



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 219735

Date 18 April 2018

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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 26 April 2018

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 26 April 2018 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 29 March 2018 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

The Chairman/Administrator to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

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

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

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

Report No: Eleven

Date: 18 April 2018

<u>Ref No.</u>	<u>Application/Report</u>
3/07/17/019	Land to south of Higil Lea, Crowcombe, TA4 4BF "Change of use of agricultural land for siting of pop up cafe, toilet facilities and storage trailers with the erection of canvas yurt and formation of track and parking.
3/21/17/119	Land off Hopcott Road, Minehead Application for approval of reserved matters following Outline Application 3/21/13/120 for a residential development of up to 71 No. dwellings, access, landscaping and associated works.
3/21/18/017	Elgin Towers, Burgundy Road, Minehead, TA24 5QJ Erection of a 10.5m long and 1.8m high close boarded fence in the south west corner of the site (retention of works already undertaken).

3/28/17/008	Land to the rear of Brownwich House, 47 Tower Hill, Williton, TA4 4JR "Erection of 1 No. detached dwelling and garage with formation of pedestrian and vehicular access (amended scheme to 3/28/16/008)
3/39/18/002	Doniford Farm Park, Doniford Farm, Doniford Road, Watchet, TA23 0TQ "Siting of a static caravan and installation of a metal fence (retention of works already undertaken)

6. Exmoor National Park Matters - Councillor to report

7. Appeals Lodged

Appeal against the issuing of an enforcement notice in relation to a breach of planning control in respect of the approved plans and use of a building at The White Horse Inn, Washford, Old Cleeve, TA23 0JZ (application 3/26/14/012 refers)

8. Appeals Decided

Appeal against the reconstruction and conversion of derelict buildings into two holiday let accommodation at the Former Scarr House, Lydeard St Lawrence, TA4 3RH – appeal dismissed. (Application no. 3/02/16/005).

9. Reserve date for site visits – 29 May

10. Next Committee date – 31 May

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 29 March 2018 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor I Aldridge
Councillor S Dowding
Councillor S Goss
Councillor B Heywood
Councillor K Mills

Councillor C Morgan
Councillor J Parbrook
Councillor K Turner
Councillor T Venner

Officers in Attendance:

Planning Officer (Conservation) – Elizabeth Peeks
Assistant Director Planning and Environment – Tim Burton
Planning Officer – Sue Keal
Legal Advisor – Brian Convery– Shape Partnership Services
Democratic Services Officer – Tracey Meadows

P81 Apologies for absence

There were apologies for absence from Councillors S Goss, I Jones, A Kingston-Jones, P Murphy and R Woods

Substitution

Cllr A Hadley for Cllr R Woods

P82 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 22 February 2018 circulated at the meeting be confirmed as a correct record.

The **motion** was carried.

P83 Declarations of Interest or Lobbying

Councillor K Turner declared that he had been lobbied at the last meeting for application No. 3/06/17/002, but not for this meeting. Councillor B Maitland-Walker declared that she had been telephoned by one of the objectors for application No. 3/05/18/001. She declared that she would speak on their behalf.

P84 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P85	3/05/18/001	Erection of balcony and porch to principle and elevation plus timber decking (retention of works already undertaken). Newlands, Carhampton Road, Carhampton, Minehead	Mr N Smythe Mr R Emms	Neighbour Neighbour	Objecting Objecting
P85	3/06/17/002	Change of use of agricultural to equestrian, erection of 1 No. stable/barn with formation of access track. Land at un-named road, Mill Lane to Scotts hill, Clatworthy, Somerset	Faye Constable	Applicant's daughter	Infavour
P85	3/09/17/005	Erection of 1 No. detached dwelling with garage and associated works. Land between No's 6 and 8 Battleton, Dulverton			

P85 Town and Country Planning Act 1990 and Other Matters

Report nine of the Planning Team dated 21 March 2018 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

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

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

Reference Location, Proposal, Debate and Decision

3/05/18/001 – Erection of balcony and porch to principal elevation plus timber decking (retention of works already undertaken). Newlands, Carhampton Road, Carhampton, Minehead

The Member's debate centred on the following issues;

- Concerns that the decking area was unappealing;
- The decking outside the window would not mean any further overlooking onto other properties;
- The amended application was welcomed as it alleviated residents concerns;

Councillor C Morgan proposed and Councillor B Maitland-Walker seconded a motion that the application be **Approved** with an amendment to condition 2 on the late correspondence sheet to read; The lower level of the decking area and the wooden fences on the north and west boundaries of the upper section of the decking area shall be removed within three months of the date of this permission.

