prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority.

If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with relevant policies and paragraphs 120-122 of the National Planning Policy Framework.

- 5 No development (other than that required by this condition) shall be undertaken on site unless a programme of archaeological work, including excavations, has

been implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme.

Reason: To ensure the preservation of archaeological remains. Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests

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

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when dormice, reptiles and nesting birds which could be harmed by disturbance
- Measures for the retention and replacement and enhancement of places of rest for bats, birds and reptiles
- A minimum of 2.12 hectares of long sward grassland and other habitat suitable to produce an abundance of moths will be created that is accessible to bat species
- Details of lighting
- A Landscape & Ecology Management Plan (LEMP) that includes:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) On-going monitoring for barbastelle bats and remedial measures.
- and Construction Environment Management Plan (CEMP)

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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes, bird boxes and reptile hibernacula and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

- 7 No work shall commence on the development site until drawings have been submitted and approved in writing by the Local Planning Authority detailing an agreed properly consolidated primary access into the site a minimum of 5.5m wide (with agreed footways) with visibility splays of 2.4m x 43m. Such design will be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure that the site has a suitable access.

- 8 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.

Reason: In the interests of highway safety and to ensure that the site has a suitable access.

- 9 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.

Reason: In the interests of highway safety

- 10 The developer 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 works commence and thereafter maintained until the completion of the construction.

Reason: In the interests of highway safety

- 11 Prior to the commencement of any phase of the development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote

sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety and to reduce reliance on the private motor car.

12 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;
- 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

Informative notes to applicant

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

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.

Dormice are known to use the building(s) as identified in Green Ecology's report, dated August 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.

NE requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence.

Proposal

This is an outline planning application for up to 250 residential dwellings with all matters reserved for future consideration. The site is located on the south eastern side of Watchet at the end of Liddymore Road, which is shown on the indicative masterplan as being the point of vehicle access.

Although access is a reserved matter, 3 options have been put forward that all use the existing access to the Knights Templar Church of England Primary School with a new junction to be provided alongside a new proposed school entrance. These options are:

- A new T junction with the priority going to the development and footways provided. School drop off and pick up would take place on the new street.
- A new T junction as above, but with a dedicated layby for school drop off and pick up.
- A mini roundabout at the junction with the school drop off and pick up operating as per the first option (on-street).

All 3 of the above options would involve the removal of the existing barrier at the end of Liddymore Road which prevents general vehicle access to the school.

The indicative masterplan that has been submitted with the application shows a primary street running across the lower part of the site and looping around the centre to re-join itself. A green corridor stretching from Liddymore Road to Liddymore Lane is shown and this would also include water attenuation basins and woodland areas. Built development would be to the north and south of the primary street and green corridor, with higher densities in the centre of the site and slightly lower density at the edges and higher ground. On-site play areas are shown at the site entrance by Liddymore Road, in the centre of the development and also on the south eastern fringe.

On-site affordable housing is proposed at 35%. If the full 250 dwellings were to be constructed, this would equate to 87.5 affordable homes.

The proposal have been through a pre-application process that has included meetings with the Highway Authority, Member briefings on the process being followed and the early proposals being presented to the South West Design Review Panel. Community consultation also took place prior to the submission of the

application which included discussion with the Knights Templar Church of England Primary School.

A phasing plan has been submitted with the application which indicates that the overall site would be delivered in 4 phases, with the first phase at the entrance to the site at Liddymore Road and including some of the surface water attenuation.

Site Description

The site is greenfield and in an agricultural use, with residential development to the north and west. Liddymore Farm is on part of the eastern boundary, with open fields beyond. The Southern boundary is also open fields and rises from 23m AOD in the north east, to 43m AOD in the south west. The land continues to rise to the south to a high point of 76m AOD.

The site has an area of approximately 11 hectares (27 acres) and is bordered by mature hedgerows and some trees. A drainage ditch runs across the lower part of the site in an east/west direction from Liddymore Road to Liddymore Farm, but the entire site is in Flood Zone 1 - which has a less than 1 in 1,000 annual probability of river or sea flooding.

Running through the southern part of the site is a hedgerow that effectively splits this part into two fields. The northern part of the site is also separated by a hedgerow and is split into 4 smaller fields. There are a number of Public Rights of Way that cross the site in both an east/west and north south direction.

Relevant Planning History

There is no relevant planning application history to this site, but it was promoted as part of the local plan examination, and although not allocated, it was considered that it would be deliverable and could be relied upon as an identified site contributing towards the five year deliverable supply of housing land.

Consultation Responses

Watchet Town Council –

The Committee would like to comment that the proposals do not comply with various policies mentioned within the Applicant's Planning Report produced by Collier. For example, taking just two of the policies:

WA1; the proposals do not “support and strengthen a local service and employment centre or enhance the attractiveness of historic character and heritage assets as a tourist destination”; and,

SC1; the scale of the proposal is not “in proportion to the role and function of the development....”

The Committee does not feel that the proposed vehicular routes and accesses are safe, especially in relation to the nearby school, and there are no plans for any additional infrastructure and services to support the additional significant increase in the population of Watchet as a result of such a large development. The Committee reserves the right to make further comment as more information is received.

Williton Parish Council –

- Williton Parish Council do not want any traffic going past St Peter's School and Danesfield School, during school hours.
- Councillors would like to see a footpath extended to Casino Road to give safe pedestrian access to Casino Road and The Paddocks (Aller Meade Way)
- Debris on road from a building site would raise Health & Safety concerns.
- Doniford Road is viewed as a dangerous road at present, without the extra traffic.

Highways Development Control –

I refer to the above planning application received on 12th September 2017 and have the following observations on the highway and transportation aspects of this proposal:-

The application proposes up to residential 250 dwellings. The proposal sits off a private road which is served by the unclassified Liddymore Road in Watchet.

For clarity, the Highway Authority raises no objection in principle to the current application.

TRANSPORT ASSESSMENT

The submitted application included a Transport Assessment (TA) which has been analysed.

TRICS shows different results to the figures quoted in the text, with the text understating trip generation by 7 vehicles in the AM Peak and 8 vehicles in the PM peak. Whilst this should be revised for any future resubmission, the discrepancy will not affect the conclusions of the TA.

Trip distribution has been calculated based on 2011 National Census Travel to Work data, however how the distribution has been calculated has not been demonstrated.

The distribution anticipates the vast majority of traffic to pass through the centre of Watchet, presumably associated with Watchet itself, Minehead, Taunton, etc as

opposed to predominantly using Doniford Road for travel to Bridgwater and the M5 north. This is considered to be robust for the purposes of this TA. Information on how the distribution was calculated should be provided in any future submission.

Base year traffic flows were obtained from an October 2016 traffic count of the relevant junctions.

The Transport Assessment included a committed development and a proposed development in close proximity to this current proposal which was included as background growth in traffic forecasts calculated using TEMPro adjusted for committed development for 2017 and 2022.

Whilst growth factors shown within the TA have not been able to be matched in TEMPro following the methodology set out in the TA, they are still considered to be robust where the conclusions would not be affected. However, the applicant could provide further detail as to how the TEMPro growth factors were calculated and adjusted for committed development.

PICARDY 9 was used to produce the junction modelling for three of the model junctions that were submitted for review. The methodology and geometries within the models appears acceptable, and therefore suitable for the purpose of this assessment. The TA also considered the link capacity of Liddymore Road, where it's viewed that a two-way flow of around 350 vehicles per hour would remain within capacity.

On reviewing the TA, whilst there are minor inconsistencies and omissions, the PICARDY modelling appears to be acceptable where junction capacity issues appear unlikely as a result of the proposal. Whilst it is acknowledged that traffic flows will increase locally and in particular on Liddymore Road, it isn't thought that the impacts can be considered as severe.

Whilst there are some errors within the TA it is not considered to be a reason for a recommendation of refusal on traffic impact grounds.

TECHNICAL & SAFETY AUDIT

Whilst it is anticipated that the development will be offered up for adoption to the Highway Authority, the applicant should be made aware that the internal layout of the site may result in the laying out of a private street and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code.

Considering that the proposal is an outline planning application with indicative plans, at this stage the applicant should be made aware of the following:

The Road Safety Audit has considered the two Highway Options submitted by the applicant. It is in the opinion of the Highway Authority that option 02b provides a better solution regarding the potential safety issue of school drop off times.

The proposed school drop off zone allows vehicles to move off the carriageway and

allow traffic to continue along Road 1. It is thought without the drop off zone vehicles would be encouraged to park along the carriageway and thus reducing the overall width for the two-way traffic.

It is noted that no visibility splays have been demonstrated by the applicant in drawings 162387-GA-04 & 162387-GA-06 for any of the uncontrolled crossings at this time. An 'x' distance of 1.5m will be required for pedestrians and 2.5m for cyclists set back from the carriageway edge where applicable. These should be clearly labelled on a drawing and provided for consideration with the next submission.

The designer should check all visibility splays in the vertical plane to ensure the views in the horizontal plane are not compromised.

Planting within visibility splays must not exceed 260mm when fully mature. It should be noted that this refers specifically to highway infrastructure covered within any Section 106/278 Agreement. Requirements within the Section 38 Agreements are different, notably 300mm for those areas to be offered up for adoption.

All land over which visibility splays pass must be available for dedication to the Highway Authority. The current drawing shows the extent of existing highway. A new drawing should be provided indicating the proposed limits and provided for consideration with the next submission.

The proposal put forward is for a simple T junction arrangement for the school access road on to Liddymore Road. This is likely to be acceptable to the Highway Authority.

An 'x' distance of 2.4m is shown (Drawing No: 162387-GA-04 & 162387-GA-06) for the proposed new school access. This is in accordance with Manual for Streets and is acceptable to the Highway Authority. A 'y' distance of 43m is proposed the junction which is in accordance with Manual for Streets table 7.1 and a design speed of 30mph. The envelope of visibility must be obtainable from a driver's eye height of between 1.05m and 2m to an object height of 0.26m (600mm where MFS is applicable).

A swept path analysis in Drawing No: 162387-SPA-01 has been provided for the largest known vehicle to access the development and would appear to make the manoeuvres without any trouble. 10m junction radii have been provided for the new access which appear to accommodate the largest known vehicle to access the development and would be acceptable to the Highway Authority.

Drawing No: 162387-GA-04 & 162387-GA-06 indicate that the access road will be 5.5m in width which is likely to accommodate the largest known vehicles to use this route and would be acceptable to the highway authority subject to any comments made by the S38 Estate Roads Officer from the Highway Authority.

It is noted that a horizontal curve of 60m is to be introduced approximately between chainage 40.00 and chainage 70.00. This would be suitable for a collector road in accordance with the Estate Roads in Somerset Design Guide.

Drawing No: 162387-GA-04 indicates that 1.8m footways will be provided. Although 2m widths are preferable this is likely to be acceptable to the Highway Authority subject to any comments from the Road Safety Auditor and S38 Estate Roads Officer from the Highway Authority.

It is likely that additional parking restrictions will be required along Liddymore Road near the junction of Liddymore Road with the new school access.

It is noted from the drawings provided (162387-GA-04 & 162387-GA-06) that vertical curves of minimum 30m length have been provided along the new development access which is suitable for a Collector Road and in accordance with Estate Roads in Somerset Design Guide. The approach gradient for the school access road on to Liddymore Road should be a maximum 2% uphill gradient over 15m where it connects into the channel line of Liddymore Road.

The proposed design shall be in accordance with TSR&GD 2002 & the Highway Authorities requirements. A review of the proposed road markings shall be undertaken at the detailed design stage. It is envisaged that new signs and variations to the existing signage will be required at the detailed stage, alongside a fully detailed sign schedule.

The design of traffic signs must comply with current legislation (TSR&GD) and design standards (TSM). Failure to provide signs that comply with such requirements may result in the road user not receiving the correct information to enable them to make the appropriate judgment.

RECOMMENDATION AND CONCLUSION

Whilst there is no objection in principle from the Highway Authority it has to be considered that the current application is an outline application which will be subject to a number of recommended conditions to the Local Planning Authority included below:

1. No work shall commence on the development site until drawings have been submitted and approved in writing by the Local Planning Authority detailing an agreed properly consolidated primary access into the site a minimum of 5.5m wide (with agreed footways) with visibility splays of 2.4m x 43m. Such design will be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.
1. 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.

1. 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.
1. 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.
1. 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.
1. 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 before construction commences.
1. 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.
1. 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 works commence and thereafter maintained until the completion of the construction.
1. There shall be an area of hard standing at least 6m 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.
1. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure

the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

1. 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.

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;
- 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.

Biodiversity Officer –

Green Ecology carried out an Ecological Appraisal of the site dated August 2017

This report includes surveys undertaken in 2016 - 2017 in consideration of the findings of An Extended Phase 1 Habitat Survey completed in 2015 (EAD, 2015)

The development will result in the loss of approximately 7.2 ha of improved grassland and 288m of hedgerow alongside the creation of 377m new hedgerow and approximately 0.285ha native woodland.

The Site is located within 6.1 km of Exmoor and Quantocks Oakwoods SAC and potential impacts could arise from increased recreational pressure as well as from

disturbance to barbastelle bats (a primary feature of this SAC). The application, using a precautionary approach, would need to have a 'test of likely significant effect' under the Habitats Regulations.

Please consult Larry Burrows of SCC to request that the Test of Likely significance is carried out.

The creation of approximately 3.62 ha of Accessible Natural Greenspace is to avoid recreational impacts on the Exmoor and Quantocks Oakwoods SAC.

Dormice

The hedgerows on Site are considered suitable to supporting dormice so a dormouse tube survey was setup in August 2016 and completed in July 2017. This involved the placement of 50 tubes at approximately 25m intervals within hedgerows and woodland.

A single nest was found within, hedgerow 4 during the survey. Due to the presence of dormice recorded, and the suitability of existing hedges across the Site for use by dormice, it is considered likely that dormice are present throughout all hedges within the Site.

A dormice EPS licence will need to be obtained prior to any works taking place which may affect hedgerow habitat on site.

I agree that compensatory habitat will be required.

Great Crested Newt Survey

No records of great crested newt are present within 2km of the Site. The slurry pit near to the Site (80m east) included no open water, being dry and therefore unsuitable for great crested newt breeding.

The watercourse on Site was classed as below average" for breeding great crested newt. Within this watercourse, there were only limited areas of slow water flow and it was therefore considered sub-optimal for breeding. A DNA survey found it to be absent of great crested newt DNA.

Great crested newt are therefore considered to be absent from the Site.

Reptile Survey

Surveys to ascertain the likely presence/ absence of reptiles were undertaken following current good practice methodologies. This involved the deployment of 49 artificial refuges (roofing felt) on 1st September 2016 in areas of suitable habitat such as hedgerow bases and small areas of suitable grassland habitat at field edges. Refuges were left to 'bed-in' for 2.5 weeks prior to a series of seven visits in optimal weather conditions.

A total of 12 slow worm were recorded during the seven survey visits within the

centre of the Site as well as the south western corner of the Site. The results indicate that a small slow worm breeding population is present and is likely to be limited to the hedgerow bases on Site.

Badger

Five records of badger are present within 2km of the Site.

An active outlier badger sett was found on site. The sett will be retained within POS with no construction within 30m of the sett. To further prevent disturbance on the sett, it is proposed to plant a 5m wide shelterbelt at 10m radius from the sett

Bats

Seven bat activity surveys were carried out between August 2016 and July 2017. Although the predominant habitat on site was of low value to bats, and bat activity was low overall, a high diversity of species (eleven) was recorded across the site with the highest levels of activity associated with the east-west corridor which forms a continuous green link between the eastern and western boundaries of the Site and links to suitable habitats within the wider landscape via Liddymore Lane to the south east. In addition, Hedgerow 5, which connects this east-west corridor with the southern boundary hedgerow, was also of higher value to bats. Although foraging activity was recorded throughout the Site, the east-west corridor was considered to form the primary foraging area. To ensure continued movement of bats a dark corridor should be maintained.

Birds

The hedgerows on Site are considered to be of local value to a range of breeding bird species, including birds of conservation concern such as house sparrow, dunnock and linnet. Birds of conservation concern which are unlikely to breed on Site but were recorded foraging include house martin, swift, swallow, starling, skylark and kestrel. The potential for ground nesting birds was limited

Vegetation removal should be timed to avoid the breeding bird season, which runs from March to August inclusive. If this is not possible, an ecologist should first check for the presence of active bird nests prior to clearance.

To conclude I agree with the findings of the report that the main impacts from the development are from the introduction of artificial lighting and the removal of hedgerow. Mitigation and compensation has been incorporated to ensure that the design will minimise adverse impacts on ecological features.

Suggested Condition for protected species:

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

Details of protective measures to include method statements to avoid impacts on

protected species during all stages of development;

Details of the timing of works to avoid periods of work when dormice, reptiles and nesting birds which could be harmed by disturbance

Measures for the retention and replacement and enhancement of places of rest for bats, birds and reptiles

Details of lighting

A Landscape & Ecology Management Plan (LEMP) and Construction Environment Management Plan (CEMP)

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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes, bird boxes and reptile hibernacula and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

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

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.

Dormice are known to use the building(s) as identified in Green Ecology's report, dated August 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.

NE requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence.

Housing Enabling Officer –

I note the application and am pleased to see that Summerfield Developments have accounted for 35% affordable housing within the scheme.

I would confirm that I have had initial discussions with both Summerfield and our developing Housing Association partners which will continue until an appropriate Affordable Housing Scheme is agreed.

Housing and Community Project Lead –

I am encouraged to read the developer's intention to facilitate a cycling link through the site to assist the Steam Coast Trail. Given the single access point for vehicles to the site, I would want to see this cycle link extended beyond the site connecting with the wider network of cycle/footpaths, for example to Gas Works Lane/Watchet Hill. Thereby encouraging residents, particularly school children, to walk/cycle to improve their health through exercise (Local Plan Policy CF1, CF2 and NH4) and improve existing local cycle/walking networks (Local Plan Policy TR2).

Planning Policy – comments:

The site lies within 50m of the contiguous built up area and as such complies with the settlement strategy of the adopted Local Plan (policy SC1). The Plan seeks to direct a significant proportion of the plan area's housing growth to Watchet as a rural service centre and crucially the Plan does not allocate all of the sites required to meet the strategic housing requirements.

There was much debate at the Local Plan examination where the promoters of this site (and others) sought to convince the Inspector that in order that the Plan be found sound and capable of adoption additional housing sites should be allocated. This was to provide greater confidence that a five year deliverable supply of housing land could be demonstrated; a key requirement of the National Planning Policy Framework.

The Inspector's conclusions in paragraphs 85 – 87 make clear that in his view this site performs closely in sustainability terms to the identified allocation in Watchet and that consequently development of the site should be considered acceptable in-principle against the strategy promulgated by the adopted Plan:

85. One of the non-allocated sites put forward (WAT6) is an extension of that now suggested by the Council as an early release site (WAT9) and would be developed in a comprehensive manner with that site to provide around 200 dwellings. The other is land to the south of Doniford Road/Normandy Avenue and could accommodate about 150 dwellings.

86. Both sites have been subject to quite detailed appraisals and master planning,

the results of which have been submitted in evidence. These demonstrate that the various constraints affecting each site such as flood risk, highway connections and access, sites of nature conservation interest and landscape impact are capable of resolution subject to normal development management assessment at full planning application stage.

87. Given that the Plan strategy and policy SC1 envisage development in close proximity to the contiguous built-up area of Watchet, once WAT9 (which is so sited) has been developed both other sites will meet this criterion. I see no reason why all three of the suggested sites should not come forward. All would be in accordance with the Plan strategy and policy SC1 and thus acceptable in principle.

The Inspector's Report went on to note (paragraphs 105-112) that while it would have been preferable for the site (and other promoted omission sites) to be allocated within the Local Plan, to have done so would have delayed considerably the adoption of the document. Further, he felt that the site was deliverable and having been identified through the plan-making process could be relied upon as an identified site contributing towards the five year deliverable supply of housing land rather than as a 'windfall'.

That the site has been identified as a deliverable housing site is an important consideration in the determination of this planning application. It means that the Council has included the site by name in its five year deliverable supply of housing land and is therefore dependent to an extent on in coming forward within the next five years.

Should there be detailed planning reasons (as opposed to matters of planning policy principle) which would justify the refusal of planning consent, the site should be removed from the five year supply and not relied upon, since, it could be argued, there was not a realistic prospect of delivery within the timeframe.

Landscape Officer –

A Landscape and Visual Assessment was carried out by Bridge Design Associates dated August 2017 but the appendix seem to be missing.

The site is located within West Somerset character Area Central West Somerset-Carhampton to Quantock Coastal hills.

I agree that the site is well contained by existing residential areas, topography and vegetation which results in few views of the site, with the exception of views from the PROWs in the locality.

Glimpses of the site can be viewed from the east.

The most sensitive part of the site is the more elevated SE section of the site but this area is to be retained as Public open space.

If boundary hedges are retained and the proposed landscaping is implemented, I agree that the proposed development will integrate with the surrounding landscape character.

Environment Agency – no comments received

Avon & Somerset Police –

Crime Prevention Design Advisor's (CPDA) working in partnership within the South West region, have a responsibility for Crime Prevention through Environmental Design projects within the West Somerset Council area. As a Police Service we offer advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

“Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”

Guidance is given considering ‘*Crime Prevention through Environmental Design*’, ‘*Secured by Design*’ principles and ‘Safer Places.

Comments:-

Crime Statistics – reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/09/2016-31/08/2017 is as follows:-

Burglary - 2 Offences (incl. 1 dwelling burglary)

Criminal Damage – 2 Offences (comprising 1 criminal damage to a dwelling & 1 criminal damage to a vehicle)

Theft & Handling Stolen Goods - 1 Offence (theft from a motor vehicle)

Violence Against the Person – 6 offences (incl.1 assault ABH, 2 common assault & battery & 3 causing harassment, alarm, distress)

Total - 11 Offences

This averages less than 1 offence per month, which is classed as a very low level of reported crime.

ASB reports for the same period and area total 3 which is also a very low level.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features within the development i.e. rumble strips and road surface changes by colour or texture helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access.

Orientation of Dwellings – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. A substantial proportion of dwellings are also back to back, which is also recommended, as this restricts unauthorised access to the rear of dwellings where the majority of burglaries occur.

Communal Areas – have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this regard, the proposed Play Areas in the centre of the development and at the north/west corner appear to fit this criteria. However, I have some concerns regarding the location of the two Play Areas on the southern edge of the development, which appear to suffer from very limited surveillance from the dwellings to the north. From a safeguarding children perspective, I recommend that these two Play Areas be relocated to an area with improved surveillance opportunities from nearby dwellings.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. Generally speaking, this appears to be the case, with dwelling frontages being mainly laid to lawn and other low level planting interspersed with trees. Vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable.

Car Parking – police advice is that cars should be parked in locked garages or on a hard standing within the dwelling boundary. Where communal car parking areas are necessary, they should be in small groups, close and adjacent to homes and within view of active rooms in these homes. Rear parking courtyards are discouraged as they introduce access to the vulnerable rear elevations of dwellings. Such courtyards can also be left unlit and encourage anti-social behaviour affecting the rear of dwellings and parked vehicles. The proposed development appears to incorporate a mix of parking types described above, including one such rear parking courtyard near the centre of the development.

Landscaping/Planting – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth

height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Open branched, columnar trees are suitable for use in such locations. On personal safety grounds and to reduce the potential fear of crime, this is particularly relevant in respect of areas adjoining the Play Areas, Attenuation Basins and footpaths in the wooded areas.

Street Lighting – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

Physical Security of Dwellings – in order to comply with **Approved Document Q: Security - Dwellings** of building regulations, all external doorsets and ground floor or easily accessible windows and rooflights must comply with PAS 24:2016 security standard or equivalent.

Secured by Design - the applicant is encouraged to refer to the '**SBD Homes 2016**' design guide available on the police approved Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings

SCC - Ecologist – Has carried out a test of Likely Significance which concludes:

It is the conclusion of West Somerset Council that provided the following are conditioned or the subject of a s106 agreement there is unlikely to be a significant effect due to the proposed development:

1. A minimum of 2.12 hectares of long sward grassland and other habitat suitable to produce an abundance of moths will be created that is accessible to bat species. The locations, planting schedule and layout of the habitat creation/enhancement will be agreed with the local planning authority prior to work commencing on site.

2. A Landscape and Ecological Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring for barbastelle bats and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so

that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

3. Prior to occupation, a “lighting design for bats” shall be submitted to and approved in writing by the local planning authority. The strategy shall show where external lighting including street lighting and any security or other amenity lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species 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. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Local Lead Flood Authority –

The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant is proposing to utilise on site attenuation with a controlled discharge to Qbar rates.

In principle the LLFA does not object to the proposed development as submitted subject to the following condition being applied.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Detailed drainage layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drainage calculations that demonstrate there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Consideration of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that

this also includes failure of flap valves;

- Demonstration of how the first 5mm of rainfall (or 'first flush') will be managed to promote infiltration/evaporation/evapotranspiration, and with focus on the removal of pollutants;
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Demonstration of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water drainage system;
- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Demonstration that appropriate access is available to maintain drainage features, including pumping stations.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

Rights of Way Protection Officer – no objections

I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that cross the site at the present time (**public footpaths WL 28/20, WL 28/21 and WL 30/14**). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. Specific Comments

DIVERSION REQUIRED –

The current proposal will obstruct the **footpaths WL 28/20, WL 28/21**.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. In addition:

- Due to the potential for any diversion of the rights of way to be diverted onto hard surfaced routes it is likely that a legal agreement will be necessary to agree the works and secure a contribution/ commuted sum.
- We recommend that a proper width plan of the PROWs is acquired from the Somerset County Council Rights of Way Group in order to assess more accurately and differences between the Key Plan and the definitive map.
- In the south west corner of the proposed development, there is the potential to create a link with footpaths WL 30/14 and WL 28/20.
- An appropriate safety separation distance between the edge of the paths WL 28/20 & WL 28/21 and the attenuation basins should be incorporated.

2. General Comments

Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that

it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rightsof-way/apply-for-a-temporary-closure-of-a-right-of-way/>

Somerset County Council Education –

Please be advised we have assessed this application for education contributions, however conclude there is sufficient capacity at this present time.

I formally request contributions from this application in accordance with the council's policy for Early years funding. For 13 places at £14,175 each (£184,275).

Tree Officer –

As the masterplan shows, it should be possible to retain most of the existing trees in the north-west corner as part of the detailed scheme, and existing hedges will be essentially retained, hopefully bolstered by new tree planting, so no objection on arboricultural grounds.

Western Power – no comments received

Wessex Water Authority – no comments received

SCC - Historic Environment –

The applicant has submitted an archaeological Desk based assessment (DbA) to support the application. The DbA indicates that there are prehistoric funerary activity in the area and the HER shows that there is surviving Roman and (poss) Bronze Age settlement and/or ritual activity in the immediate locality. This includes the finding of a very rare form of ritual pit during the construction of a water pipeline and a large BA enclosure shown by cropmarks and geophysical survey. Therefore the proposal does have the potential to impact on buried remains relating to prehistoric and Roman activity. However, at present there is insufficient information contained within the application to determine the significance of any remains.

Therefore, prior to determination of the application the applicant should submit the results of a field evaluation as described in Paragraph 128 of the NPPF. This should initially be a geophysical survey followed by trial trenching (dependant on the survey results).

Environmental Health Team –

The application proposes up to 250 residential dwellings off Liddymore Road in Watchet.

After consideration of this application, Environmental Health have no objection in principle to this outline planning application subject to the following;

1. Transport Assessment (TA) / Air Quality (AQ);

On completion of this development traffic flows as proposed will leave the site via Liddymore Road and disperse through Watchet. Based on both the committed and proposed development traffic flows (worse case) this is away from Williton and a known area with traffic flows causing build-up of nitrogen dioxide.

However, in terms of dust / particulate matter (PM10 / 2.5) generated during construction, the Somerset CC Highways development control have already recommended a condition (8) within their response dated 18th Oct 2017 (TD/PA/3/37). This condition should also specify measures where agreed by the LPA to;

- Condition 8: To submit plans showing any excavated spoil on-site will be re-used and when transported to also include covers over loose material.

2. Noise; It is proposed (section 4.16 of the TA) that '*no construction delivery vehicles would be permitted during the school drop-off and pick-up periods*'.

The TA explains that it may be possible during development of the CTMP to investigate if there are any alternative options for access points into this proposed development.

Therefore, to mitigate noise impacts, it is recommended that as part of a Construction Environmental Management Plan (CEMP);

- Condition: As submitted to, and approved in writing by the LPA, the CEMP includes appropriate construction delivery hours and specifies any agreed alternative route into the proposed development.

For noisy work it is recommended that the following note is attached;

- **Note: Construction site, hours of noisy work**
- Mon-Fri 0800-1800
- Saturdays 0800-1300
- All other times, including Public Holidays, no noisy working

3. **Contaminated Land;**

A phase-1 preliminary geotechnical assessment was submitted in this application that identified that some contamination maybe present on or under this site, therefore:

Condition: A report detailing the intrusive site investigation based on the risk assessment, prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority.

If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with relevant policies and paragraphs 120-122 of the National Planning Policy Framework.

4. **Drainage;**

.1 **FRA**; Section 4.25 of the FRA explains that *“it is the intention that the ponds or detentions basins will be privately operated and maintained. A management company would be secured by a Section 106 Agreement. This would include visual inspections carried out twice a year and after significant storm events to determine when works need to be carried out. Maintenance will be undertaken in accordance with the recommendations outlined in the SuDS Manual (C753)”*

In the absence of schedule-3 of the Flood and Water Management Act 2010 being enacted, confirmation should sought from the LLFA whether these inspections should be carried out by a competent person and also, how to secure these

inspections over the life-time of the development.

.2 **Sewage Pumping Chamber**; It is understood that a sewage pumping chamber will be located in the NE part of the site. Whilst it is likely this will be subject to adoption by Wessex Water, confirmation should be sought from the Environment Agency that any outfall from this chamber into the local water course / ponds needs to be permitted.

Note: To minimise impacts, a notice should be erected prior to commencement, to inform the public that water quality may deteriorate from time to time in the receiving water body.

Representations Received

33 letters of objection have been received which raise the following issues:

- Unsuitable Road access.
- Increase in traffic on Liddymore Road and other local roads.
- Greater parking issues on Liddymore Road and other local roads.
- The proposed road will lead to higher vehicle speeds (outside the school).
- Construction traffic should access the site from Liddymore Lane.
- 250 house will mean 500 cars and 1,000 additional vehicle movements every day.
- If approved, there should not be a vehicle access between Liddymore Road and Liddymore Lane.
- Lack of local employment and places to work.
- Lack of social infrastructure (doctors, school places and police).
- Lack of physical infrastructure (sewers and water supply).
- Increased risk of flooding.
- New houses should be built on the paper mill site rather than on green fields.
- Landscape impact a spoilt views to/from the Quantocks AONB.
- The dwellings would not respect the character of the area.
- The proposals to not comply with local plan policies.
- Lack of facilities in Watchet to support new housing.
- This many homes are not needed.
- This would result in an over allocation of housing.
- The outline application should not be considered separately to the reserved matters.
- The green area between Watchet and Williton would be reduced.
- Loss of agricultural land.
- Disruption during construction.
- How does this fit in with the overall housing strategy for Watchet?
- Noise and air pollution.
- 3 storey houses will be too high – especially on the higher ground.
- Loss of wildlife.
- Lack of local bus service.
- Danger to parents and children accessing local school.
- The site is not allocated in the local plan.

- Cumulative impact of this and other neighbouring development proposals.
- The transport assessments do not take into account other proposed developments and allocations in the local plan and only look at junctions close to Watchet.
- No new developments should take place until the roads around Watchet have been sorted out.

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
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SC5	Self containment of settlements
WA1	Watchet Development
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CF1	Maximising access to recreational facilities
CF2	Planning for healthy communities
CC2	Flood Risk Management
NH3	Areas of high archaeological potential
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH9	Pollution, contaminated land and land instability
NH11	Bat Consultation Zone
NH13	Securing high standards of design

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

TW/2	Hedgerows
W/4	Water Resources
BD/8	Re-Use of Existing Building Materials
BD/9	Energy and Waste Conservation
T/8	Residential Car Parking
T/9	Existing Footpaths
R/5	Public Open Space and Large Developments
UN/2	Undergrounding of Service Lines and New Development

Determining issues and considerations

Principle of Development

The application has been made in outline for up to 250 dwellings with all matters reserved for subsequent consideration. These reserved matters are access, layout, scale, landscaping and appearance, but an indicative masterplan has been submitted in order to demonstrate that the level of development proposed can be accommodated on the site.

Although not allocated in the new local plan, part of the site was put forward by the Council prior to the local plan examination as an interim release site. The site adjoins the contiguous built-up area of Watchet on its eastern edge. In principal, and notwithstanding any other planning policy considerations, the development of this site is consistent with the locational requirements as set out in criteria 4 of Policy SC1: Hierarchy of Settlements, in the West Somerset Local Plan to 2032 and the associated definitions.

The proposal is also consistent with Policy SC2: Housing Provision which seeks to deliver 2,900 dwellings during the period to 2032, of which half will be provided on allocated key strategic sites in Minehead/Alcombe, Watchet and Williton. The remaining dwellings are to be on non-allocated sites, but with an expectation that they will be located in area's main service centre of Minehead/Alcombe, and the secondary service centres of Watchet and Williton - where there is a good level of local services. The plan assumes that 860 dwellings will be provided on non-allocated sites in these 3 settlements.

Policy WA1: Watchet Development, seeks to protect and enhance Watchet's important service and employment role in the local economy and also in the provision of community services for the wider area in conjunction with the neighbouring settlement of Williton. In principle, residential development, will help support the role of the settlement and it is expected that the associated development and infrastructure that forms part of an application will contribute to the town as a whole.

The Councils' Planning Policy Officers have considered the principle of development on this site and have concluded that it is acceptable in terms of the locational policies. They state that it identified as a deliverable housing site is an important consideration in the determination of this planning application. This means that the Council has included the site by name in its five year deliverable supply of housing land and is therefore dependent to an extent on in coming forward within the next five years.

Affordable Housing

Policy SC4: Affordable Housing, requires all new residential developments of 11 dwellings or more to include an element of affordable housing as part of the overall development in a ratio of 35 affordable dwellings for every 65 open-market units. The application proposes that 35% of the dwellings will be affordable and that the mix and tenure would need to be agreed with the Council. The Housing Enabling Lead has considered this proposal and is content with the 35% proposed. It will be necessary to secure this through a legal agreement in order to ensure the both the overall numbers as well as the housing mix and tenure are delivered in an appropriate location and phase.

Transport

Although access to the site is a reserved matter, the submitted Transport Assessment (TA) is based on the access to the site being from Liddymore Road and no vehicle access from Liddymore Lane. The TA has assessed the capacity of local junctions as well as Liddymore Road and states that highest level of two way traffic has been modelled at 351 vehicles in the PM peak and that the design of the road has capacity for 900 vehicles. The modelling shows that during both AM and PM peak, the development is likely to generate 2 vehicle movements every minute.

4 Road junctions have also been modelled for capacity, they are:

- Brendon Road / Swain Street / South Road;
- South Road / St Decuman's Road / Doniford Road;
- Doniford Road / Liddymore Road; and
- Doniford Road / Local Access Road.

Each of these are shown to have capacity and the modelling has taken into account other committed and planned development in the area. The County Highways Authority have analysed and assessed the submitted TA and concluded that it is robust and do not object on traffic impact grounds. The minor inconsistencies that were picked up, have been addressed through the submission of further information to the Highway Authority.

The detail of how the school is accessed is also reserved for subsequent approval. A number of different proposals have been put forward which all include an access to the school which would take some of the vehicles away that are current parking and dropping off at the end of Liddymore Road. The Highway Authority have concluded that the best option would be for a new T junction with the priority going to the development and footways provided. A dedicated layby for school drop off and pick up would be provided on this new road. It should be noted that the term 'drop-off' is to be interpreted as parking up a vehicle in a layby or on the highway and then taking the child to or picking up from the school. The new road would be of sufficient length and width to specifically allow for this on-street parking/drop off to take place. The road would also have a loop that would allow for vehicles to turn and drive out of the site.

It is proposed that a cycle route would be provided through the site and it is important to ensure that this extends through the site and onto Doniford Road to the East. The developer is able to provide such a route through the land that is in their control and this includes the part of Liddymore Lane that is in the application red line. They are unable to provide the route all the way to Doniford Road as they do not have ownership or control of the remainder of Liddymore Lane. This track would need to be upgraded to allow cycling to Doniford Road - where cyclists could then ride on road to Williton. It is considered that a commuted sum should be made available to contribute to potential future upgrading of the path as part of the Steam Coast Trail. A sum of £25,000 could be secured by a section 106 Agreement which would then be ring-fenced to the upgrading of cycling facilities to access the development. This is justified by Local Plan Policies CF2: Planning for Healthy Communities and Policy NH13: Securing High Standards of Design.

The Highway Authority have recommended a condition requiring the submission of a Construction Traffic Management Plan and there is a potential that some vehicles could be routed via the Liddymore Farm access. It would be important to ensure that this would not become a permanent vehicle access to the completed development which could be secured by either condition of the detail layout of the site at the reserved matters stage.

Education

The Education Authority has made comments on the application and has confirmed that there is sufficient capacity at the present time. Therefore, there is no requirement for any education contribution as part of this proposal.

With regard to Early Years, the County Council has advised that there is already a shortfall in the number of places available for both universal and extended entitlements. They have determined that five additional early years places are required for every 100 dwellings and therefore, the Liddymore Farm development would generate the need for an additional 13 places, exacerbating the shortfall. In order to address the impact of the development, they have requested a contribution of £14,175 for each place, which would amount to (£184,275). This can be secured by legal agreement with and appropriate phasing for payment. And is supported by Local Plan Policy ID1: Infrastructure Delivery.

Landscape

The application is accompanied by a Landscape and Visual Impact Assessment and the Councils Landscape Officer has made comments on the proposal. The site is well contained by the existing residential properties and due to the topography and vegetation, there are few views of the site – particularly from a longer distance. There are clearly views of the site from the adjoining residential properties and the public rights of way that cross it.

The proposals will result in the change from open field to residential development, but the landscape character of the area is residential fringe and the proposals will

integrate with that surrounding landscape character.