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

3/06/17/002 - Change of use of agricultural land to equestrian, erection of 1 No. stable/barn with formation of access track. Land at un-named road, Mill Lane to Scotts Hill, Clatworthy, Somerset

Comments by members of the public;

- Concerns with the suitability of stabling, access track, location and size of the building;
- Concerns with caring for animals at a distance;
- Concerns with the increase of traffic on the road;
- There were no other buildings not associated with a farms in this area;
- No one in Clatworthy was in support of this application;
- Concerns that this would set an unwarranted precedent in Clatworthy;
- The application would not be seen from the main road or surrounding areas;
- The gateway had been graded with natural shale to reduce the steep entry and a small amount of the bank had been cut level at the entrance only ;
- Positive feedback had been received by horse riders and dog walkers who could now pass safely;
- Travel from Watchet to Clatworthy was not a planning consideration;
- The correct permissions had been sought for this application;

The Member's debate centered on the following issues;

- Concerns that this area of Clatworthy was one of the hidden gems of Somerset, which should not be spoilt;
- The application could be seen from certain vantage points in Clatworthy;
- There would not be an issue with this application if it had been for an agricultural building;
- Concerns with building by the back door;
- The application did not feel that it was out of keeping with the area;
- The building would detract from the landscape;
- The change of use of this site would deter development by stealth;
- The Applicant traveling from Watchet to Clatworthy was not a planning matter;

Councillor Turner proposed and Councillor Venner seconded a motion that the application be **Refused** on the impact, quality and integrity of the landscape. The motion was lost.

Councillor Morgan proposed and Councillor Mills seconded a motion that the application be **Approved**

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

3/09/17/005 – Erection of 1 No. detached dwelling with garage and associated works. Land between No's 6 and 8 Battleton, Dulverton

Comments by members of the public;

- Earlier concerns regarding the safe walking route into Dulverton were now mitigated;
- The proposal would make good use of this redundant site;
- The proposal conformed to the contemporary design of the area;

The Member's debate centred on the following issues;

- Pleased to see that previous concerns with the site had been alleviated;
- The proposal was exciting and innovative;
- The proposal was making good use of the site;
- The extra bit of pavement would be of benefit to the existing residents safety;
- Concerns with the septic tank and Soakaways and where this would be sited;
- Concerns with the water run-off from the development onto the Highway;

Councillor Heywood proposed and Councillor Morgan seconded a motion that the application be **Approved** with a further condition to be added to the recommendation with regards to surface water drainage.

The **motion** was carried

Reference Location, Proposal, Debate and Decision

3/39/18/002 – Siting of a static caravan and installation of a metal fence (retention of works already undertaken). Doniford Farm Park, Doniford Farm, Doniford Road, Watchet

Application Deferred

P86 Exmoor National Park Matters

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 6 March 2018 of the Exmoor National Park Planning Committee. This included:

The Exmoor National Park Planning Committee was held in Lynton Town Hall

62/50/16/001 Proposed re-instatement of railway line and ancillary development. Land between Killington Lane and Blackmoor Gate, Parracombe, Barnstaple, Devon

62/50/16/002 Proposed erection of engine shed (1749sqm), formation of railway sidings and change of use of agricultural barn to railway workshop. Rowley Moor Farm, Kentisbury, Barnstaple, Devon

62/50/16/003 Proposed change of use of site of former hotel to railway car park with 162 car parking spaces and pedestrian underpass to station. Site of former Blackmoor Gate Hotel, Blackmoor Gate, Barnstaple, Devon

62/50/16/004 Proposed demolition of public toilets and shelter, relocation of public car park, erection of new toilets and interpretation building together with provision of temporary public car park (amended description). Site of current public car park, Blackmoor Gate, Barnstaple, Devon

62/50/16/005 Proposed erection of two semi-detached dwellings replacing bungalow demolished to allow re-instatement of railway line - one local needs affordable and one for occupation by railway staff. The Halt, Parracombe, Barnstaple, Devon

62/50/17/002 Proposed temporary use of part of existing highways depot as Materials Recycling Centre in connection with reinstatement of phase IIA of the Lynton and Barnstaple Railway. Beacon Down Depot, Parracombe, Devon

P87 Appeals Lodged

Appeal against the refusal of planning permission for the erection of 1 No. dwelling and associated works at Combe Water, 29 Manor Road, Alcombe, Minehead, TA24 6EJ (application 3/21/17/091).

Appeal against the refusal of planning permission for an outline planning application with all matters reserved except for means of access for the erection of 1 No. dwelling in the garden to the rear at 22 Whitecroft, Williton, TA4 4RX (application 3/39/17/014).