The Landscape Officer concludes that the most sensitive part of the site is the more elevated SE section of the site which is to be retained as public open space. She states that "If boundary hedges are retained and the proposed landscaping is implemented, I agree that the proposed development will integrate with the surrounding landscape character".

Detailed landscape proposals are reserved for subsequent submission, but the submitted masterplan protects the more sensitive areas and demonstrates that an acceptable layout can be achieved that has large areas of open space on the south east fringe.

The submitted proposals and indicative masterplan demonstrate (insofar as an outline application can) that the proposals accord with Local Plan Policies NH5: Landscape Character Protection, NH7: Green Infrastructure and NH13: Securing High Standards of Design.

Archaeology

An archaeological desk based assessment has been submitted with the application which indicates that there are prehistoric funerary activity in the area. The Senior Historic Environment Officer notes that there are surviving Roman and possible Bronze Age settlement and/or ritual activity in the immediate locality. The proposal does have the potential to impact on buried remains but it is unknown at present as to the potential significance. This requires a field evaluation to take place which should be a geophysical survey followed by trial trenching (dependent on the survey results).

The Senior Historic Environment Officer suggests that this should take place prior to the determination of the application. However, as the proposal is outline, it is considered that this could be secured by a planning condition and carried out prior to the consideration of any detailed layout proposals. With such a condition, the proposal is therefore considered to be in accordance with the provisions of local plan policy NH3: Areas of High Archaeological Potential.

Drainage

The site is currently greenfield with a significant slope and a small stream running west/east at the lower point. It is classed as Floodzone 1 and therefore appropriate for residential development due to the low risk of flooding from river or sea. Surface water flooding from overland flow following intense periods of rainfall can occur and the Environment Agency surface water flood map shows that overland flow is directed through the site along the line of the stream. The submitted indicative master plan does not show development in this area and it is shown to be open space. It is also shown as the location for the provision of attenuation ponds that would serve the development. Residential development would increase impermeable areas through the provision of road, roofs and areas of hardstanding.

This surface water would be dealt with on the site and directed to the proposed attenuation ponds where it would be held and discharged at the greenfield run-off rate. This means that the volume and rate of water leaving the site would be no greater than it currently is.

The application has been accompanied by a Flood Risk Assessment that has been considered by the Local Lead Flood Authority. They have confirmed that they have no objection subject to a planning condition required a detailed surface water drainage scheme being submitted which is based on sustainable drainage principles.

The proposals therefore accord with the provisions of local plan policy CC2: Flood Risk Management which requires development proposals to be located so as to mitigate and avoid increased flood risk elsewhere. It has also been designed to mitigate any adverse flooding impact that could arise due to increase in impermeable areas.

Open-Space/Play-Space

Local Plan Policy CF1: Maximising Access to Health, Sport, Recreation and, Cultural facilities requires the appropriate provision of formal sports facilities and/or informal public amenity open-space/play-space. The proposals demonstrate that of the 11 hectare site, 3.6 hectares will be accessible green space, amenity space, play areas and attenuation basins. 3 play areas are shown of the indicative masterplan and these are spread throughout the site. The Henry Davey Playing fields are located in close proximity to the site and it is therefore considered that on-site formal sport provision is not required and informal public amenity open space would be more appropriate and desirable.

Biodiversity

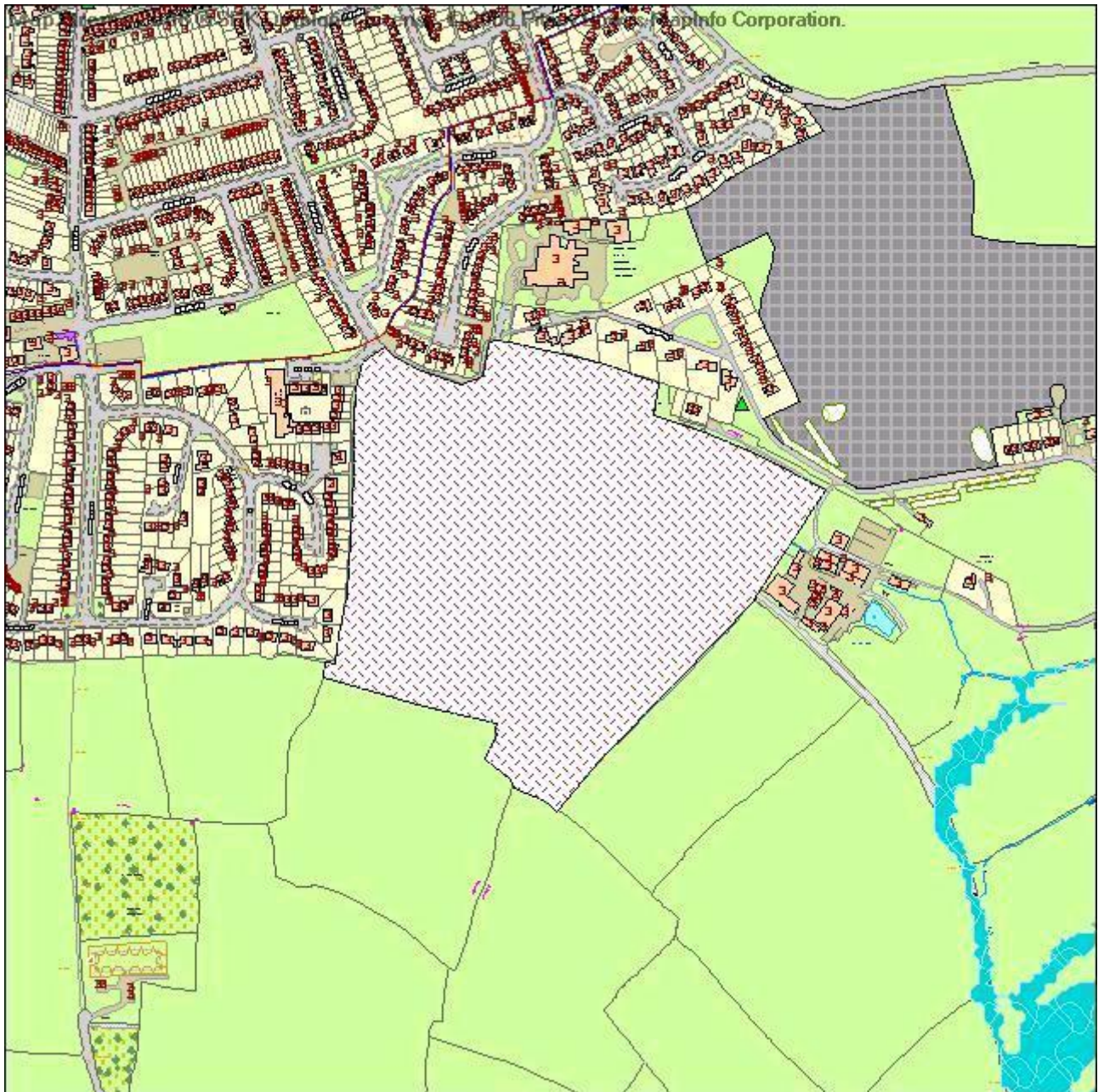
The Site is located within 6.1 km of Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC) and potential impacts could arise from increased recreational pressure as well as from disturbance to barbastelle bats (a primary feature of this SAC). As a precautionary approach, a 'test of likely significant effect' under the Habitats Regulations has been carried out and this has concluded that subject to conditions, the proposal would not have a significant affect.

Other protected species and habitats have been identified on the site which have been referenced in the comments from the Council Biodiversity Officer. She has concluded that the main impacts of the site are likely to come from the introduction of artificial lighting and the removal of one of the hedgerows that crosses the site. However, as mitigation and compensation has been incorporated into the proposals, it will minimise adverse impacts of ecological features. A strategy to protect wildlife can be secured by a planning condition which has been recommended by the Biodiversity Officer. The proposals would therefore comply with the provisions of Local Plan Policy NH6: Nature Conservation and the Protection and Enhancement of Biodiversity.

Planning Balance and Conclusions

The proposed residential development accords with the provisions of the West Somerset Local Plan to 2032 in terms of the location and principle of residential development in one of the District's secondary service centres. It will provide dwellings that would contribute to the 5 year supply of housing and includes a policy compliant element of affordable housing at 35%. The proposals adequately mitigate the impacts of development and the development would integrate well into the local landscape character and with local services in the area. It complies with the provisions of the NPPF and up to date local plan and therefore it is recommended that outline planning permission be granted.

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



Application No 3/37/17/020
Outline Planning Permission with
all matters reserved for a
residential development of up to
250 dwellings
Liddymore Farm, Watchet

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

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Easting: 307722 Scale: 1:1250
Northing: 142533



Application No:	3/21/17/113
Parish	Minehead
Application Type	Advertisement Consent
Case Officer:	Sue Keal
Grid Ref	
Applicant	Ms Maclean
Proposal	Display of 6 No. non-illuminated lectern and wall mounted interpretation panels
Location	The Esplanade, Minehead, TA24 5BE
Reason for referral to Committee	The Area Planning Manager considers that the application is of a sensitive nature and should be determined by the Planning Committee

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

- 1 (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (ii) No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour, or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - (iv) Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Schedule 2 of the Town and Country (Control of Advertisements) (England) Regulations 2007.

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

- (A4) SIGN 2 - 3 AND 4 SPECIFICATION
- (A4) SIGN 2 PREFERRED PROPOSED LOCATION
- (A4) SIGN 3 PROPOSED LOCATION
- (A4) SIGN 4 PROPOSED LOCATION
- (A4) SIGN 5A AND 5B PROPOSED LOCATION
- (A4) SIGN 5A AND 5B SPECIFICATION
- (A4) SIGN 1 PROPOSED LOCATION
- (A4) SIGN 1 SPECIFICATION
- (A4) SIGN 2 ALTERNATIVE PROPOSED LOCATION
- (A0) LOCATION PLAN

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

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.

Proposal

Advertisement consent for the 'Display of 6 no. non-illuminated lecterns with laser cut decorative supports (legs & central brace) and wall mounted interpretation panels'. The panels and lectern are to be a mix of both aluminium and steel elements. This proposal is to form part of a 'Maritime interpretive/interactive walk along the mile long esplanade and explain Minehead's heritage and history and will link with the associated proposal for a new open air gallery to be installed on the seafront. The trail will also link with the South West Coast Path and England Coast Path.

Sign 1, located opposite the Seaward Way roundabout, NE of the Kiosk/PC, will be 2.02m high x 2.05m wide x 0.36m deep. Maximum height of letters and symbols will be 30cm. This will be a lectern with printed graphics, including a shell rubbing plaque and be supported on either side with laser cut side profiled legs and central brace. There will also be a full colour printed graphic attached to the back of the lectern where people can stand and have photo opportunities.

Sign 2, on the esplanade at Warren Road (opposite Halyard Place) to left of circular seating area - will be 1.78m high x 1.6m wide x 0.36m deep. Maximum height of letters and symbols will be 30cm. This will be a lectern with have printed graphics, include a shell rubbing plaque and be supported on either side with laser cut side profiled legs and central brace. The central brace will include a hand operated audio system. The printed graphic to the back of this lectern will emulate the profile of North Hill.

Sign 3, between 2 shelters, NE of Jubilee Gardens cafe - will be 1.78m high x 1.6m wide x 0.36m deep. Maximum height of letters and symbols will be 30cm. This will be a lectern with printed graphics, including a shell rubbing plaque and will be supported on either side with laser cut side profiled legs and central brace. The back printed graphic to this lectern will be a series of waves.

Sign 4, on the green area close to current metal hands/map sculpture (Quay St.) - will be 1.78m high x 1.6m wide x 0.36m deep. Maximum height of letters and symbols will be 30cm. This will be a mounted interpretation panel and include a part cut out of a paddle steamer wheel.

5a & 5b, will be located east of Tides Reach at the entrance to Culvercliffe walk. Sign 5a, is proposed between 2 shelters, NE of Jubilee Gardens cafe. It will be 1m high x 1.6m wide x 0.01m deep. Maximum height of letters and symbols will be 30cm. This will be a lectern with have printed graphics, include a shell rubbing plaque and be supported on either side with laser cut side profiled legs and central brace. The back printed graphic to this lectern will be a series of galloping horses. 5b, will be 1m high x 1.6m wide x 0.01m deep. Maximum height of letters and symbols will be 30cm. This will be a mounted interpretation panel and include a part cut out of a paddle steamer.

All of the units will be powder-coated mid grey.

Site Description

The seafront in Minehead stretching from the Golf Club to Quay west/Quay Street, has historically been an important tourism attraction to the area and is important for the continued regeneration and economic development of Minehead.

The proposed advertisements are to be sited at various points from Quay West/Street to opposite the holiday camp (Butlins) and the small visitor kiosk, Warren Road.

Relevant Planning History

There is a long varied planning history of applications relating to development on and along the seafront area of Minehead, the most recent/relative of which is as follows;

3/21/13/121, To permanently mount a series of 7 interpretive heritage plaques on the land side portion of the harbour wall in front of the yacht station, grant, 03/02/14,

3/21/14/104, To reconfigure the installation of 7 harbour plaques in order to mount a commemoration plaque & specific interpretation panels adjacent to each plaque & to display one fishing information board, grant 03/02/15,

3/21/14/115, The display of 4 free-standing information boards for heritage trails, 1 archway marked "Minehead" & "Morrison's" & 1 fishing information board (amended scheme), grant, 09/02/15.

Consultation Responses

Minehead Town Council - After Declarations of Interest the Committee was not a quorate for a vote to be taken. Please take to WS Planning Committee.

Highways Development Control - No comments received.

Environment Agency - No comments received.

Representations Received

Four letters of support have been received from the local community groups/business raising the following;

- We support the commitment and vision of the Coastal Community Team and partners to regenerate Minehead as a vibrant destination.
- Minehead's economic activity is extensively focused on the tourism industry.
- This project will celebrate Minehead's heritage appealing to a wide audience and encouraging people to spend more time in Minehead.
- Channel Training has invested in the conversion of the former visitor centre on the seafront to create an Adventure Activity Hub.
- All of these new initiatives helping to realise the Minehead Economic Plan ambitions.
- It is contributing toward opportunities to train more young people in the town encouraging them to stay, live and work in Minehead.
- We're very keen to do all we can to promote Minehead as a fantastic place to live and work and an exciting destination to visit.
- This project will capitalise on Minehead's tourism strengths by celebrating its history and heritage to navigate and draw visitors along the seafront.
- The new technology will attract more visitors to come to Minehead, boosting Minehead's economy bringing much needed change in how the Town can present itself in today's climate,
- This project is a key part of a much wider and far-reaching project for Minehead.
- The Coastal Community Team recognised that the seafront required something

to draw people along the whole length of the seafront

- The new continuous waymarked heritage interpretation trail includes Augmented Reality triggers at several points along the way, and link to a new destination website for Minehead and tie in to a central open air gallery showcasing images from a bygone era from Museum collections.
- The signs all designed to be individual will celebrate different themes along the route, and will be interactive and engaging.
- The creation of a new continuous interpretation walk, ('Minehead Maritime Mile') will have several different themed interactive interpretation signs and will have a core theme of 'find and follow the shells' to draw people along to each sign.
- The navigation/interpretation signs would be located at various points along the seafront and will contain an App that will have Augmented Reality/3D images and videos.
- As attractors economically for Minehead, the scheme aims to encourage walking along the esplanade whilst the interactive interpretation features will encourage active play for both adults and children.
- An enhanced Esplanade offering a diversity of attractions will attract more visitors, tempt some of the West Somerset Railway's 200,000 visitors to stay longer, and also serve to attract 420,000 Butlin's visitors to venture out along the seafront.
- The Esplanade is hugely important to the quality of both the visitor and especially the community resident experience of Minehead.
- The 'Maritime Mile' walk is also intended to link to existing features like the South West Coast Path/England Coast Path that will be included upon the new interactive/interpretation signage, aimed at creating additional interaction in a new innovative way, this feature technology would also link to a new Minehead destination website for visitors.
- Successful delivery of these initiatives will mean that Minehead will appeal and engage with a wider audience, and the visitor experience will be enhanced significantly. It serves a number of important functions and roles as part of an important sea-defence system, public footpath/cycle-way and public realm.
- Minehead is considered to have a wide appeal to a number of different market segments including, family markets, active / adventure interests and affluent older tourists.
- By providing better online information and stimulating new opportunities along the Esplanade there is potential to broaden the market interest, appeal and confidence in the area and tackle the perception of limited things to do in the Town to sustain a day visit.
- As well as tourism visitors the project will also benefit the local community, the project links to the wider aspirations for Minehead contained within the West Somerset Council Minehead Economic Plan with seafront improvements for the town.
- Minehead Museum in support of the proposed "Maritime Mile" waymarked walk and the creation of interpretation signs and an open air gallery, supported by a responsive website. We feel that this is a good opportunity to increase the offer to both tourists and locals and promote the culture and heritage of the town.
- The Museum and the attached Tourist Information Centre would benefit from greater footfall and the museum are in support of the project with information and suitable images, subject to the usual copyright constraints.
- This development is particularly well timed as the museum have increased its

public display space and will be able to offer an increased all weather attraction to supplement the “Maritime Mile” and gallery.

- The success and development of the museum into a facility that the town can be justifiably proud, depends on its sustainability and its visibility to visitors to the sea front area.
- The Beach Hotel would like to offer its full support for this application for the development of a maritime heritage trail and gallery along Minehead mile long promenade. We applaud the commitment and vision of the Coastal Communities Team, key stakeholders and West Somerset Council of who are determined to regenerate the vitality of the town and celebrate its unique character.
- As a town whose economic activity is extensively focused on the tourism, hospitality and service industries it is vital that investment is made not only into the diversity of the tourism destination but also the quality of the offer.
- To add to the diverse offer in Minehead and assist the regeneration of seafront located activity, the heritage trail will increase much needed footfall to help the visitor centre and museum located within the hotel. We are investing in the development of the hotel to bring our apprentices out into public view and to expand the capacity to cater for larger 'audiences'. This is also allowing us to train more young people and to a higher level as we explore the genre of 'Catertainment'. Furthermore this will assist the Beach Hotel toward becoming a centre of training excellence in line with Minehead Economic Plan ambitions.

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

MD1	Minehead Development
SC1	Hierarchy of settlements
SD1	Presumption in favour of sustainable development
CF1	Maximising access to recreational facilities
EC8	Tourism in settlements
NH1	Historic Environment
NH13	Securing high standards of design

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

MINE/2	Leisure Activities on The Esplanade and Warren Road
R/7	Amenity Open Space
TO/2	Tourism Development in Minehead

Determining issues and considerations

The main issues and considerations in this case are;

It is noted that the adverts within this proposal require advertisement consent as they are over 1.55sqm. With any application for advertisement consent, consideration can only be given to the following issues -

- Impacts on visual amenity
- Impacts on Highway and Public Safety

Impacts on visual amenity

This series of signs/lecterns will have some, but it is considered limited, impact on visual amenity in terms of the number (6 in total) and that they are to be spaced out from the Kiosk opposite the Seaward Way roundabout and as far as Culvercliffe walk at Quay west. It is not considered that these panels would unduly impact upon the Wellington Square Conservation Area, within which they would be situated. These are forms of information for the general public, both local people and visitors.

It is considered overall that the development will not unduly harm visual amenity, are acceptable and are in accordance with local policies NH2 and NH3, EC1 and EC8 of the West Somerset Local Plan to 2032 and retained policies R/7, TO/2 of the West Somerset District Local Plan 2006.