Appeal against the refusal of planning permission for the erection of one dwelling with detached garage and associated works at Magnolia House, Abbey Road, Washford, TA23 0PR (application 3/26/17/017)

Appeal against the refusal of planning permission for an outline application with all matters reserved, except for means of access, for the erection of five dwellings and associated works on land adjacent to Garlands, Withycombe Lane, Withycombe, TA24 6RF (application no. 3/05/17/016)

P88 Appeals Decided

No appeals decided

The meeting closed at 6.10pm

DRAFT

Application No:	3/07/17/019
Parish	Crowcombe
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 313936 Northing: 135780
Applicant	Mrs S Ware
Proposal	Change of use of agricultural land for siting of pop up cafe, toilet facilities and storage trailers with the erection of canvas yurt and formation of track and parking.
Location	Land to south of Higil Lea, Crowcombe, TA4 4BF
Reason for referral to Committee	The application is of significant local interest.

Recommendation

Recommended decision: Refuse

Reasons for refusal:

In the opinion of the Local Planning Authority, the application site is located within open countryside where in exceptional circumstances development may be permitted in accordance with Policy OC1 of the West Somerset Local Plan to 2032, where this is beneficial for the community and local economy. One exception is if it is new-build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1. The proposal is not considered to comply with this policy as the proposed business could be accommodated within or adjoining Crowcombe.

The proposed tourist cafe venue would comprise a number of structures, gravelled track and car parking area which due to the site's prominent location and open rural character on the edge of the Quantock Hills Area of Outstanding Natural Beauty (AONB) would adversely affect and not conserve the setting, tranquility, character and appearance of the AONB as the proposal is not of high quality design, urbanises the character of the area and is highly visible. This is contrary to policies NH5 and NH14 of the West Somerset Local Plan to 2032 and guidance contained in the National Planning Policy Framework in particular Section 11 - Conserving and enhancing the natural environment.

It is considered that the proposal generates new unsustainable transport patterns over minor roads and will generate significant additional traffic movements as it is likely that users of the proposal will use a private vehicle due to the distance of the site from settlements and railways stations and as

the access roads have no pavements and are unlit. This is contrary to policy TR2 of the West Somerset Local Plan to 2032 and the guidance in National Planning Policy Framework, paragraphs 34 and 35.

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. During the course of pre-application discussions the applicant was informed that, in the view of 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 / policies within the National Planning Policy Framework], as such the applicant was advised that it was likely that should an application be submitted it would be refused. Despite this advice the applicant choose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

The application was considered not to represent sustainable development [and the development would not improve the economic, social or environmental conditions of the area].

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 proposal is for the change of use of agricultural land for the siting of pop up cafe, toilet facilities and storage trailers with the erection of a canvas yurt and formation of a 3m wide gravelled track and parking for 12 cars on a gravelled area

The following items are to be sited on the land:

- The yurt/marquee (72 sqm) would have a wooden floor and be used as a seating arena. The yurt would be 4.5m wide with a height of 2.4m.
- The mobile storage unit would be used for the storage of items used in relation to upkeep of land and is on wheels. The unit has an aluminium frame with timber cladding and oak effect upvc windows and is 5.5m long.

- A 3m long horse box is to be provided for the storage of a ride on mower.
- A 2.9m long cream and red Thompson mini glen vintage caravan is to be used as a mobile catering unit
- A compost toilet will be housed in a wooden clad building with a shingle roof. The building will be 1.26m x 1.31.m and 2.13m tall.
- Portaloos may also be provided but are not shown on the site plan
- Tables and chairs for outdoor dining

When the above are not in use these can be stored.

The hours of operation are not known but is to operate from spring - autumn. 2 full time staff and two part time staff, the equivalent of 3 full time staff are to be employed. Currently one part time staff is employed.

All waste is to be removed daily.

Site Description

The application site consists of a strip of agricultural land of approximately 0.9 acres (0.36 ha). It is noted from the submission that this land has not been in agricultural use or for farming purposes since 2007.

The land known as Higil field is in a prominent position on the brow of a hill at Flaxpool located in the AONB. The site is also located outside of the built up area of Crowcombe, and therefore is classed as being in open countryside, where development is strictly controlled.

There is no direct access from the A358, the main County Route between Taunton and Minehead. Access is gained via the Crowcombe to Flaxpool Hill road via an existing field gate off a private road serving the small adjoining residential development known as Higil Lea.