Impacts on Highway and Public Safety

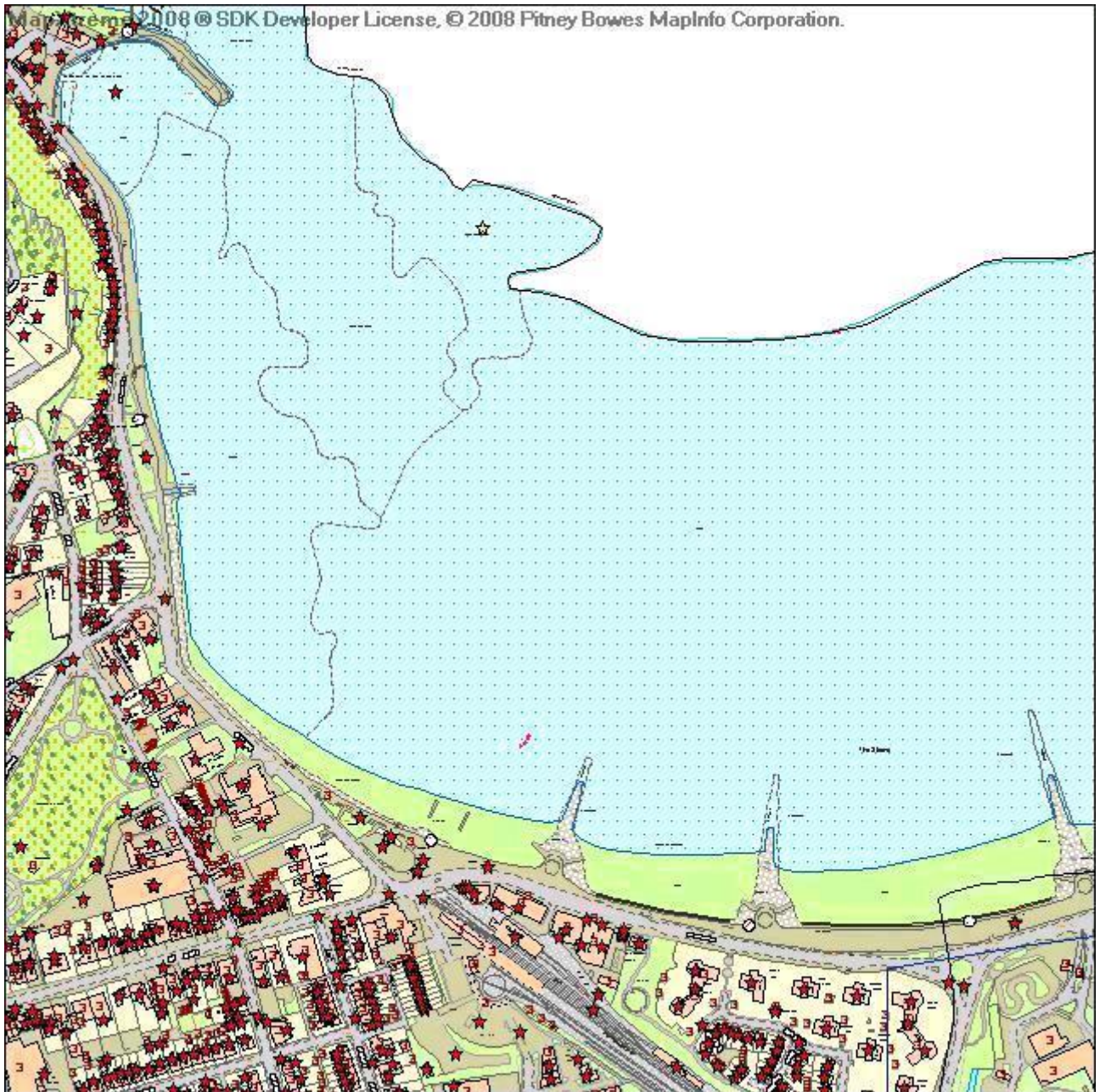
No comments have been returned from the Highway Authority on this proposal.

The proposed widths of the lecterns range between 1.6 and 2.5m and will be sited along the Esplanade where there is ample space for the public to walk or cycle around. It is noted that some of the signs are photo opportunities but nevertheless it is considered that this is acceptable and in accordance with local policies NH2 and NH3, EC1 and EC8 of the West Somerset Local Plan to 2032 and retained policies R/7, TO/2 of the West Somerset District Local Plan 2006.

Conclusion

The proposed signage is considered acceptable in terms of both visual amenity in the area and in terms of impacts on Highway and Public Safety and therefore conditional approval is recommended.

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



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

Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

West Somerset Council
Licence Number: 100023932

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Northing: 146401

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Application No:	3/21/17/114
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	
Applicant	Mrs Maclean
Proposal	Change of use of land and erection of 8 No. Gabion baskets to form open air exhibition
Location	The Esplanade, Minehead, TA24 5BE
Reason for referral to Committee	The application is considered by the Area Planning Manager to be of a sensitive nature.

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 1634/200A Proposed Site Layout Plan Amended

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

- 3 The stone to be added into the gabions shall be red sandstone only, details of which shall previously have been submitted to and approved by the Local Planning Authority. .

Reason: To Preserve the character and appearance of the Conservation 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 / issues/concerns were raised by a statutory consultee / neighbour in respect of xxx]. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern 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.

- 2 The applicant is advised by the Highway Authority to contact road records @ somerset.gov.uk regarding the required licence.

Proposal

Change of use of land and erection of 8 No. Gabion baskets to form open air exhibition. Each of the gabions would measure 1m x1m with an overall height 2m on which there will be plywood collars for the insertion of artwork displaying a variety of images of Minehead on all four sides of each gabion. The lower parts of each gabion will be the exposed stone baskets. The gabions are to be sited in a circular arrangement.

Two other associated applications are to be funded by lottery money and linked to this scheme and they are 3/21/17/109 (previously determined) and 3/21/17/113 for the Display of 6 no. non-illuminated lectern and wall mounted interpretation panels.

Site Description

The proposed open air galley is to be sited on tarmaced land and a area of open space between Jubilee Gardens Cafe and the adjoining shelters and the gabions will form a ring around the pumping station on The Esplanade. The site area is approximately 750sqm (which includes the pumping station and seating area containing the individual letters 'Minehead').

To the east of the proposal site is the millenium clock tower as well as the beachfront to the north. The site is within the Wellington Square Conservation Area and also Flood Zone 3.

The site does not have vehicular access and is a pedestrian area of the Esplanade opposite the West Somerset Railway. It is noted that this area has previously evolved into a motorbike parking area which has at times obstructed the pedestrian

walkway/pavement.

Relevant Planning History

The Esplanade has a long and varied history, the most relevant is below;

3/21/11/017, Erection of a clock tower to a height of 8.50m, granted on 04/04/2011.

3/21/14/068, Erection of a clock tower to a height of 5.90m (amended scheme to 3/21/11/017), granted on 29/08/14.

3/21/17/109, Change of use of part of shelter to form retail unit and retail storage area, granted on 05/01/18.

3/21/17/113, Concurrent application for interpretation panels on the Esplanade, also on this agenda.

Consultation Responses

Minehead Town Council - After Declarations of Interest the Committee was not a quorate for a vote to be taken.

Please take to WS Planning Committee.

Environment Agency - No comments received.

Highways Development Control - Standing Advice - Please advise the applicant to contact road records @ somerset.gov.uk regarding a licence.

Representations Received

4 letters of support from Minehead Coastal Committee, Minehead Development Trust, Channel Training, and the Beach Hotel and 2 letters of objection, all of which raise the following issues:

Support

- We support the commitment and vision of the Coastal Community Team and partners to regenerate Minehead as a vibrant destination.
- Minehead's economic activity is extensively focused on the tourism industry.
- This project will celebrate Minehead's heritage appealing to a wide audience and encouraging people to spend more time in Minehead.
- Channel Training has invested in the conversion of the former visitor centre on the seafront to create an Adventure Activity Hub.
- All of these new initiatives helping to realise the Minehead Economic Plan ambitions.
- It is contributing toward opportunities to train more young people in the town encouraging them to stay, live and work in Minehead.
- We're very keen to do all we can to promote Minehead as a fantastic place to live

and work and an exciting destination to visit.

- This project will capitalise on Minehead's tourism strengths by celebrating its history and heritage to navigate and draw visitors along the seafront.
- The new technology will attract more visitors to come to Minehead, boosting Minehead's economy bringing much needed change in how the Town can present itself in today's climate,
- This project is a key part of a much wider and far-reaching project for Minehead.
- The Coastal Community Team recognised that the seafront required something to draw people along the whole length of the seafront
- The new continuous waymarked heritage interpretation trail includes Augmented Reality triggers at several points along the way, and link to a new destination website for Minehead and tie in to a central open air gallery showcasing images from a bygone era from Museum collections.
- The signs all designed to be individual will celebrate different themes along the route, and will be interactive and engaging.
- The creation of a new continuous interpretation walk, ('Minehead Maritime Mile') will have several different themed interactive interpretation signs and will have a core theme of 'find and follow the shells' to draw people along to each sign.
- The navigation/interpretation signs would be located at various points along the seafront and will contain an App that will have Augmented Reality/3D images and videos.
- As attractors economically for Minehead, the scheme aims to encourage walking along the esplanade whilst the interactive interpretation features will encourage active play for both adults and children.
- An enhanced Esplanade offering a diversity of attractions will attract more visitors, tempt some of the West Somerset Railway's 200,000 visitors to stay longer, and also serve to attract 420,000 Butlin's visitors to venture out along the seafront.
- The Esplanade is hugely important to the quality of both the visitor and especially the community resident experience of Minehead.
- The gabions basket gallery displays are designed to be non-permanent and therefore portable due to the central location which has a number of utility grids and an underground pump station. This location was chosen visually as the central gateway to the seafront to immediately draw the eye and attract people that arrive down the Avenue and the West Somerset Railway.
- There will also be a downloadable quiz to entice people to complete the trail, and if completed collect a prize from the visitor centre.
- As well as tourism visitors the project will also benefit the local community, the project links to the wider aspirations for Minehead contained within the West Somerset Council Minehead Economic Plan with seafront improvements for the town. This aims to encourage both the local community and visitors to the town to spend more time utilising the esplanade for outdoor activity.
- Minehead Museum in support of the proposed "Maritime Mile" waymarked walk and the creation of interpretation signs and an open air gallery, supported by a responsive website. We feel that this is a good opportunity to increase the offer to both tourists and locals and promote the culture and heritage of the town.
- The Museum and the attached Tourist Information Centre would benefit from greater footfall and the museum are in support of the project with information and suitable images, subject to the usual copyright constraints. This development is particularly well timed as the museum have increased its public display space

and will be able to offer an increased all weather attraction to supplement the "Maritime Mile" and gallery. The success and development of the museum into a facility that the town can be justifiably proud, depends on its sustainability and its visibility to visitors to the sea front area.

- We applaud the commitment and vision of the Coastal Communities Team, key stakeholders and West Somerset Council of who are determined to regenerate the vitality of the town and celebrate its unique character. As a town whose economic activity is extensively focused on the tourism, hospitality and service industries it is vital that investment is made not only into the diversity of the tourism destination but also the quality of the offer.
- To add to the diverse offer in Minehead and assist the regeneration of seafront located activity, the heritage trail will increase much needed footfall to help the visitor centre and museum located within the hotel. The Beach Hotel are investing in the development of the hotel to bring our apprentices out into public view and to expand the capacity to cater for larger 'audiences'. This is also allowing us to train more young people and to a higher level as we explore the genre of 'Caterainment'. Furthermore this will assist the Beach Hotel toward becoming a centre of training excellence in line with Minehead Economic Plan ambitions.

Objections

- The only exhibition this would create is an exhibition of poor taste and design.
- This area does not need baskets filled with rocks, which would soon be filled with additional pieces of refuse "kindly" added by passers-by; peed on by dogs; and defaced by people wondering what they were there for.
- What an incredible waste of money, when Public Toilets are closed down for lack of funding.
- The Gabion Baskets are not in keeping with the Edwardian Shelters. Judging by the interest there was in displaying, and/or viewing the plywood "exhibition" in place before the clock, there won't be an interest from either local people, or tourists.
- I believe the site proposed for development is that currently used by motor cycle riders who congregate there regularly, and have done so for many years. As far as I am aware they cause no damage, nor danger and, indeed, tend to scoot their machines onto the road prior to starting their engines.
- They motor cycle riders spend money in the town, and attract viewing public with whom they interact. Some interesting and well maintain machinery is often on display.
- The riders are, generally, mature people either retired or approaching retirement and use the venue as a meeting point at weekends and travel some distances to the site.
- I feel they are a far more worthwhile attraction than the proposed art exhibition which will require maintenance

- **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

MD1	Minehead Development
SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
CF1	Maximising access to recreational facilities
EC8	Tourism in settlements
NH1	Historic Environment
NH13	Securing high standards of design

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

MINE/2	Leisure Activities on The Esplanade and Warren Road
R/7	Amenity Open Space
TO/2	Tourism Development in Minehead

Determining issues and considerations

The main issues and considerations in this case are the following;

- Impacts on the character and appearance of the area
- Impacts on residential amenity
- Flooding
- Highway Safety

Impacts on the character and appearance of the area

The proposal site is located within the designated Wellington Square Conservation Area and where developments should use natural materials and either preserve or enhance the area. The new stone gabions, are a typical item to be found in many coastal locations and at edges of rivers. The exception here is that these are to be used as open air pillars on which local artworks are to be fixed onto natural plywood collars. The gabions are to be arranged in a circle of six in total and be sited alongside existing concrete and metal seating arranged in a semi-circular

arrangement which. They are to the south and west of the metal pumping station structure and to the east of two Edwardian shelters. The millennium clock, is also located close by to the east.

Comments with the councils conservation officer were that the stone inside the baskets should be red sandstone to match the materials of the surrounding built development and a suitably worded condition is appended to this effect.

Local objections have been received regarding the siting and materials to be used for the gabions. Comments also object as this area of the esplanade has previously been used as an undesignated motorcycle parking area. This is known to have been unauthorised however and should not be a consideration for this application. This is to be discussed further in the Highway section of the report.

Therefore on balance it is considered that the proposal is acceptable, that the conservation area will be preserved and the development is in accordance with local policies NH1, NH2, and NH13 of the West Somerset Local Plan to 2032.

Impacts on residential amenity

There are no immediate residential neighbours to the proposal site. The nearest neighbours are located at the Beach Hotel approximately 50m to the south west of the site and residents along The Esplanade to the west of the site approximately 105m from the site. It is therefore considered that due to the distances involved and the somewhat minor nature of the development, there will be no significant impacts on residential amenity in the area. The proposal therefore accords with local policies NH1 and NH13 of the adopted West Somerset Local Plan to 2032.

Flooding

The whole of seafront area is located within floodzone 3 of the Environment Agency's flood maps due to tidal flooding and the planning agent has submitted a flood risk assessment in this regard. The flood risk assessment, confirms that surface water drainage will be as the existing arrangements and no foul drainage is required for this development. It is therefore accepted that this site is at a high risk of flooding, however, the proposed gabion baskets will allow any water to pass through the stone and the gabions will not be fixed to the ground and will be at least 1 tonne in weight with the stone contents inside the wire baskets. As an existing area where people can congregate anyway, it is not felt that this structures will be putting life at any further risk than might be existing currently. It is therefore considered that the development accords with local policy CC2 of the West Somerset Local Plan to 2032.

Highway Safety

The Highway Authority has asked for the application to be dealt with under their

Standing Advice, together with a note regarding the requirement of a licence. It is understood that this part of the Esplanade is shown on the Councils mapping system as belonging to the Highway Authority and the agent has served notice on them.

The siting of the gabions will not have any significant impacts on highway safety in vehicular terms (apart from the initial siting of the gabions), as this area is a pedestrian area only.

It is noted from local representations that this area has also previously been adopted as an undesignated motorcycle parking area instead of the nearby Station car park. This however is not a planning consideration for this application, other than to note that any formal designation for this proposed use may help to prevent future unauthorised uses at this area. It is noted that the parking of any sorts of vehicles in this area could have impacts on the public safety of pedestrians, and it is not to be encouraged. There are no parking or turning requirements from this proposal and there are no risks to pedestrian safety that arise from it. The development can therefore be considered to be in accordance with local policy TR2 of the West Somerset Local Plan to 2032.

Conclusion

Tourism is a vital part of the economy of Minehead and West Somerset in general and it is also one of the Councils corporate priorities. Several letters of representation have been received, with some being in support. All of the current (and recent) applications on the esplanade are to assist in developing a Heritage interpretation trail, open air gallery with augmented reality and the development of Minehead's Maritime Mile. This is part of providing new infrastructure and Public Realm benefit for both visitors and locals alike. The development therefore is recommended for approval in accordance with local policies NH1, NH2, NH13, TR2, EC1 and EC8 of the West Somerset Local Plan to 2032.

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



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



Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

West Somerset Council
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Northing: 146393

Scale: 1:1250

Application No:	3/05/17/012
Parish	Carhampton
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 300972 Northing: 142634
Applicant	Mr Ware
Proposal	Variation of Condition No. 02 (approved plans) of application 3/05/14/011
Location	Land north of Church Lane, Carhampton
Reason for referral to Committee	Chairman and Vice Chairman consider that there is significant local interest and should be referred to the Planning Committee

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be begun by 3 July 2018.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

(A1) DRNO 2478-PL-02 PLOTS D1 & D2 PROPOSED GROUND FLOOR PLAN

(A1) DRNO 2478-PL-03 PLOTS D1 & D2 PROPOSED FIRST FLOOR PLAN

(A1) DRNO 2478-PL-04 PLOTS D1 & D2 PROPOSED ELEVATIONS

(A1) DRNO 2478-PL-05 PLOTS D1 & D2 PROPOSED ELEVATIONS

(A1) DRNO 2478-PL-06 PLOTS D3 & D4 PROPOSED GROUND FLOOR PLAN

(A1) DRNO 2478-PL-07 PLOTS D3 & D4 PROPOSED FIRST FLOOR PLAN

(A1) DRNO 2478-PL-08 PLOTS D3 & D4 PROPOSED ELEVATIONS

(A2) DRNO 2478-PL-01 LANDSCAPE/DRAINAGE PLAN

Ecological Survey by MWA dated October 2014 and Reptile and Badger Monitoring report, Church Lane, Carhampton by Clarkson and Woods dated April 2015

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

- 3 Prior to the dwellings hereby approved being first occupied, a properly

consolidated and surfaced access shall be constructed as approved by letter from the Local Planning Authority dated 10 May 2017 on 3/05/14/011. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

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

- 4 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, as approved by letter from the Local Planning Authority dated 12 May 2017 on 3/05/14/011. Such provision shall be installed before works commence on site and thereafter retained at all times in the approved form.

Reason: To ensure that water is not discharged onto the public highway, in the interests of highway safety.

- 5 The area allocated for parking and turning on the hereby approved plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure suitable parking and turning area are provided and retained, in the interests of highway safety.

- 6 There shall be no obstruction to visibility greater than 600 mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be retained at all times.

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

- 7 The materials to be used in the construction of the approved dwellings and boundary wall shall be carried out in strict accordance with the approved details contained in letter from the Local Planning Authority dated 12 May 2017 on 3/05/14/011.

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

- 8 The external finishes for the hereby approved benefice office hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

- 9 The approved sample panel of the natural stone approved under condition 7 must be kept on site for reference until the development is completed. The works shall thereafter be carried out only in accordance with the details so approved.

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

- 10 No works shall be undertaken on the hereby approved benefice office unless details of any external lighting on the benefice office shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: To safeguard the bat roost access points and/or flightways.

- 11 The approved written scheme of investigation approved by letter dated 5 April 2017 on 3/05/14/011 shall be implemented in accordance with the approved programme of archaeological works.

Reason: To ensure that archaeological remains and features are adequately recorded.

- 12 The mitigation measures in relation to the badgers and reptiles identified in the Reptile Survey and Badger Monitoring by Clarkson and Woods dated April 2015 shall be incorporated into the development in accordance with the schedule of implementation identified in the Ecological Survey by MWA dated October 2014 and the Reptile Survey and Badger Monitoring by Clarkson and Woods dated April 2015 and subsequently retained.

Reason: To ensure that suitable mitigation measures are incorporated into the development to minimise the impact on species protected by law.

- 13 The approved hard and soft landscape works shall be carried out in accordance with the approved details as approved by letter dated 17 May 2017 on 3/05/14/011. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development.

- 14 The existing trees and hedges shown to be retained shall be retained in accordance with the agreed details as approved by letter dated 25 April 2017 on 3/05/14/011. Any retained tree or hedge which within five years of the approved development being occupied or completed, whichever is the sooner, dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Local Planning Authority, during the next planting season or in accordance with a programme

of replacement to be agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the development and the surrounding area.

- 15 Notwithstanding the proposed fence along the western boundary of the hereby approved parking area for users of the church and the benefice office, the existing hedge shall be retained or a new hedge planted in accordance with the approved landscaping scheme required under condition 13 and thereafter retained.

Reason: To ensure the provision of an appropriate landscape setting to the development.

- 16 The details as approved by letter dated 25 April from the Local Planning Authority on 3/05/14/011 of the protective measures and methods of working in relation to existing planting on the site and a programme for such work shall be implemented in accordance with those details. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained until the development, hereby approved, has been completed.

Reason: To safeguard the existing trees and planting to be retained within the site.

- 17 Prior to the occupation of the development, the refuse store indicated on the approved plans shall be provided and shall be permanently retained thereafter solely for this purpose. No refuse shall be stored outside the buildings other than in the refuse store hereby approved.

Reason: In the interests of the appearance of the development and of the amenity and character 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. 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. No substantive issues were raised by consultees through the application process. 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 **Water Supply and Waste Connections**

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at Wessex Water's website www.wessexwater.co.uk.

Further information can be obtained from Wessex Water's New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

Public sewers are shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact Wessex Water's sewer Protection team to discuss further 01225 526333.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

Proposal

It is proposed to amend permission 3/05/14/011 by separating properties D2 and D3 and providing an additional 2 parking spaces (shown as P4 and P10 on the submitted plan) together with slight resiting of the bin store next to P10 rather than on the site of P10.

Site Description

The site lies to the east of St John the Baptist Church, a Grade 1 listed building. The vicarage is a large brick house with a concrete tiled roof. The land to the east and north of the vicarage was an L shaped grass field but work has commenced on developing this site as planning permission for 4 dwellings and a parking area for the church has commenced. The access road and church parking spaces have been

provided. The northern boundary is delineated by a bank and the remains of a hedge. To the west of the field is a small copse that acts as a screen to the churchyard. The field boundary to the roadside is a bank and hedge. Access to the site is via Church Lane, a no through road which serves the Vicarage and 5 bungalows together with pedestrian access to the churchyard and the village.

Relevant Planning History

3/05/14/011	Development of 4 houses, extension to vicarage to provide new benefice office and provision of parking for Church and benefice office use.	Grant	03 July 2015
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This permission relates to the four dwellings where the variation of Condition 2 is now sought. It should be noted that condition 3, 4, 7, 9, 11, 12, 13, 14, 16 and 17 have been discharged

Consultation Responses

Wessex Water Authority - Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

Public sewers are shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our sewer Protection team to discuss further 01225 526333.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system. Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

Somerset Drainage Board Consortium - No comments received.

Highways Development Control - In reference to the above application, the Highway Authority can confirm the following that there is no objection to the proposed variation of condition 2.

Environmental Health Officer (KL) - No comments received.

SCC - Ecologist - No comments received.

Historic England - Thank you for your letter of 17 October 2017 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

SCC - Historic Environment - No comments received.

Carhampton Parish Council - Members of the Parish Council considered these 2 applications together at the November meeting.

Comments have been received in person and in writing from a number of local residents with several concerns about this application.

There is already an ongoing problem with insufficient capacity for groundwater and sewerage run off, of which Wessex Water is aware. It appears to be proposed that the new development of houses will be served by a soakaway which will exacerbate the existing problems. Wessex Water claim not to have been consulted on this matter.

The separation of 2 semis into 2 detached houses, and the addition of a further house are causing concern that the number of dwellings may continue to increase, leading to over-development of this small parcel of land.

Residents of the dwelling opposite the site are concerned about increased risks when backing out in line with the proposed new drive, which could be serving 10 or more additional cars.

Representations Received

Three letters of objection have been received on the following grounds:

- The proposed change represents not a minor but fundamental alteration in the scope of the development.
- This site was purchased from the Diocese of Bath and Wells and was agreed to by those living in nearest proximity including the Rector in good faith on the basis

that there would only be 4 properties on the site.

- It increases the size of the development by 25% in a limited area bound by other existing properties on two sides.
- It increases the flow of traffic from the end of a quiet cul de sac by 4 further vehicles resulting in more queuing at the turn onto the main road. It represents an increase from 7 houses in Church Lane to 12.
- It is contested that a spacious layout will be the result. The site will be overdeveloped by the separation of D3 and D4 in the introduction of an extra property and if the development is

presently skewed towards the western end, the answer is not in the increase of the number of buildings on the site but in re-positioning the existing structures.

- The noise levels will increase together with the passage and re-passage of traffic from the site. The development of 5 properties is disproportionate to the character of the immediate area, taking into account open farmland to the rear and the low level of housing in the immediate area.
- There has been no thought to the adequate supply of drainage, taking into account the representations of Que House concerning flooding from the sewers to their property
- The existing planning application allows for a range of accommodation to meet demand in the village
- This application is a clear and unequivocal attempt to maximise profit on a small and limited site. This should not be a developmental criteria.
- No soakaways are shown on the plan
- Would another way rather than soakaways be a better way of dealing with drainage?
- May lead to further applications for more houses. Would like assurance that no more than 5 houses will be built.
- There are constant sewerage problems at the adjacent property. This new development should not add to these problems.
- No drainage details for sewerage which give assurance that the new dwellings will not exacerbate the problem have been seen.
- The proposal to split one property into two and an additional house would increase the numbers by 50%. This is not insubstantial.

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
ID1	Infrastructure delivery
NH13	Securing high standards of design
NH3	Areas of high archaeological potential
SV1	Development at primary and secondary villages
SC1	Hierarchy of settlements

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

TW/1	Trees and Woodland Protection
TW/2	Hedgerows

Determining issues and considerations

Section 73 of the Town and Country Planning Act 1990 allows developers to apply to vary or remove one or more conditions attached to a planning permission. The Council is not required to readdress the principle of development since that is not at issue: the application is however required to be considered on its merits having regard to current relevant policies and other material considerations. Since the determination of the original application, there has been a change to the Development Plan. The original application was determined against the saved adopted West Somerset Local Plan (2006) policies and the emerging West Somerset Local Plan, in effect almost the same policies that are currently in place and will form the basis against which this application will be determined.

As noted in the NPPG it should be noted that the original planning permission will continue to exist whatever the outcome of the application under section 73. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission

Taking into account the above the main issues in the consideration of this application are the effect the proposed changes of creating two additional parking spaces, slight resiting of the bin store and making plots D3 and D4 detached houses rather than semi detached houses together with the repositioning of the chimney on D4 to exit the rear slope of the roof rather than the access facing slope of the roof. It is considered that as the design of the houses are similar to that approved, adequate amenity space for the four properties are to be provided together with

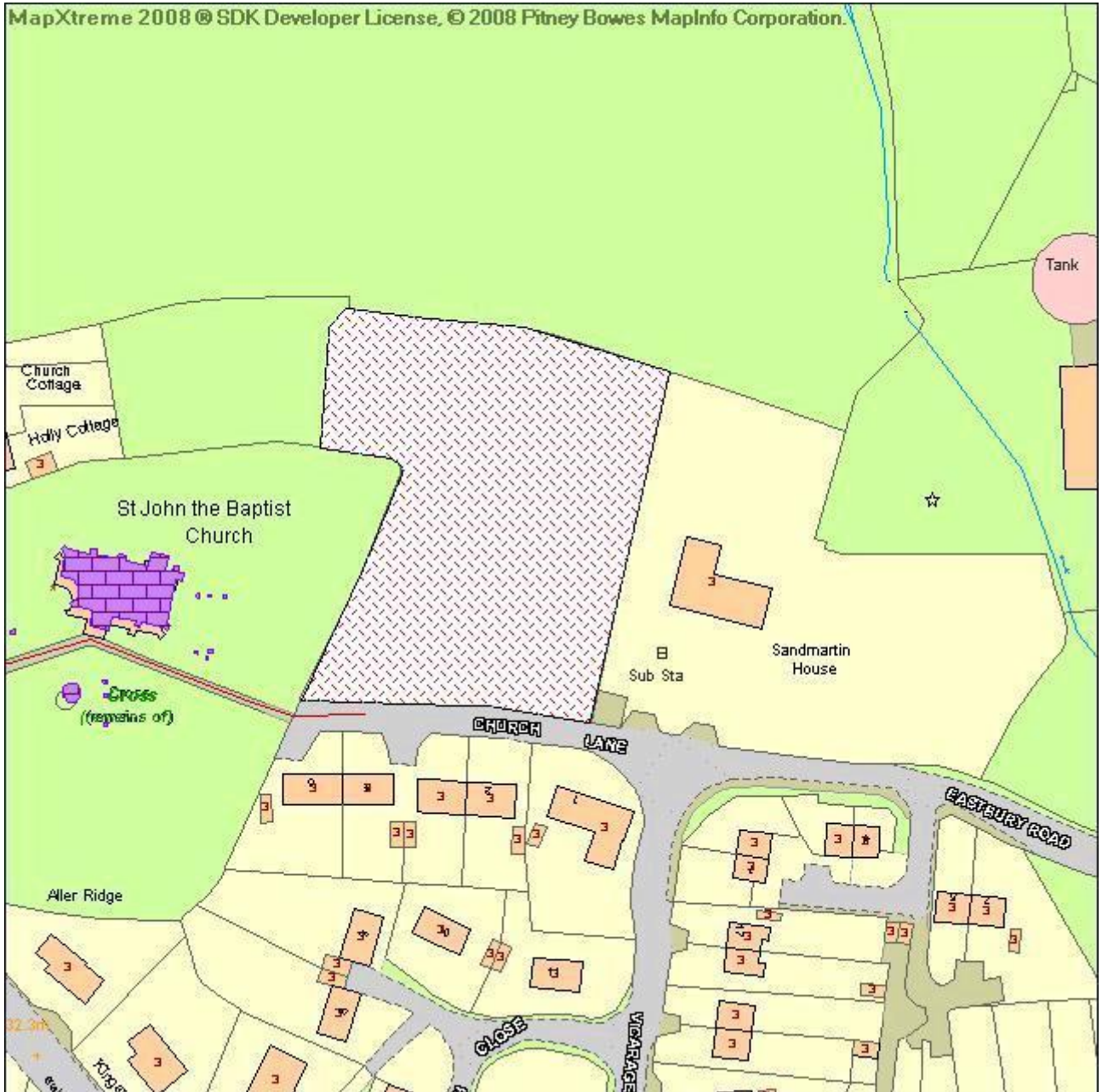
appropriate parking spaces that the principle of the proposed changes are acceptable. It is also considered that the proposed changes will not adversely affect the setting of the church.

As part of the consideration of the proposal any representations received need to be taken into account. A number of comments objecting to the scheme have been submitted. Most of these comments relate to the proposal to erect an additional dwelling which is the subject of a separate application (3/05/17/013) and will be taken into account on that application. One of the issues raised relates to existing sewerage problems. Wessex Water were consulted on the application and have not raised any objection but have given information on what the developer needs to take into account and what consents/ permission is required from them. This information can be added as notes on the decision notice. Comments have been received the drainage details are not shown on the submitted plans. The realignment of the sewer and drainage channels and soakaways are shown on the submitted landscape/drainage plan and it is these plans that Wessex Water and other consultees have based their drainage comments on.

A representation concerning the location of the access has also been received via the Parish Council backing out from the drive opposite will now have increased risks due to the location of the new access. The position of this new access was approved in 2014 and is not being altered as part of this application and similar comments were taken into account at that time.

In conclusion it is considered that the proposed amendments to the scheme comply with local plan policies, is a minor material amendment to the approved scheme that will not exacerbate the sewage problems as there is no increase in dwellings proposed, the amenity of the occupiers of the approved dwellings and the adjoining dwellings will be similar to that under the approved scheme, there will be no changes to highway safety, archaeology and biodiversity have been taken into account on the previous scheme and the relevant conditions have been discharged. It is therefore recommended that planning permission be granted.

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



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



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

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 Easting: 301010
 Northing: 142668
 Scale: 1:1250

Application No:	3/05/17/013
Parish	Carhampton
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 300972 Northing: 142634
Applicant	Mr Ware
Proposal	Erection of 1 No. additional detached dwelling
Location	Land north of Church Lane, Carhampton
Reason for referral to Committee	Chairman and Vice Chairman consider that due to the public interest that this application should be referred to the Planning Committee

Recommendation

Recommended decision: Grant

Recommended Conditions

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

(A3) DRNO 2478A-PL-01 LOCATION PLAN

(A3) DRNO 2478A-PL-02 REV A PROPOSED SITE PLAN

(A3) DRNO 2478A-PL-03 PROPOSED PLANS

(A3) DRNO 2478A-PL-04 PROPOSED ELEVATIONS

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

- 3 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 the details approved under condition 4 of permission 3/05/14/011. Such provision shall be installed before works commence on site and thereafter retained at all times in the approved form.

Reason: To ensure that water is not discharged onto the public highway, in the interests of highway safety.

- 4 The area allocated for parking and turning on the hereby approved plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure suitable parking and turning area are provided and retained, in the interests of highway safety.

- 5 There shall be no obstruction to visibility greater than 600 mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be retained at all times.

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

- 6 The natural slate and stone to be used in the construction of the external surfaces of the dwelling hereby approved shall match the details approved under condition 7 on permission 3/05/14/011. The works shall be carried out in strict accordance with the approved details.

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

- 7 The stonework shall match the stone work on the stone panel approved under condition 9 on permission 3/05/14/011.

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

- 8 The existing trees and hedges shown to be retained shall be retained in accordance with the details that have been agreed under condition 14 on permission 3/05/14/011. Any retained tree or hedge which within five years of the approved development being occupied or completed, whichever is the sooner, dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Local Planning Authority, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the development and the surrounding area.

- 9 Prior to the occupation of the dwelling hereby approved, details of the shed and cycle store indicated on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved shed and cycle shall be provided prior to the first occupation of the hereby approved dwelling and shall be permanently retained thereafter solely for this purpose.

Reason: In the interests of the appearance of the development and to ensure

that there is cycle storage.

Proposal

It is proposed to erect a detached three bedroom dwelling to the East of the four dwellings that already have the benefit of planning permission on the land immediately to the rear of The Vicarage. The proposed house is to be erected on the vacant parcel of land between the approved four dwellings and Que House. Access is via the recently constructed access road from Church Lane. The proposed dwelling will be constructed of stone with a natural slate roof and Upvc windows. Three parking spaces are to be provided, two adjoining the house and one in the shared courtyard area. A shed and bicycle storage area is proposed in the rear garden.

Site Description

The site lies to the east of St John the Baptist Church, a Grade I listed building. The Vicarage is a large brick house with a concrete tiled roof. The land to the east and north of the Vicarage was a flat L shaped grass field but work has commenced on developing this site as planning permission for 4 dwellings and a parking area for the church has commenced. The access road and church parking spaces have been provided. To the East of the site is a large detached, stone and tiled roof dwelling set in large grounds. The boundary between this property and the application site is a wooden fence. The northern boundary is delineated by a bank and the remains of a hedge with fields beyond. To the west of the field is a small copse that acts as a screen to the churchyard. Access to the site is via Church Lane, a no through road which serves the Vicarage and 5 bungalows together with pedestrian access to the churchyard and the village.

Relevant Planning History

3/05/14/011	Development of 4 houses, extension to vicarage to provide new benefice office and provision of parking for Church and benefice office use.	Grant	03 July 2015
3/05/17/012	Variation of Condition 02 (approved plans) of application 3/05/14/011	Not yet determined	

The 2014 permission relates to the erection of the four houses and a start has been made on implementing this permission with the creation of the access road and the church parking spaces. The 2017 application relates to separating a pair of semi detached properties into detached properties. The current application will have access via the road constructed under the 2014 permission.

Consultation Responses

Carhampton Parish Council - Members of the Parish Council considered these 2 applications together at the November meeting.

Comments have been received in person and in writing from a number of local residents with several concerns about this application.

There is already an ongoing problem with insufficient capacity for groundwater and sewerage run off, of which Wessex Water is aware. It appears to be proposed that the new development of houses will be served by a soakaway which will exacerbate the existing problems. Wessex Water claim not to have been consulted on this matter.

The separation of 2 semis into 2 detached houses, and the addition of a further house are causing concern that the number of dwellings may continue to increase, leading to over-development of this small parcel of land.

Residents of the dwelling opposite the site are concerned about increased risks when backing out in line with the proposed new drive, which could be serving 10 or more additional cars.

Additional Plans

Following the meeting last night there are no further comments to make on the above application.

Highways Development Control - The application proposes an erection of 1 No additional dwelling at the above address. It is noted the site received planning approval for the development of 4 No dwellings with associated parking in 2015 (application no: 3/05/14/11) with the formation of a private street.

The proposal would generate additional 6-8 vehicle movements to the site and in this instance wouldn't be significant enough to warrant an objection on traffic impact grounds, however the Local Planning Authority should be mindful that given the nature of the road and the proximity of the site the scope for development on the site without having a detrimental impact on the local highway has its limitations.

The Highway Authority is satisfied with the additional number of proposed parking spaces for the application. Please note that 1 bicycle space per bedroom should be allocated.

With the above in mind there is no objection to the application form the Highway Authority and our previous comments and conditions dated 26th January 2015 apply. For convenience, if the Local Planning Authority is minded to grant planning permission these conditions are set out as below:

- Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone

or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

- 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 works commence on site and thereafter maintained at all times.
- The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
- There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

NOTE:

Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the West Somerset Area at the Highways Depot, Mart Road, Minehead, Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

Additional Plans

The Highway Authority have no further observations to make at this time

Wessex Water Authority - No observations received.

Somerset Drainage Board Consortium - No observations received.

SCC - Ecologist - No observations received.

Historic England - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Additional plans - same comments as above submitted.