Boundaries at the site comprise of a mix of traditional field hedge boundaries to the north, east and west. The dividing boundary between the fields on the southern boundary is post and wire fencing, with post and wire fencing also inside the northern boundary with Higil Lea. Inside the roadside western hedge boundary there is also post and rail fencing.

Relevant Planning History

The following decisions relate to the adjacent land and the access:

3/07/11/016 - Development of 5 new affordable home and associated external works including new entrance and services. Granted 18/05/12.

C/07/13/001 - Approval of details, condition 4. drainage, condition 5 estate road/footpath, condition 6. hard & soft landscaping works, condition 8. schedule of materials of planning permission 3/07/11/016. Granted 10/05/13.

C/07/14/001 - Approval of details, condition 8, of planning permission 3/07/11/016.
Granted 18/02/14.

Consultation Responses

Crowcombe Parish Council - Councillors unanimously resolved to **STRONGLY OBJECT** to this application for a change of use of the land for the following reasons:

1. Crowcombe village lies within the Quantocks AONB. The land subject to the proposed change of use adjacent to Higil Lea on the access road to the village is highly visible from all directions of approach and any change of use would have a significant, negative visual impact on the natural beauty, tranquillity and character of the AONB.

2. The site is extremely close to the A358, the main arterial road between Taunton and Minehead. This raises separate issues:

i. The junction with the A358 that customers of the business would have to use is tricky to negotiate as it lies on the brow of a hill. It is a past accident site and increased traffic numbers using the junction will increase the likelihood of future accidents, particularly where passing holiday traffic unfamiliar with the dangers is involved.

ii. The Design and Access Statement cites the need for rural enterprise and the benefit of a quality, catering establishment for holiday makers and other visitors to rest up and refresh. Given the very open and exposed nature of the site, and the considerable traffic noise from the almost adjacent main road, it is difficult to understand why visitors would want to make use of outdoor refreshment facilities constantly exposed to heavy traffic noise and the associated pollution. By contrast, the business at Triscombe to which reference is made in the Statement is situated along a quiet country road, half-a-mile from the A358.

3. The site in the proposal is formed of a narrow strip of land lying immediately adjacent to the residential dwellings of Higil Lea. It is proposed that access to the site will actually require an initial turn into the residential cul-de-sac itself. This raises many concerns, particularly for the residents of Higil Lea:

i. The proximity of the business to the small group of adjacent dwellings will result in a significant loss of privacy to the residents of Higil Lea.

ii. The Higil Lea development consists of 5 dwellings: the entrance was designed to service the number of vehicles associated with this development but is not sufficient for the number of vehicles that could potentially be accessing the site if the planning application is granted

iii. Residents of Higil Lea will experience an increase in vehicle numbers entering their residential cul-de-sac, endangering other road users and the children who frequently play in this area immediately outside their homes.

iv. In addition to the increased traffic levels using the entrance to Higil Lea, the young children

playing within the development will be exposed to potentially large numbers of un-identified vehicles/people accessing and leaving the area

v. If parking on the proposed site is not possible (for example due to wet weather, or

if more customers are present than parking is provided for) vehicles will inevitably be parked either in the Higil Lea cul-de-sac itself, or along the adjoining village road, causing difficulties for residents and creating a highway danger along this already narrow access road to the village.

4. The proposed site is very wet and frequently becomes muddy and waterlogged. Although a hard-standing area for parking has been proposed, no provision has been made for accessing the proposed commercial units on the site during wet weather

5. There is, in the view of the parish council, no need for a non-agricultural business on this exposed approach to Crowcombe village, particularly one which would seem to have so little customer appeal.

6. Despite requests from West Somerset to the applicant to remove the unauthorised storage unit on the site, it still remains in place. The applicant's past and ongoing breach of planning regulations is concerning to the parish council and does little to instil confidence in the applicant's future compliance with planning regulations, or any restrictions or conditions, placed on the site.

In addition to the reasons given above, Crowcombe Parish Council would like to take this opportunity to remind West Somerset planners of comments made by Bryn Kitching, Area Planning Manager, on 14th December 2016 in regard to previous proposals to develop the site. Whilst those comments refer to a slightly different business proposal, the concerns raised remain valid when considered in relation to this current application for change of use of the site. If a change of use were granted, it would be very difficult to prevent the future expansion of commercial activities into different areas.

"The existing agricultural land known as Higil field is in a prominent position on the brow of a hill at Flaxpool and in an area of Landscape Character and the Quantock Hills Area of Outstanding Natural Beauty (AONB). Therefore visual impact of the development is of greatest significance in this case. The site is also located outside of defined settlement limits of Crowcombe and therefore is classed as being in open countryside, where development is strictly controlled.

The site is immediately adjacent to residential properties and I would have concern regarding noise and disturbance between the proposed campsite and the existing dwellings.

Based on the above, West Somerset Council object to the site becoming a certified exempted camping site under paragraph 6 of Section 269 of the Public Health Act 1936".

Crowcombe Parish Council is aware of the significant number of objections by individuals and other organisations connected to the parish. We sincerely hope that West Somerset District Council will take into consideration the strength and breadth of local opposition to this proposal, and that it will refuse this application.

Quantock Hills ANOB - The Quantock Hills was the first landscape in England to be

designated as an Area of Outstanding Natural Beauty (1956). The primary purpose of AONB designation is the conservation and enhancement of the landscape's natural beauty. The Quantock Hills AONB Service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose – to ensure this beautiful and nationally protected landscape remains outstanding now and into the future.

Please accept the following within this context.

The AONB is very concerned about the application and as such objects to the proposal.

The application site sits at one of the gateways to, and within, the nationally protected Quantock Hills Area of Outstanding Natural Beauty - one of England's finest landscapes; reflected in the statutory duty to ensure its conservation and enhancement (Countryside and Rights of Way Act 2000 (CROW Act)).

The National Planning Policy Framework (NPPF) states that “**115: Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty**”.

AONBs are the finest landscapes in the country and this is recognised in their nationally-protected status, equal to that of National Parks. Accepting the principle of a change of use from agricultural land for the provision of a pop up café and associated facilities is at odds with the statutory duty of decision makers to have duty of regard to AONB primary purpose. Section 85 of the CROW Act 2000 states that “**In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty**”.

The A358 is an important arterial route into the Quantock Hills from which there are commanding views across high quality countryside. As such every effort should be made to keep land adjacent to the highway free from intrusive signage, paraphernalia and infrastructure where such features would have no aesthetic value or where proposals would not respond to the character of the protected landscape. Vintage vehicles, storage trailers, toilets, a yurt and graveled access tracks and parking would not, in the opinion of the AONB Service, be a positive alternative to an agricultural field which currently provides an open setting to housing as well as facilitating views across to the open hills.

The cumulative effect of additional infrastructure at Higil lea highlights the inappropriateness of this location as a focus for development and growth. Whilst Higil Lea was given precedence as a rural exception site for affordable housing, we do not believe the small-scale economic gain from this proposal should be given priority over the protection of this very sensitive landscape (when applying NPPF 115's 'great weight').

West Somerset Local Plan Policy NH14 Nationally Designated Landscape Areas states that:

*Applications for development should have regard to location, siting, orientation and landscaping to achieve **high quality design and to ensure that the proposals***

conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB or the National Park and their settings. Development which would conflict with the achievement of the statutory purposes of the AONB or the National Park, or their settings ... will not be permitted.

We do not believe that taking land out of agricultural use for the erection of a pop up cafe, toilet facilities (possible portaloos) and other supporting structures and parking, can be interpreted as conserving and enhancing the natural beauty and tranquillity of the AONB.

The adopted AONB Management Plan states that, ***“...the more intimate landscape of the lower slopes ... the irregular hedged fields, and small stone-built hamlets and villages, can be stripped of its special character by inappropriate development and the cumulative effect of insensitive changes over time” (Pg33).***

We trust that the primary purpose of AONB designation will be properly considered and that as per NPPF 115, great weight will be given to the landscape and scenic beauty of the Quantock Hills over and above any economic argument for this proposal.

Environmental Health Team - According to this application it is proposed to operate this catering unit from Spring – Autumn on land as I understand it without existing utilities.

Given the extent of operation, there should be a need to have more satisfactory drainage than as proposed and also a sufficient and wholesome water supply including the legal entitlement to obtain such a supply.

Furthermore, it must also be noted that hours of operation are not referenced within this application and a possible impact (noise) on the neighbouring social houses.

Without the pre-requisites for such a food establishment I must object.

Economic Regeneration and Tourism - As I'm minus a Tourism Officer at the moment, I'm afraid we don't have the capacity or knowledge to respond to this.

Further comments

In respect of the application, therefore, for clarification purposes – I will not be submitting a formal response to this application, given our lack of knowledge about the detail, and unfortunately during the timescale for response we will not have the opportunity to fully investigate the merits or otherwise of the application.

Adjacent landowner comments - On Saturday 24 March 2018 I received an email and a red-line plan from Mr and Mrs Ware pertaining to the above Planning Application.