SCC - Historic Environment - Because the archaeological excavation has already

been carried out (and post-excavation is on-going) on this site there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Environmental Health Officer Environmental Health have no objection to make in principle, as long as there is satisfactory provisions made for the drainage in accordance with the relevant building regulations (Building Act 1984 s.59). Given the concern of flooding to nearby dwelling (Que House) and the geology comprising Mercia Mudstone, the plans as submitted (21st Dec 2017) should show adequate drainage provisions for this additional dwelling. For example, each soakaway as proposed must achieve satisfactory percolation test(s) in accordance with the building regulations. Furthermore, the plans (Fig-1) should be amended to show that the sewer will not comprise land available to drain the surface water, subject to satisfactory percolation test(s).

Representations Received

Four residents have objected to the scheme on the following grounds:

- No more than the already approved four dwellings should be allowed as it could make a mockery of planning and future applications
- Our garden has been inundated with raw effluent over the last 17 years and compensation has been paid and our dog has been poisoned once. If this problem is not rectified we will claim for the recovery of all damages against all parties responsible.
- Question why the developer has not contacted Wessex Water (Note: The developer has had discussions with Wessex Water).
- As an extra dwelling is being applied for the existing permission should be void.
- Overdevelopment of the site as there will be 10 houses per acre and the traffic will double in Church Lane
- Question the address given as this is not correct and is deception as used by the Council in the past.
- The proposed change is a fundamental alteration
- The sale was agreed by those living nearby and the Rector in good faith that there would only be four houses
- Increases the size of the development by 25% in a limited area
- Increases not only the flow of traffic by 4 vehicles resulting in more queuing to turn onto the main road
- The site will be overdeveloped by an extra dwelling and separating two dwellings
- Noise level will increase due to the extra traffic.
- The development is disproportionate to the character of the immediate area
- No thought given to drainage
- The existing permission allows for a range of accommodation to meet the demand of the village
- This application is an attempt to maximise profit on a small site. This should not be a development criteria.
- As the ground is prone to saturation would there be a better way of dealing with this rather than soakaways?

- No drainage details have been submitted that give assurance that the new dwellings will not exacerbate the existing sewage problems

One letter has also been received requesting that a 6' brick wall be built on the western side of the access to help cut down on the car lights shining into their property.

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
ID1	Infrastructure delivery
NH13	Securing high standards of design
NH3	Areas of high archaeological potential
SV1	Development at primary and secondary villages
SC1	Hierarchy of settlements

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

TW/1	Trees and Woodland Protection
TW/2	Hedgerows

Determining issues and considerations

The main issues in the consideration of this application are the principle of development, character and appearance of the area, residential amenity, highway safety, flood risk and drainage, archaeology and biodiversity

1. Principle of Development

The proposal lies within the development limit of Carhampton where Local Plan Policies SC1 and SV1 are relevant. Policy SC1 permits limited development where it contributes to the wider sustainability of the area. Policy SV1 states that

development should form an integral and harmonious addition to the village's existing character and help to maintain or enhance the existing level service provision as well as creating a balanced community. In this policy limited development means up to 10 dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period is acceptable.

It is considered that the proposal complies with both these policies as the proposed extra dwelling on a site where planning permission has already been granted recently will contribute to the wider sustainability of the area and takes into account the character of Church Lane and in particular the appearance of the proposed new houses adjoining the proposed dwelling, is under 10 dwellings and will result in less than a 10% increase in Carhampton's dwelling number. In addition the principle of residential development on the application site has been established through the 2014 permission for four houses. The proposal is therefore acceptable in principle.

2. Character and Appearance of the Area

The level site lies on the edge of Carhampton with fields to the north and bungalows to the south. There is a mixture of building materials within the village but is mainly brick, render and stone with tiles or tiles and the properties in the vicinity are either bungalows, semi detached houses together with Que House, a large detached dwelling set in large gardens. The use of natural stone and slate is already found in the vicinity and are materials that are to be used on the approved adjoining dwellings. The design of the property will also reflect the design of the approved new dwellings. The character of the area is therefore considered to be preserved.

The site does not lie within a Conservation Area but does lie within the setting of the church, a dominant building within the village. As the church is a Grade I listed building Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving the listed buildings their settings, and any features of historic or architectural interest that they possess when considering whether to grant planning permission. It is considered that due to the location of the proposed dwelling, its size, materials proposed and the design, that the setting of the church will not be adversely affected.

3. Residential Amenity

The proposed new dwelling will be located near the boundary with Que House and will not have any side windows overlooking Que House. The windows in the front elevation face the new access road and due to their position in relation to Que House will not cause any adverse direct overlooking problems. No overlooking issues to the adjoining approved new dwelling will occur due to the juxtaposition of the dwellings.

Concern has been raised over car head lights shining into the property opposite the access road. This issue was considered on the application for 4 dwellings and it was concluded that due to the position of the bungalow that this issue was not so adverse that planning permission should be refused. The addition of one extra

dwelling will not significantly increase the possible adverse impact of head lights shining into the property. In addition the proposed solution of a 6' brick wall will affect the visibility splay and would therefore adversely affect highway safety.

The proposed dwelling will have an appropriate amount of amenity land .

4. Highway Safety

The Highway Authority raises no concern to the scheme but has suggested a number of conditions that were imposed on the permission for the four houses including the surface of the access road, visibility splays, parking areas and disposal of surface water. The details required for these conditions have been approved under the 2014 permission but it is recommended that these are reimposed with the applicant needing to comply with the details that have already been approved.

5. Flood Risk and drainage

The site is not located within Flood Zones 2 or 3 and as such a flood risk assessment is not required.

With regard to drainage however, concerns have been raised by local residents in relation to the existing system that has been inadequate and there has been raw effluent in the garden of an adjoining neighbour which Wessex Water have dealt with in the past. Details have been submitted showing the proposed route of the foul water drainage and soakaways. Whilst Wessex Water have not made any observations, Wessex Water have advised the applicants on their requirements for the new sewer. These will be matters that will be determined by Building Regulations and Wessex Water.

6. Archaeology

As the site also lies within an Area of High Archaeological Potential, an archaeological survey and an archaeological investigation was submitted as part of the proposed development for four dwellings. and archaeological investigations have been undertaken and is still on going which has shown that there are limited or no archaeological implications. No further investigations are therefore required.

7. Biodiversity

An Ecological Survey and two reptile and badger monitoring surveys were submitted as part of the application for the four dwellings (which included the land the subject of this application) and the works required prior to work commencing work on site to protect the protected species have been completed including the approved relocation of the slow worms . Other mitigation works were approved and these relate to the four dwellings rather than the current application site. It is therefore concluded that there will be no additional effects on the protected species due to the proposed dwelling and as such it is considered that the relevant local plan

policies are been complied with.

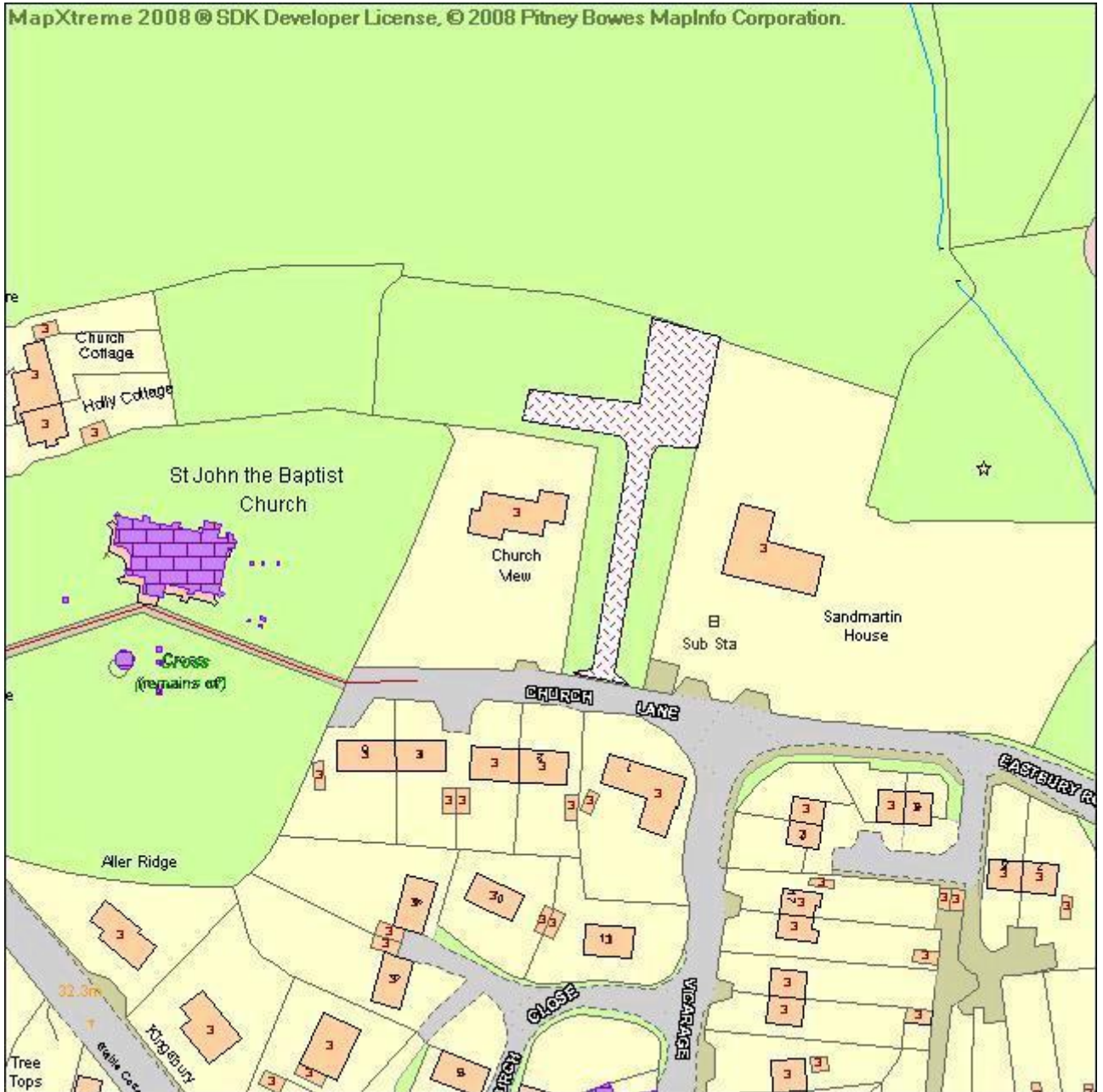
8. Other issues raised by residents

Residents consider that the proposed additional dwelling will result in overdevelopment of the site and as a permission has been granted this should not now be altered. Comments on the fact that the Diocese sold the land in good faith for four dwellings has also been raised. It is considered that the plot for the proposed dwelling is adequate for the dwelling and that the proposed dwelling will not adversely affect the amenities of adjoining properties. The fact that an application has now been received by the developer for an additional dwelling does not mean that the current permission for four dwellings is now void, in fact schemes are often amended once they have been approved and provided the amendment is acceptable there is no reason to refuse the application.

In conclusion it is considered that the proposed dwelling accords with local plan policies, will not adversely affect the character and appearance of the area, the amenities of nearby residents, drainage, highway safety biodiversity or archaeology. It is therefore recommended that planning permission be granted.

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

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



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

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 Easting: 301026 Scale: 1:1250
 Northing: 142646

Application No:	3/05/17/016
Parish	Carhampton
Application Type	Outline Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 300994 Northing: 142203
Applicant	Mr P Baker
Proposal	Outline application with all matters reserved, except for means of access, for the erection of 5 No. dwellings and associated works on land adjacent
Location	Garlands, Withycombe Lane, Withycombe, Minehead, TA24 6RF
Reason for referral to Committee	There are clear planning views from the Parish Council which conflict with the officer's recommendation.

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

- 1 Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A2) DRNO 1341.1/202 Proposed site elevation
(A3) DRNO 1341.1/200A Proposed site plans
(A1) DRNO 1341.1/201 Proposed site layout plans

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

- 3 There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access to the carriageway nearside edge 43m to the north and 31m to the south. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of Highway Safety.

- 4 Any existing or proposed entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interest of Highway Safety.

- 5 Prior to occupation of the development hereby permitted the proposed access, over at least the first 5 metres of its length as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition, or better, at all times.

Reason: In the interests of Highway Safety.

- 6 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 construction commences and thereafter maintained at all times.

In the interests of Highway Safety.

- 7 Prior to first occupation of the development hereby permitted, access to covered electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety.

- 8 No hard surface shall be placed at the site until surface water drainage works have been implemented in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework, associated Planning Policy Guidance and the Non-statutory technical standards for sustainable drainage systems. The results of the assessment shall be provided to the local planning authority for scrutiny as part

of the assessment. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event, plus 40% allowance for climate change. The submitted details shall:

1. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
2. provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system; and
3. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Including: details of land ownership; maintenance responsibilities; a description of system; the identification of individual assets, services and access requirements; details of routine and periodic maintenance activities.

The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for the lifetime of the development.

- 9 No development shall commence until a scheme for the management of foul water has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Foul water management.

- 10 No work shall commence on constructing the dwellings themselves until a scheme for flood resilient / resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In order to mitigate potential flood risk in the area.

- 11 A landscaping scheme shall be completely carried out within the first available planting season from the date of commencement of the development. Such scheme shall have first been submitted to and approved in writing by the Local Planning Authority and shall include details of the species, siting and numbers to be planted together with any hard landscaping proposed. The landscaping scheme shall include a more robust boundary native hedgerow and a new oak tree to the south. This landscaping scheme shall be protected and maintained in a healthy weed free condition for a period of five years after its completion and any trees or shrubs that cease to grow, die or become diseased 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.

- 12 Full details of existing and proposed ground and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and the development shall be carried out in full accordance with the approved details, and maintained thereafter.

Reason: In order to mitigate potential flood risk in the area and to ensure the scale of the development can be assessed as being appropriate for the development.

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. 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. No substantive issues were raised by consultees through the application process. 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 applicant should be aware that it is likely that the internal layout of the site may 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.

3 Note Construction site, hours of noisy work

- Mon-Fri 0800-1800
- Saturdays 0800-1300

All other times, including Public Holidays, no noisy working.

Proposal

Outline application with All Matters Reserved, except for means of access, for the erection of 5 No. dwellings and associated works on land adjacent to site known as Garlands, Withycombe Lane, Carhampton.

Site Description

The proposal site of approximately 0.39 ha, sits off the unclassified Withycombe Lane, Carhampton approximately 250m south of the A39. The site can also be accessed on foot via a public footpath from Hill Lane and Meadowside. It is situated beside an existing open space play area.

The site has an established field access off Withycombe Lane and there is also a nearby residential access serving Garlands itself.

The proposed five new dwellings are shown on the submitted indicative layout as occupying the lowest part of both the agricultural paddock and also some of the adjoining residential land on which there is currently an outbuilding and storage area.

It is noted that the topography of the agricultural field rises to the south and to Bowerhayes Lane and the eastern boundary and the top of the field and then flattens out towards Garlands bungalow.

Boundaries at the site comprise of typical field boundary hedging to the east, south and west. The northern elevation (which adjoins residential curtilages) is both hedging and the rear of outbuildings plus post and rail fencing.

Relevant Planning History

3/05/02/003, Erection of disabled persons bungalow - refused, 15/03/02 and dismissed on appeal (dated 24/1/03), primarily for being outside of (then adopted) settlement limits and the consequential impact upon the countryside.

Consultation Responses

Carhampton Parish Council -

1. Development of this site has the potential to exacerbate flooding issues which already exist at the eastern end of the village. The area of land adjacent to Garlands becomes waterlogged during wet weather as it takes considerable water run-off from the south-east area of the village; the excess water pours out onto and runs down both Hillview Road and Withycombe Lane.

2. The housing development recently completed at the western end of Carhampton has exacerbated the already inadequate village sewage system which now struggles to cope with the additional demands of increased volumes of sewage and water run-off. During wet weather residents on the North of the village have effluent seeping into the grounds of their gardens. Additional housing on the land adjacent to Garlands will put yet more strain onto the sewage system, for which to date no improvements are planned.

3. It appears that the proposed vehicular access would be directly onto Withycombe Lane, with no access to Hillview Lane. Withycombe Lane to the A39 is single track. During very wet weather, the roadside embankments are prone to landslip and the lane itself to flood water which runs down to the A39, pooling at the junction of the A39 with the B3191 to Blue Anchor. Should this section of Withycombe Lane be closed or blocked, there is only one other route into the village of Withycombe.

4. There is no pavement along Withycombe Lane, and insufficient room for one to be constructed. Walking down the lane to the A39 has to be undertaken with care due to the condition and width of the lane, and an increase in traffic flow from the proposed 5 new houses would be hazardous for pedestrians. There is no street lighting along this section of the lane creating even greater risk to pedestrians.

5. Access and egress onto Withycombe Lane from the A39 at the junction with the B3191 is already a difficult manoeuvre due to the volume of traffic on the A39 and B3191 and limited visibility at the junction. An increase in traffic needing to access Withycombe Lane will make the situation worse, with the potential to cause delays on the A39.

To summarise; the Parish Council feel the proposed site is unsuitable for housing due to existing flooding issues and the potential for creating additional flooding at the lower end of the village. Withycombe Lane is unsuitable for the proposed increase in traffic movements and there is no pavement, or street lighting. Attached is a photograph of the Withycombe Lane to the A39 junction during last year's heavy rainfall. SCC's Highways closed the road to traffic shortly after this photograph was taken.

Please accept this letter as Carhampton Parish Council's objection to the proposed development of the site.

Highways Development Control -

The proposal currently sits off the unclassified Withycombe Lane which subsequently links onto the classified A39, situated approximately 250m away to the north. The proposal would generate on average 40 additional vehicle movements onto Withycombe Lane per day. The speed limit at the proposal site is derestricted although observed vehicle speeds appeared to be approximately 30mph from the north and 25mph from the south. Therefore suitable visibility splays would be applicable in reflection of the observed speeds with no obstruction to visibility greater than 600mm above adjoining road level.

When consulting Drawing No: 1341.1/201 specific proposed visibility splays have not been demonstrated to the nearside carriageway edge in each direction. Given the applicants land ownership the Highway Authority believe this should be provided.

The approach road is generally suitable for single vehicular flow, although there are passing areas. Consideration has to be taken into account that Withycombe Lane is

perceived as a rural highway for low level vehicular movements and whether such a volume increase of vehicle movements on a perceived rural road would have to be weighed up within the planning balance of the application.

It is noted that there are no pedestrian footways to the proposed access from Withycombe Lane however there appears to be potential for the development to have access to a current public rights of way onto Meadowside to the west of the site.

On balance of the above, it is inevitable that the proposal will result in a material increase in the number of vehicle movements onto the local highway. The Highway Authority consider Withycombe Lane and the surrounding unclassified roads as rural highway where material development could encourage excess vehicular use on roads with a limited capacity which the Local Planning Authority should take into consideration when assessing the application.

In the event of planning permission being granted the Highway Authority would recommend the following conditions be attached:

1. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access to the carriageway nearside edge 43m to the north and 31m to the south. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
2. Any existing or proposed entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
3. Prior to occupation of the development hereby permitted the proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.
4. 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 construction commences and thereafter maintained at all times.
5. Prior to first occupation of the development hereby permitted, access to covered electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Note:

The applicant should be aware that it is likely that the internal layout of the site may 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.