On behalf of Falcon Rural Housing Ltd (owners of the private road into Higil Lea) I

have looked at the application very carefully and my observations are as follows:

1. As owners of the private road (of which the Wares do have access rights over a small portion) the application fails to address the predicted amount of vehicle movements the proposed change of use will attract. Are we needing to consider tens of extra vehicle movements per day or hundreds? The numbers involved would most likely affect our response to this application!
2. We are concerned that the access gate to the land shown on the application is only wide enough to let single vehicles through at a time. As the amount of vehicle movements has not been predicted or addressed – we are concerned that at some busy times, vehicles could be backed up into the Higil Lea development causing access issues from the main road – not only for patrons of the proposed pop-up café but for the residents of Higil Lea. This would not be acceptable.
3. It has not been addressed within the Planning Application how the existing entrance from Higil Lea into applicant's field will be surface dressed. At present it is a grassed area and is already looking unsightly where the grass is wearing thin due to use. We would like to insist that the gated entrance be properly dressed with tarmac so as to mitigate the possibility of mess left on the road from car tyres (gravel or mud) or damage to the Higil Lea road.

We should be grateful if these observations and concerns can be considered and addressed when determining the outcome of the application.

Biodiversity and Landscaping Officer - This is not an appropriate site for such a development, being located so close to housing.

In addition, I consider the placing of so many temporary/storage buildings on the plot will impact on the landscape character of the field, which forms part of the view of the Quantock Hills from the road.

Highways Development Control - The proposal sits off a classified unnamed road via a private road Higil Lea in close proximity to the A358, south of Crowcombe. The posted speed limit is 50mph although observed vehicle speeds appeared to be approximately 40mph from the northerly direction and 25mph from the south given the proximity of the junction onto the A358.

Therefore appropriate visibility splays of 2.4m x 82m to the north and 2.4m x 33m to the south would be seen as appropriate in line with Manual For Streets (MFS) with no obstruction to visibility greater than 600mm.

However according to the Red Line Plan provided, it wouldn't appear to reach the highway. The applicant will need confirm whether the redline plan reaches the adopted highway. Once clarification of this is made clear, the Highway Authority can continue with the application.

Additional comments on the amended scheme (6/4/18)

In reference to the above application and on the further information received from the applicant, the Highway Authority can inform you of the following.

On the basis that the applicant has rights of access to the site of the private Higil Lea Road there is no objection from the Highway Authority in this instance. Whilst the proposal would likely see a heavy reliance on private transport to the site the anticipated level of seasonal traffic from the proposal isn't considered severe to the local highway network. However the Highway Authority would recommend a designated cycle area is provided and that minor improvements are made to the existing field gate (e.g. a minimum width of 5m) This would ensure traffic entering the site can safely manoeuvre from the private road even if traffic is waiting to leave the site and reduce any likelihood of stacking on the highway network.

It would appear that the applicant has sufficient internal space to accommodate anticipated parking levels for the proposal and the applicant should be mindful of providing sufficient space to ensure vehicles are not parked on the nearby highway. The Highway Authority would recommend the initial access to be consolidated off Higil Lea Road to reduce any likelihood of mud being deposited onto the local highway network.

With the above in mind, if the Local Planning Authority is minded to approve this application it is recommended that the following condition be applied to any consent:

- No work shall commence on the development hereby permitted until details of amendments to the existing field access to the private road have been submitted to and approved in writing by the Local Planning Authority. Such works to the access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before the development is brought into use.
- Before the development 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.
- The area allocated for parking on the submitted plan, drawing titled 'Site Plan' shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- Prior to first use of the development hereby permitted, a suitable area for staff and visitors' bicycles and parking shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Representations Received

23 letters of representation have been received , 9 letters of support and 14 letters of objection raising the following comments;

Support

- The applicants have provided catering at various venues for a number of years, they were very conscientious in dealing with any waste products and went over and beyond in helping to maintain the site.
- With increasing numbers of residents, moving into the region, there is a need for diverse facilities and services.
- This application relates to a high class business (cream scones) and not a greasy spoon cafe. It would fast become a credit to the location and be popular with nearby residents.
- I would like to support this new venture. I have been following Ware's vintage pop up cafe at major events for the last 4 years and they are a well-established 5* rated mobile vintage family ran business.
- After viewing all the planning application I'm sure this would give many enjoyable visits , what a lovely idea and different to local establishments. I would certainly visit after my Quantock walks, sit, relax and enjoy what they have to offer and take the lovely views at the same time.
- What a lovely idea, a pop up, yurt café, for the Quantock visitors, walkers, dog walkers, cyclists and holiday makers to enjoy during the summer months. If its going to be anything like The wild strawberry yurt café, it would be a lovely venture this could become as a yurt café.
- How can it be said, it would ruin the landscape, surely something a bit different, with a wide range of yummy food offerings, on bone china.
- I feel it would enhance and give people somewhere different to explore, with a unique vintage twist. I could see this as being a well-supported venue for west Somerset.
- I can see the peace and tranquillity this unique venture would have to offer, and for people to enjoy the views that lay behind it. I would certainly visit, when I come to Somerset.
- I do not feel that the plans they have for a pop up cafe will have a detrimental effect on the area of outstanding beauty and I do not see how it will be an eye sore.
- What the applicant seems to have in mind is small in scale, in comparison to the various other houses and outbuildings already in the area.
- As a potential customer, I would love to spend time with my family enjoying

afternoon refreshments whilst admiring the views of outstanding beauty in this tranquil and relaxed environment.

- In the comments I can see all waste is taken off site so this is not going to spoil the environment.
- Being a local resident in nearby Bishops Lydeard and frequent visitor to Crowcombe and the surrounding areas, the area is sadly lacking in suitable places to enjoy a lovely cup of tea and toilet stop after walking on the Quantocks.
- I was initially concerned when I saw a planning application for a cafe, however I am completely supporting this application.
- I am not sure why people are being so negative or if they are reading the application properly, the applicant has confirmed that no cooking will be undertaken on site, no waste will be left on site.
- This application is not about a housing development, and the plan shows hedging screening the housing.
- The catering provided is from a non-permanent vehicle and yurt and only seasonal.
- Houses have been built on this AONB land so I don't see why such a lovely idea would not be supported.
- As vendor and also owner of neighbouring retained land - The facts. The land for 5 Affordable Houses (Higil Lea) and the above land were always up for sale at the same time. There would be NO Higil Lea without the sale of the above. I made it quite clear to all during the building that I was trying to accept the most suitable purchaser for the neighbouring field. The current owner was way the nicest and loved the land.
- Very few people like change and I am fully sympathetic but EVERYONE at Higil knew there would one day be activity beside them.
- The idea of a pop up style cafe facility in the locality is a fantastic idea. I visit the area with my grandchildren quite often and we are always looking for things to do and places to visit.
- As the proposed facility is in a safe and secure setting, as a grandparent I would feel completely at ease enjoying some lovely refreshments in such a beautiful setting.
- I am a neighbouring landowners with fields adjacent to the proposed site for the pop up café.
- The idea of a pop up café, from vintage style vehicles would sit very well in this location.

- Support must be shown for new business initiative in the area, which in turn will support existing businesses in the locality.
- This strip of land has not been farmed for a number of years and is well situated for something like a pop up café.
- From reading the planning application, there is no major intrusion on the site with no permanent buildings.
- There is a need to balance an increase in rural business without massive over development. This proposal certainly offers this and I for one would support this business as a potential customer.

Objections

- As a resident of Higil Lea with children who play in the street safely, any increase in traffic would have a negative effect on their ability to play outside of their house on their scooters and bicycles safely with their friends.
- The speed limit of that stretch of road from the main A358 in to the village of Crowcombe is 50.
- Any increase in traffic in and out of Higil Lea could become dangerous as its only one lane of traffic that narrows past the development.
- The land was not excess land leftover from a social housing development (it was never part of it) as stated in the application, that's why its listed as agricultural land to be in keeping with the surroundings. The development of Higil Lea has been planned with that in mind. Hence the farmhouse style of the buildings.
- Will there be noise from generators providing electric?
- Also stated in the application there no trees are on the land. The land owner planted a fir hedge in the summer so there are a number of trees on the land.
- The silver container that was asked to be moved is still in place and planning permission has not been applied for.
- The applicant states no effluent will be on site. Where will the waste water from washing up and hand washing go? Will this be collected and removed daily, or will this be let on the land having an environmental affect.
- With other similar business in the area, is there such a need for a pop up version of what is already available and well established such as Stable Cottage.
- The land should be kept as agricultural as not to be further developed in the future, spoiling any views.
- This is a highly visible site right at the entrance to the Quantock Hills AONB and

the sort of activity proposed would be very detrimental to the protected landscape. Friends of Quantock hope that this will not be allowed.