Rights of Way Officer - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site at the present time (**public footpath WL 3/8**). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. General Comments

Any proposed works must not encroach on to the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

Wessex Water Authority -
No comments received.

Technical Officer -

I have been approached by the West Somerset Flood Group regarding the above planning application.

Sorry to push more work your way, but there is already a surface water flooding issue with the site. However, this is not shown on the EA's flood maps. County have issues with the road next too this as it pushes water onto the highway then onto the main A39. The land does not tend to be good for use as a soakaway. I understand that as the application is for less than 10 dwellings and as such the LLFA, (Lead Local Flood Authority) are not consulted.

I have copied in Bryn and Tim purely because the WSFG will be chasing them too on this...

West Somerset Council has also submitted a bid to the Somerset Rivers Authority regarding flood mitigation works at the Bowerhayes Bungalow site which is close to this and is a cause for concern.

Tree Officer -

With regards to existing trees, in principle no objection from me. There's one young oak tree in the middle of the site, but I do not think this tree merits a TPO or should be a constraint to development. However, at least one new oak should be included in a landscape plan for the site, or possibly in the field boundary to the south, where several new trees could be established.

The hedging on the west side is largely overgrown elm that needs managing anyway. It includes some dead elm trees.

The coniferous hedging to the north west will also require some management, and may have some adverse impact on the light getting to the proposed house in that corner during late afternoon and evening.

Biodiversity and Landscaping Officer -

The boundary of the site does not relate to any landscape features but rather follows a Public Right of Way.

If permission is granted a more robust boundary such as one formed by a native hedge is required

Environmental Health -

No objection in principle to this outline application subject to the following;

Noise:

To mitigate associated noise impacts it is recommended that the following note is added to restrict the hours of operation for noisy work as follows;

Note Construction site, hours of noisy work

- Mon-Fri 0800-1800
- Saturdays 0800-1300
- All other times, including Public Holidays, no noisy working.

Senior Historic Environment Officer -

As far as we are aware there are limited or no archaeological implications to this

proposal and we therefore have no objections on archaeological grounds.

Environment Agency -

I have checked with our planning team who inform me that we no longer comment on surface water matters. The Lead Local Flood Authority (LLFA). Somerset CC in WSDC case are the appropriate body to request comment from.

Your Local Planning Authority should be aware of this but are happy to clarify further with them if needed.

Somerset Rivers Authority -

Unfortunately there is little we can do to help. The only thing I can suggest would be to call the West Somerset Technical Officer. Sorry that I cannot be of more help.

Somerset Drainage Board -

The surface water is proposed to be attenuated onsite and released at a controlled rate; a discharge location has not yet been identified, which could be an issue as soakaways may not be that efficient in this location. However, there is space for the proposed attenuation system to be provided.

Fundamentally, the proposals are unlikely to increase flood risk with a suitable surface water drainage strategy in place. This could be obtained as a pre-commencement condition due to the lack of an identified discharge location.

Levels will also be an issue due to the fall across the site and these will need careful consideration with any reserved matters application that comes forward.

Permitted development rights are also recommended to be removed in the flood risk assessment to prevent any extensions to the rear of plots 1 and 3.

The following conditions are therefore recommended:

Surface Water Drainage

No development shall commence until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework, associated Planning Policy Guidance and the Non-statutory technical standards for sustainable drainage systems. The results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

1. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
2. provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system; and

3. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Including: details of land ownership; maintenance responsibilities; a description of system; the identification of individual assets, services and access requirements; details of routine and periodic maintenance activities.

The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for the lifetime of the development.

Foul drainage

No development shall commence until a scheme for the management of foul water has been submitted to and approved in writing by the local planning authority.

Flood Resilience

No development shall commence until a scheme for flood resilient /resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall take place in accordance with the approved details.

Flood Resilience

Full details of existing and proposed ground and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and the development shall be carried out in full accordance with the approved details, and maintained thereafter.

Representations Received

Two representations of objection raising the following concerns;

- If this application is approved it will pave the way for future development on adjacent land encroaching on the views of my property and that of my neighbours.
- I bought my home due to the views and tranquility and this development will in fringe and devalue my property.
- The public footpath running through the development site will create more traffic flow.
- The increase in traffic will be detrimental on the rural lane.
- The dwellings will impact on the public footpath.

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
NH13	Securing high standards of design
NH5	Landscape character protection
SC2	Housing Provision
SV1	Development at primary and secondary villages
CC2	Flood Risk Management
CC6	Water Management
TR2	Reducing reliance on the private car

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

T/8	Residential Car Parking
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Determining issues and considerations

The main issues and considerations in this case are;

- Principle of development
- Impacts on the character and appearance of the area
- Public right of way
- Impacts on residential amenity
- Flooding and drainage
- Highway safety

Principle of development

This is an Outline application where the principle of development is sought. Access is not to be a reserved matter and so will be determined at this stage. All other matters such as appearance, landscaping, layout and scale are to be determined at Reserved Matters stage.

It is noted that one single bungalow has previously been applied for at this site. This was refused and was the subject of an appeal (ref. no. APP/H3320/A/1098880) which was dismissed at that time by the Inspector due to the land being then classed

as being outside the development limits of Carhampton and therefore affecting the rural character of Withycombe Lane.

Since these previous decisions, the West Somerset Local Plan to 2032 has been adopted (in December 2016). This now identifies Carhampton as a 'Primary Village' and where policies SD1, SV1 and SC1 are applicable. Policy SD1, advises that there should be a presumption in favour of sustainable development and that proposals should be considered on economic, social historic and natural environmental conditions in the area. The proposed development will contribute to the settlement and the wider area.

Policy SV1, advises that development in primary and secondary villages should be designed to form an integral, harmonious addition to the settlements character and to help maintain or enhance their existing level of service provision and also help to create balanced communities at a level appropriate to their role and function. It is considered that the additional of these five dwellings are a harmonious addition to Carhampton which reflect the existing character of the area and which will enhance service provision by contributing to the village in terms of economic and social roles.

Policy SC1 guides that limited development in such areas could be considered, so long as the development would contribute to the wider sustainable benefits of the area, it must be within or in close proximity to contiguous built up area, and it must demonstrate the following;

a) It is well related to existing essential services and social facilities:- The site is within walking distance of the village hall, a pub and small shop via the public footpath and from Hillview and Meadowside, on existing pavements down to the centre of Carhampton and the local facilities of a Post Office, Village Hall and Public House.

b) There must be safe and easy pedestrian access to services and social facilities:- Withycombe Lane, itself like many small villages does not have a designated pavement/footpath in the vicinity of the application site. However, there is access from Hill View Road as above.

c) Development respects the historic environment and complements the character of the existing settlement:- It is considered that the proposed detached dwellings could be designed to be in keeping with built development in the area which comprises of a mix of both semi-detached and terraced two storey housing in the area, whilst Garlands itself is a bungalow.

d) Development does not generate significant additional traffic movements over minor roads to and from National Primary and County Highway network:- Withycombe Lane is a rural unclassified Road. Each dwelling is likely to generate 6-8 movements per day which will mean an increase of vehicle movements of this lane and this is discussed further in the report. Access is proposed via an existing access point currently serving Garlands bungalow and the adjoining agricultural field.

e) The development does not harm the amenity of the area and of adjoining land uses:- This application is for Outline permission and the submitted indicative layout

of the five new dwellings would be an extension in close proximity (50m) to the contiguous built-up area of Carhampton which is classed as a Primary Village in the new local plan. This development is proposed for only one part of the agricultural land and part of the residential curtilage of Garlands.

The definitions to policy SC1 makes clear that "limited development" in the context of Primary Villages means individual schemes of up to ten dwellings providing about a 10% increase in a settlements total dwelling numbers during the local plan period (to a maximum of 30% in any 5 year period). This proposal is for 5 dwellings and so fits well within the definition of this policy requirement.

For all of these reasons, the proposal is not contrary to the policy requirements of the now adopted Local Plan. Therefore the proposal is acceptable in principle.

Impacts on the character and appearance of the area

This proposal is on partially undeveloped agricultural land and partly residential curtilage to an existing dwelling next to former development limits.

The councils landscape officer has confirmed that the boundary of the site does not relate to any landscape features but rather follows a Public Right of Way and if permission is granted a more robust boundary such as one formed by a native hedge would be required. This can be dealt with by condition.

The Councils tree officer has no objections to the proposal with regards to existing trees. He does note that there is one young oak tree in the middle of the site, but does not think this tree merits a TPO, nor that it would be a constraint to development. However, in order to compensate for this potential loss, it is recommended that at least one new oak should be included in a landscape plan for the site, possibly in the field boundary to the south, where several new trees could be established.

The hedging on the west side is largely of overgrown elm that needs managing. It includes some dead elm trees. The coniferous hedging to the north west will also require some management, and may have some adverse impact on the light getting to the proposed house in that corner during late afternoon and evening. These are all matters that can be resolved with a landscaping scheme that can be sought via condition.

The Historic Environment Officer has confirm that there are no archaeological implications to this proposal and therefore no objections on archaeological grounds.

Given the comments above it is considered that there will not be significant impacts on the character and appearance of the area arising from this proposal, subject to a suitable condition being appended regarding a landscaping scheme. The development therefore accords therefore with local policies NH5 and NH13 of the West Somerset Local Plan to 2032.

Public right of way

Comments have been received from the local Public Rights of Way Group and can be seen above in the report. They confirm that there is a Public Right of Way, (PROW) recorded on the Definitive Map that runs partly adjacent to and partly through the site (footpath WL 3/8). They advise that development must prevent any obstruction or a diversion order applied for. The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

As this proposal is for Outline permission only it is to be confirmed fully at a later stage whether the current footpath will remain where it currently crosses the site, or whether a diversion order would be needed to re-direct the footpath. It is, however, noted that the planning agent states in the submission that it is proposed to retain the public right of way as each of the new dwellings would have access to this as a safe pedestrian route into the village. This highlights the fact that the submitted layout has been prepared as a feasibility proposal only. This will be sorted out at the reserved matters stage.

It is therefore considered that the proposal can meet the requirements of local policy CF1 (maximising access) of the West Somerset Local Plan to 2032.

Impacts on residential amenity

Two letters of objection have been raised from members of the local community, whose comments can be seen above.

The comments relating to the Public footpath are addressed in the previous section. There would be an increase in traffic flow and this is discussed further in the highways section of the report.

With regards to the comments relating to current views and loss of value of existing homes, these issues cannot be considered within the planning remit.

Proximity to neighbouring boundaries and overlooking can be considered, however, in this respect the layout of the site within this submission is indicative only and the exact location of the new dwellings is to be further considered at reserved matters stage.

It is considered at this stage that the development proposed is not yet finalised as it is an outline application only. Impacts upon residential amenity will more appropriately be considered at the reserved matters stage. However, Members are asked to note that it is considered that these concerns can be addressed and that therefore there will not be significant impacts on residential amenity. This is as required by policy NH1 of the West Somerset Local Plan.

Flooding and drainage

The site is identified on the Environment Agency website as being located in Flood Risk Zone 1. This is the lowest flood risk area and is defined as being land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (that is less than 0.1%).

Comments on flooding can be seen above in this report. Following this consultation exercise, further advice was sought from the Environment Agency, but they had no comments to make as they confirmed that the site is within floodzone 1. They are primarily interested in development within zones 2 and 3. The Local Lead Flood Authority at Somerset County Council declined to comment as the development is for less than 10 dwellings. The local Rivers Board referred comments back to the Technical Officer but he considered this to be outside of his area of expertise.

The only comments on flooding which have been received are from the Somerset Drainage board (as given above). The Drainage Board have considered flood attenuation at the site and are happy to recommend approval subject to a series of (reasonably standard) conditions which are appended to this decision.

The agent has confirmed that all surface water is to be controlled via on site soakaway and that the proposed dwellings will require a new connection onto the on site main sewage. The full details of the drainage would be confirmed, considered and approved at Reserved Matters stage.

Therefore there is no evidence to support the contention of the Parish Council that 'the site has the potential to exacerbate flooding issues which already exist at the eastern end of the village'. This proposal does not in any event have to address flooding that may occur elsewhere. In the view of the Somerset Drainage Board, this site is capable of development without undue flood risk subject to conditions as suggested. these would be resolved at the reserved matters stage.

In the absence of any verifiable technical evidence to the contrary, it is considered appropriate to recommend approval this proposal on flood risk grounds because the suggested conditions attached to this recommendation have been designed to mitigate any flood risk. On this basis, the proposal can be properly assessed as being in accordance with policies CC2 and CC6 of the West Somerset Local Plan.

Highway safety

Access is a matter that the application asks to be considered at this stage. There is currently a double access point from the Highway to both Garland (the bungalow) and also to a nearby gateway serving the field adjoining. The proposed site plan (1341.1/200A) shows the indicative layout of the site and also includes the extension of the current access on the Garlands curtilage by cutting back part of the existing grass bank and hedging on the top by approximately 10m.

Comments returned from the Highway Authority confirm that the classified A39 is located some 250m north of the site and that Withycombe Lane has a speed limit of 30mph. However, vehicle speeds were approximately 30mph from the north and 25mph from the south. The proposed development would increase the vehicle

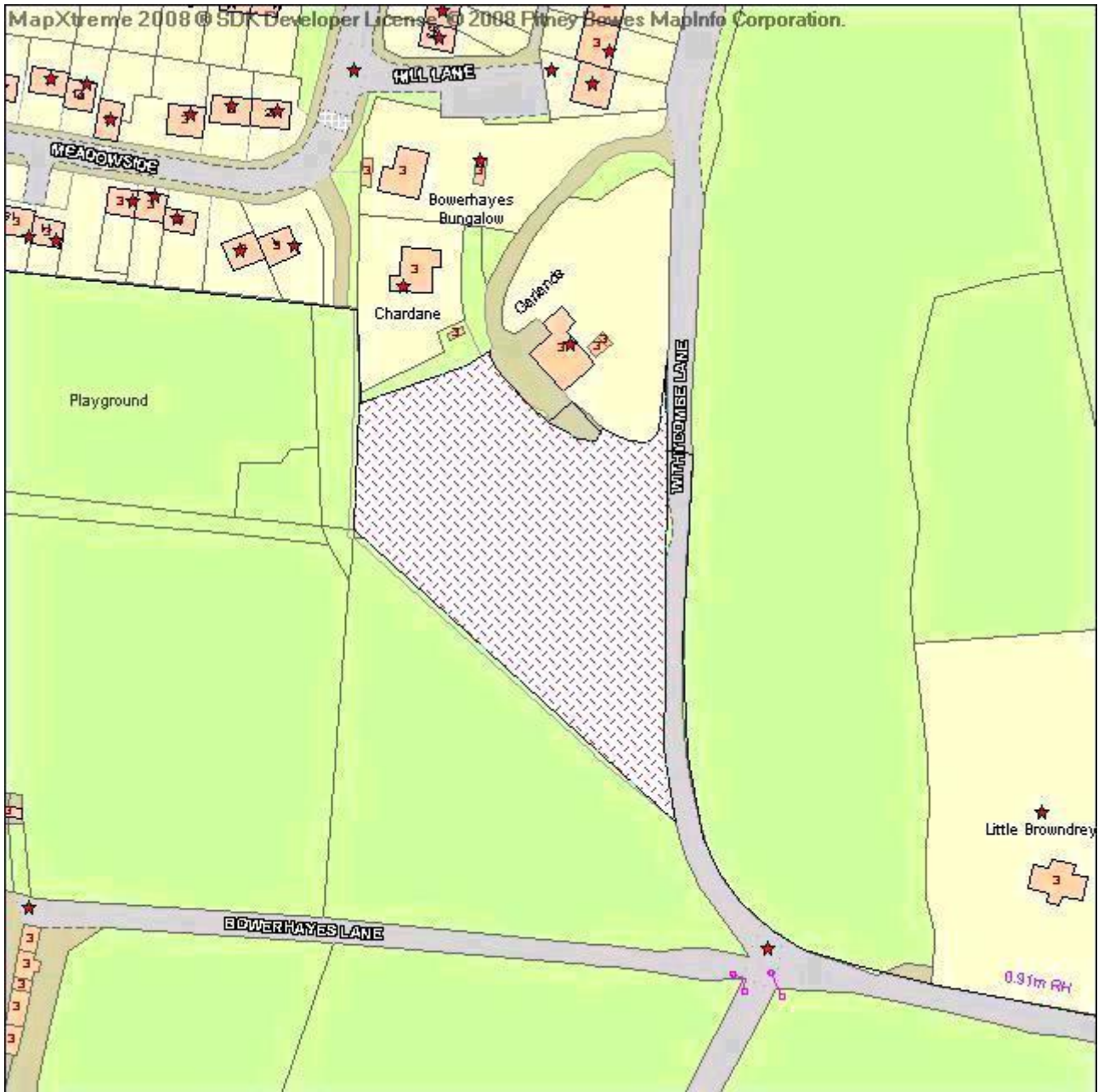
movements by approximately 40 additional movements per day. The visibility required at the access, as proposed on drawing no 1341.1/201, and it has been demonstrated that this is achievable to the nearside carriageway in each direction. It will need to be provided in this form. The rural approach road is considered generally suitable for single vehicular flow, although there are passing areas. The Highway Authority has asked the LPA to consider that Withycombe Lane is perceived as a rural highway for low level vehicular movements and therefore whether such a volume increase of vehicle movements on a perceived rural road would be likely to be acceptable. This needs to be weighed up within the planning balance of the application. It is important to understand that with the Public Right of Way remaining and this giving good pedestrian access into the village facilities, the use of private motor vehicles will not be as significant as it might otherwise be. It is also noted that there appears to be potential for the development to have access to current public rights of way onto Meadowside to the west of the site. It is not therefore considered that 5 additional dwellings on this basis would add significantly to the flow of traffic along this lane such that refusal on this ground would be justified.

The proposal is therefore recommended for approval on highways grounds, subject to conditions as suggested by the Highway Authority, which are appended to the decision.

Conclusion

Given all of the discussion above and the consultee comments, the neighbour comments and the comments from the local Parish Council, it is considered that this decision is a balanced one which weighs up the need to provide more housing in West Somerset, which would be next to the contiguous build up area and in accordance with policy SC1. The proposal is considered to meet all of the relevant policies and conditions of the adopted West Somerset Local plan. Conditions have been suggested and appended to this recommendation to allow for consideration of matters that are correctly apportioned to be dealt with at the reserved matters stage. The recommendation is one of conditional approval.

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



Application No 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, TA24 6RF
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA

West Somerset Council



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Northing: 142182

Application No:	3/01/17/009
Parish	Bicknoller
Application Type	Advertisement Consent
Case Officer:	Denise Grandfield
Grid Ref	Easting: 310986 Northing: 139278
Applicant	Mr Eveleigh
Proposal	Display of 4 No. non illuminated directional signs and 1 No. non illuminated 'A' board (retention of works already undertaken)
Location	The Bicknoller Inn, 32 Church Lane, Bicknoller, Taunton, TA4 4EL
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: Refuse

Reasons for refusal:

- 1 The proliferation of fingers signs would be visually obtrusive and detrimental to the visual amenity and appearance of the rural area and would result in visual clutter to the village as such would be contrary to policy BD/7 of the retained West Somerset Local Plan.

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. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

Proposal

The application, submitted in retrospect, proposes the display of four non-illuminated directional signs and one non-illuminated 'A' board sign. The signs appear to be located on highway land and a licence is required from the Highway Authority for obstructions on the highway.

The signs are in various locations in the village. Two are located at either end of Church Lane and two are located on the triangle at the north-east end of Dashwood Lane. The directional finger signs are small in scale and of a rustic nature, measuring approximately 0.7m by 0.2m, with varying overall heights depending on the location and fixtures. However the highest sign measures 0.8m. The signs read 'PUB' in white writing on a dark background with a red arm and green surround. The 'A' board is proposed to be located at the junction of A358 with Church Lane and measures 0.68m wide by 1.15m high and reads 'The Bicknoller Inn' in white 'Carvery, Live Music, Beer Garden' in yellow on a black background and a green metal frame..

Site Description

The village is located within the Quantock Hills Area of Outstanding Natural Beauty (AONB). The finger signs are located in various sites around the village and the 'A' board is located on the grass highway verge at the junction of the A358 with Church Lane.

Relevant Planning History

3/01/05/001 - Demolition of outbuildings and construction of extension to form restaurant and kitchen - Approved - 25 February 2004

Consultation Responses

Bicknoller Parish Council - Support application

Highways Development Control - Standing advice applies. The applicant is advised to apply for a licence for obstruction on the highway.

Representations Received

Three representations objecting to the proposal on some or all of the following grounds:

- no need for directional signs
- signs are ugly and unsympathetic to the village location
- on highway land and no permission sought from land owners
- no community consultation carried out
- finger signs should not be permanent fixtures
- finger signs are showing signs of weather damage

Three representations received supporting the application:

- fully support, signs are a useful asset
- not intrusive in terms of size and design

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

NH14 Nationally designated landscape areas

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

BD/7 Advertisements

Determining issues and considerations

Policy BD/7 sets out the criteria for the display of advertisements, which are permitted unless:

- (i) they would be prejudicial to public safety.
- (ii) they would be visually obtrusive and detrimental to the appearance of a rural or urban area.
- (iii) visual clutter would result
- (iv) they would detract from the character of the building or the street scene by reason of design, size, materials, colour or illumination

The application proposes the retention of five signs around the village to provide

direction to the village pub, The Bicknoller Inn. Whilst the finger signs are non-illuminated and fairly small the proliferation of fingers signs would be visually obtrusive and detrimental to the amenity and appearance of the rural area in the AONB. The number of signs proposed is considered to be unacceptable in a village of this size and would result in visual clutter.

As such the application would be contrary to the requirements of the adopted policy and refusal is recommended.

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



Application No 3/01/17/009
Display of 4 No. non illuminated
directional signs and 1 No. non
illuminated 'A' board
The Bicknoller Inn, 32 Church
Lane, Bicknoller, TA4 4EL

Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

West Somerset Council
Licence Number: 100023932

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Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/07/17/017	Puddies Meadow, Crowcombe Road, Crowcombe, Taunton, TA4 4AE	Erection of garden room, porch and dormer on the south elevation	20 Decem ber 2017	Grant	SW
3/07/17/018	Stable Cottage, Mark Herniman Hill, Crowcombe, Taunton, TA4 4AA	Erection of a single storey garden room on the north west elevation	18 Decem ber 2017	Grant	SW
3/09/17/004	Little Hawkwell, Oldway Road, Dulverton, EX16 9JH	Erection of extension to the north elevation and erection of car port and store	17 Januar y 2018	Grant	SW
3/21/17/116	1 Blenheim Cottages, Blenheim Road, Minehead, TA24 5QB	Erection of extension to the rear with installation of gatepost	12 Januar y 2018	Grant	SW
3/21/17/118	McDanas, Warren Road, Minehead, TA24 5BG	Installation of a 6m wide bi-fold door set on the street elevation	21 Decem ber 2017	Grant	SW
3/21/17/123	Bridgeway, Burgundy Road, Minehead, TA24 5QJ	Erection of a first floor extension to the east elevation (re-submission of 3/21/17/104)	16 Januar y 2018	Grant	SW
3/31/17/015	Sunnydene, 14 Hill Street, Stogumber, TA4 3TD	Erection of rear and side extensions	12 Januar y 2018	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/38/17/002	Withenfield, Staple Lane, West Quantoxhead, TA4 4DE	Erection of first floor extension and single storey ground floor extension to the south east elevation	13 December 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/38/17/003	Firethorn, Weacombe Road, West Quantoxhead, TA4 4EA	Erection of dormers with balconies on the rear elevation	13 December 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/39/17/025	Arden Cottage, 33 Long Street, Williton, TA4 4QU	Various internal and external alterations	15 December 2017	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
HPN/21/17/004	24 Quarry Close, Alcombe, Minehead, TA24 6EE	Rear single storey extension with dual-pitched roof. The extension will extend 6m from the rear of the dwelling, with a height of 3.6m to the ridge and 2.4m to the eaves, as specified by the following submitted details: Application form, location plan, proposed floor layout and elevations and section	12 January 2018	Prior approval not required	SW

Ref No.	Application	Proposal	Date	Decision	Officer
PRE/21/17/011	Vennland Centre, Mart Road, Minehead, TA24 5DX	Extension to existing building	18 December 2017	Advice Given	SK

Ref No.	Application	Proposal	Date	Decision	Officer
PRE/26/17/006	Cleeveaway, Bilbrook, Old	Demolish existing woolaway bungalow	13 December	Advice Given	SK

Cleeve, Minehead, and erect two 2/3 bed ber
TA24 6HQ houses 2017

Ref No.	Application	Proposal	Date	Decision	Officer
RTC/21/17/00 2	Minehead Sports, 55 The Avenue, Minehead, TA24 5BB	Prior approval for proposed change of use from shop (Class A1) to cafe (Class A3)	07 Decem ber 2017	Prior approval required and given subjec	SK



Appeal Decisions

Site visit made on 13 December 2017

by **Stephen Hawkins MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 January 2018

Appeal A Ref: APP/H3320/D/17/3181066

**The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Minehead, Somerset
TA24 6JF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Penny Rawson against the decision of West Somerset Council.
 - The application Ref 3/26/17/009, dated 16 March 2017, was refused by notice dated 9 May 2017.
 - The development proposed is a porch/reception with access lobby to it.
-

Appeal B Ref: APP/H3320/D/17/3181069

**The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Minehead, Somerset
TA24 6JF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Penny Rawson against the decision of West Somerset Council.
 - The application Ref 3/26/17/015, dated 10 May 2017, was refused by notice dated 3 July 2017.
 - The development proposed is a porch/reception with access lobby to it.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for a porch/reception with access lobby to it at The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Minehead, Somerset TA24 6JF in accordance with the terms of the application, Ref 3/26/17/015, dated 10 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 12, Drawing No 13, location plan.

Preliminary Matters

3. In both appeals the description of the proposed development has been taken from documents entitled 'description of proposed works' accompanying the applications. This is because the relevant parts of the application forms did not describe the proposed developments but made reference to these documents.

4. The Council supplied a copy of an Article 4 Direction dated 15 July 1967 in respect of Cleeve Park. As a result of the Direction express planning permission is required for development within the curtilage of a dwellinghouse and minor operations which would otherwise have been 'permitted development'. I have not been supplied with any substantive evidence which would indicate that the Direction no longer remains in effect.

Applications for Costs

5. Applications for costs in respect of both appeals were made by Dr Penny Rawson against West Somerset Council. These applications are the subject of separate Decisions.

Main Issue

6. The main issue in both appeals is the effect of the proposals on the character and appearance of the area.

Background

7. Cleeve Park is mostly made up of about a hundred small chalet-style dwellings arranged around circulation roads. The dwellings are situated in well-spaced individually landscaped plots within a quiet woodland setting, surrounded by countryside. For the most part, the dwellings are of a similar design and appearance. During my site visit I observed that many of the dwellings have been extended in different ways. Many have outbuildings of varying size and design within their grounds. I also saw other dwellings of varying design and scale, mostly on the edges of the Park. Nevertheless, and whilst the dwellings and how they are occupied might have evolved since their erection, my overall impression is that the Park retains a unified style and coherent appearance which contributes significantly to its individual character.

Reasons-Appeal A

Character and appearance

8. The dwelling has a design and appearance consistent with many other properties in the Park. The proposed porch would be on its front elevation. The main parties disagree over the porch floor area. Even so, the submitted plans indicate that it would appear as a relatively large addition when compared with the modest scale of the dwelling.
9. Further, the porch would extend significantly beyond the side wall of the dwelling, towards the boundary with the adjacent property. The misalignment between the side wall of the porch and that of the dwelling would create a disruptive appearance. It would also reduce, albeit slightly, the sense of space between the dwelling and the adjacent property.
10. Consequently, the porch would not compare favourably with the design, scale and siting of front additions to other dwellings in the vicinity. The porch would have similar details to the dwelling and it would utilise similar external materials. However, these matters would not, in themselves, mean that the porch would assimilate successfully with its context. Due to all of the above factors, the porch would fail to integrate with the dwelling or its surroundings and it would appear as an awkward and alien addition.

11. The dwelling is set back from the circulation road. Due to a substantial protected Yew tree and other frontage vegetation there would only be limited views of the porch from the road. Also, the porch would not directly affect any existing planting. Even so, I cannot discount the possibility that the planting might require pruning back significantly in future, thus opening the porch up to wider views in its surroundings and exacerbating the visual harm identified above. Whilst additional planting could be undertaken, this would not be a good reason to allow an otherwise unacceptable form of development.
12. Overall therefore, I find that the porch would cause unacceptable harm to the character and appearance of the area. Consequently, the porch would not accord with saved Policy BD/3 of the adopted West Somerset Local Plan 2006 (LP), as its scale and proportions would not be in character and appropriate to the building to which it relates. This policy is consistent with the National Planning Policy Framework (the Framework) core planning principle of always seeking to secure high quality design. It is also consistent with the more detailed policy on good design at Section 7 of the Framework.
13. The Council also made reference to the dwelling being in a Special Landscape Area (SLA). However, I have not been referred to any relevant part of the Development Plan or any relevant policies which might apply as a result. Consequently, I have given this matter limited weight.

Other Matters

14. The porch would have a side window facing towards the boundary with the adjoining property (No 56). Additionally, a small window would be inserted in the side elevation of the dwelling to serve a bathroom. From these windows it would be possible to overlook the front garden and driveway of No 56. However, as that area is open to views from the road it could not accurately be described as private. Moreover, the bathroom window is likely to be obscure glazed. Therefore, I accept that the porch would not unacceptably affect the privacy currently enjoyed by the adjoining residential occupiers.
15. Reference has been made to the 'permitted development' rights currently available for larger residential extensions outside of certain designated areas¹. Even so, due to the Article 4 Direction such rights would not apply in respect of the dwelling. I appreciate that the dwelling is of modest size and that the appellant wishes to enlarge it to provide living space more suited to her requirements. I also note that the porch has been designed around physical constraints associated with drainage and a telegraph/electricity pole. Further, I have taken account of the support for the porch from an interested party. However, none of these matters materially affect the weight given to my findings on the main issue.

Reasons-Appeal B

Character and appearance

16. The proposed porch would be on the front elevation of the dwelling. It would be of relatively modest size compared with the scale of the dwelling and its side would be aligned with the existing side wall. The porch would be of a similar form to the dwelling and would echo aspects of its detailed design. The porch would also utilise similar external materials to the dwelling and it would not

¹ Class A.1 (g) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

have an excessive number of openings. Therefore, the porch would integrate successfully with the dwelling and it would not erode any space at the side of the property. Consequently, the design scale and siting of the porch would be materially different to the scheme at Appeal A and would be similar to front additions to other dwellings in the vicinity.

17. I acknowledge that a rear extension to the dwelling was permitted on appeal in January 2017². Even so, the porch is of modest size and there would be limited public views in conjunction with the rear extension. Consequently, the porch would not significantly alter the scale and character of the dwelling or the visual impact on its surroundings, either individually or in accumulation with the permitted rear extension.
18. Therefore, the porch would not cause unacceptable harm to the character and appearance of the area. Consequently, the porch would accord with LP Policy BD/3, as its scale and proportions would be in character and appropriate to the building to which it relates. For the reasons explained in Appeal A, I have given limited weight to the Council's reference to the SLA.

Other Matters

19. Interested parties have made reference to Cleeve Park being located in the open countryside. However, the Council did not suggest that the porch would fail to accord with Policy OC1 of the adopted West Somerset Local Plan and I have not been provided with any substantive evidence to suggest otherwise. I also note concerns about the extensive recent planning history of the site, possible precedent for further development, possible future business use of the dwelling, the feasibility of moving the telegraph/electricity pole and comments on the Article 4 Direction. However, I have to deal with this appeal on the basis of its individual planning merits. I do not have any substantive evidence concerning the effect of the porch on wildlife or on the Park's infrastructure. Therefore, I can only give the above matters limited weight.

Conditions-Appeal B

20. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans, in the interests of certainty. The external materials are specified on the approved plans. Therefore, it is not necessary to impose a matching materials condition. As there would be no unacceptable overlooking of the adjoining residential property, the suggested condition regarding obscure glazing of the side window is unnecessary.

Conclusions

21. For the reasons given above I conclude that Appeal A should be dismissed and Appeal B should be allowed.

Stephen Hawkins

INSPECTOR

² Reference APP/H3320/D/16/3159772.



Costs Decisions

Site visit made on 13 December 2017

by **Stephen Hawkins MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 January 2018

Costs application in relation to Appeal A Ref: APP/H3320/D/17/3181066 55 The Sanctuary, Cleeve Park, Chapel Cleeve, Minehead, Somerset TA24 6JF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Dr Penny Rawson for a full award of costs against West Somerset Council.
 - The appeal was against the refusal of planning permission for a porch/reception with access lobby to it.
-

Costs application in relation to Appeal B Ref: APP/H3320/D/17/3181069 55 The Sanctuary, Cleeve Park, Chapel Cleeve, Minehead, Somerset TA24 6JF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Dr Penny Rawson for a full award of costs against West Somerset Council.
 - The appeal was against the refusal of planning permission for a porch/reception with access lobby to it.
-

Decision

1. Both applications for an award of costs are refused.

Background

2. The Planning Practice Guidance (PPG) 'Appeals' section advises that parties in planning appeals should normally meet their own expenses. However, costs may be awarded where a party has behaved unreasonably and that behaviour has caused another party to incur unnecessary or wasted expenditure in the appeal process (paragraphs 028 and 030). Guidance on what is meant by 'unreasonable' is in paragraph 031. The applications for costs were made in writing in accordance with the guidance at paragraph 035.
3. Both awards of costs are sought on substantive grounds. Paragraph 047 of the PPG provides examples of the type of unreasonable behaviour that may put a Council at risk of an award of costs concerning the substance of the case. This can include preventing or delaying development which should clearly be permitted having regard to its accordance with the Development Plan national policy and any other considerations, failing to produce evidence to substantiate reasons for refusal and making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by objective analysis.

Reasons-Appeal A

4. Broadly, the appellant considers that the Council incorrectly assessed the size and nature of the proposal, it failed to judge the application on its individual planning merits by referring to previous applications, it did not properly assess the character and appearance of the area, it gave undue weight to Policy BD/3 of the adopted West Somerset Local Plan (LP) and the status of the Article 4 Direction is unclear.
5. The proposal would be a significantly sized addition, given the modest scale of the dwelling. Consequently, whilst the Council's calculation of the proposed floorspace is different to the appellant's, it does not suggest any significant overestimation of the scale of the proposal. The Council's description of the proposal as a 'porch' is concise and does not suggest any significant lack of accuracy in its assessment.
6. As the appeal site has an extensive recent planning history, the delegated report sets this out in some detail. The planning history of a site will almost always be a material consideration in determining development proposals. Therefore, the proposal had to be assessed in the context of previous schemes. There is nothing to suggest that the Council placed undue weight on decisions made in respect of those previous schemes when assessing the planning merits of the proposal.
7. The Council identified the key visual qualities of the area and assessed the proposal against them in a manner proportionate to the scale of the development. Whilst I appreciate that the appellant does not agree with this assessment, it was entirely legitimate for the Council to reach the conclusions it did based on its own interpretation of the character and appearance of the area and their conclusions are soundly justified.
8. Planning law requires development proposals to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Although of some age, LP Policy BD/3 remains part of the Development Plan and it is consistent with the National Planning Policy Framework. Therefore, the Council were correct to afford the weight it did to that policy. The Council set out the relevance of the Article 4 Direction to the proposal in the report. There does not appear to have been any doubt about its purpose as a means of controlling development otherwise permitted by a Development Order, or its status.
9. Therefore, the Council produced substantial, relevant and specific evidence in the delegated report which clearly supported its conclusions that the proposal would unacceptably harm the character and appearance of the area. Consequently, I find that the Council's reason for refusal stands up to objective scrutiny and it has been substantiated at appeal. I acknowledge the appellant's sense of frustration in her attempts to enlarge her property and appreciate that she wished to minimise building costs by erecting the porch at the same time as the permitted rear extension. Nevertheless, for the above reasons I have not found anything to suggest that the Council acted in a manner similar to any of the examples of unreasonable behaviour referred to in the PPG. Accordingly, the appellant has not been put to the expense of an appeal which would otherwise have been unnecessary.

Reasons-Appeal B

10. Broadly, the appellant considers that in refusing the application against the recommendation of its own officers, the Council's Planning Committee incorrectly assessed the size and nature of the proposal, it did not properly assess the character and appearance of the area, it made reference to an irrelevant consideration in the Special Landscape Area (SLA) and it gave undue weight to LP Policy BD/3 and the Article 4 Direction.
11. Although the Council is not bound by the advice of its officers, it still has to produce evidence to substantiate the reason for reaching that decision. The Council's case at appeal largely rests on its reason for refusal. Even so, the Planning Committee report indicates that the planning considerations in this case were finely balanced. Old Cleeve Parish Council and several interested parties held firm views which were clearly articulated and which interpreted the scale and impact of the proposal on the character and appearance of the surrounding area in a different manner to Council Officers. Against this background I am not convinced that any lack of clarity concerning the size of the proposal, its description as a porch or how the application was otherwise handled and discussed materially affected the outcome of the Committee's deliberations. Consequently, although I reached a different conclusion on the merits of the case, the Council's decision was underpinned by a body of evidence.
12. Whilst the Council did not explain the relevance of the SLA to the proposal, neither is there any clear indication that it is referred to other than as part of the context. For reasons described under Appeal A, the Council gave appropriate weight to LP Policy BD/3. The significance of the Article 4 Direction is explained in the report and in the reason for refusal. Accordingly, there is no substantive evidence to suggest that the Council misinterpreted its purpose.
13. As with Appeal A, I acknowledge the appellant's sense of frustration in her attempts to enlarge her property and appreciate that she wished to minimise building costs by erecting the porch at the same time as the permitted rear extension. Nevertheless, for the above reasons I find that the Council's refusal of planning permission in this case also stands up to objective scrutiny and it has been substantiated at the appeal. Therefore, I am not persuaded that the Council acted in a manner similar to any of the examples of unreasonable behaviour referred to in the PPG. Accordingly, in this case also the appellant has not been put to the expense of an appeal which would otherwise have been unnecessary.

Conclusions

14. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in relation to either Appeal A or Appeal B.

Stephen Hawkins

INSPECTOR