- Falcon Housing applied for planning consent for 5 dwellings-allowing for 10 vehicles and the occasional visitor, with agricultural access to the field next door - not a business venture.
- Applying for a change of use will mean a lot more vehicles in and out of the entrance to the close which hasn't got a particularly good access.
- The access on and off the A358 in both directions is not an easy one.
- Children who live in the close have to cross the road to get to the family cars, they also like to ride their bikes and scooters in the close. The residents are very aware of this whereas visitors would not be and this would be a safety issue.
- 'Trees and Hedges' it states that there are none on the site but the owner has planted a Leylandii hedge along part of his boundary.
- One of the objections to having the houses built in the first place was the eyesore it would be from the Quantocks. This change of use for a pop up café would certainly stick out and be an eyesore from the hills.
- The site of high scenic value will be desecrated by further storage containers and temporary buildings creating an eyesore.
- It is a very difficult junction when returning to the main road in the Minehead direction, traffic leaving the site will add to this problem, are speed limits to be changed?
- I would have to ask the question, does the appellant have hidden agenda when submitting this application?
- The basic planning rule for areas of AONB is, ' In Areas of Outstanding Natural Beauty the conservation of the natural beauty of the landscape should be given priority over other planning considerations.' Quite clearly the change of use from a field to a café, with wooden sheds and a tarmac track, will create an eyesore visible to everyone coming into this beautiful village on the edge of the Quantock Hills.
- My initial research has shown that there would be little local demand for this facility. Crowcombe is already serviced with a local shop and pub.
- The owner is hoping that people driving along the increasingly busy A358 from Taunton to Williton will be persuaded to stop off at this café.
- Recently there have already been a number of accidents at the junction beside the field, do we really need to risk this further with drivers impulsively stopping off here.

- There are already cafes in Williton and Bishops Lydeard, surely it would be better to service any potential demand from within these larger villages/towns where they are better suited to provide this type of service.
- It has been suggested that this café will provide local employment. With the 1,000's of jobs being created at Hinkley Point, the impact will be negligible.
- The owner of this field has already applied to put a camp site on this land. Many of the issues that arose with the camp site application. This previous application was turned down by the council.
- One cannot help thinking that someone from outside the village has opportunistically bought this field and is determined to try and make an income from it. First a camp site, then a café, next a dwelling?
- It seems that there is no respect for the wonderful environment that we live in, or consideration to the people who actually live in this village and will have to live with it on a daily basis. I reiterate that this application should be refused.
- It is disappointing that this location is being considered for any change of use and feel it necessary to object to this proposal.
- The proximity of the proposed application to the residential housing, with the possible impact of consequential traffic movement and noise disturbance makes the site inappropriate for such a development.
- The visually prominent location makes it unacceptable in this designated Area of Outstanding Natural Beauty.
- To a layman it is difficult to conceive of a less appropriate candidate location in this West Somerset AONB area for the setting up of a pop up café, and associated toilets, storage trailers, yurt and car parking.
- The change of use allows the opportunity for more than just a business operation and this location is outside the planning boundary of the village. Whether the intention of the applicant is there or not this is factual and could have much wider implications on the village if the application is approved.
- Mobile storage containers. The current white coloured container has been in location for over a year. Being the colour it is makes it quite an eyesore and I have yet to see any attempt to disguise it so far, as mentioned in the application.
- Mr Ware senior, on the whole, is the person that visits the site the most regularly to mow the field.
- From reading the application I presume that there is currently one part time employee. I can only surmise that if successful and as a result of this development that the Wares would employ 3 full-time employees. I find this

interesting bearing in mind there is an unknown number of operating hours stated in the application but clearly enough for 3 full timers based on a business model that has yet to be trailed at Crowcombe.

- The owner of Triscombe cream teas may well be retiring from her business in the coming years but that does not necessarily mean that the business will close, especially if she sells it as an on-going concern to the new owners.
- I question whether the 'additional visitors' to the area as a result of this business will give extra support to Crowcombe's established businesses if they have already eaten at the Higil Pop-up. (with the exception of the P.O.)
- Slow turning traffic and possible queues could be hazardous to passing vehicles due to the narrowness of the road at that point.
- As the site at Crowcombe is highly exposed to the natural elements I feel the 'temporary' structures would need to be secured in place more permanently than stated therefore becoming harder to remove.
- Section 29 has been left blank, let me please confirm that the site can be seen from a public road.
- The application states compost toilet or porta loos. They function differently and it would be interesting to see how easy it would be to empty them on a daily basis, as stated. If not correctly operated such a system could exacerbate the current rat population.
- The change of use allows the opportunity for more than just a business operation and this location is outside the planning boundary of the village.
- The site is on the brow of the Flaxpool Hill. At the moment the Higil Lea hamlet is very dominant from both the Taunton and Crowcombe Heathfield directions.
- The owners of the land purchased it knowing it was agricultural land and had ideas for the land and more suitable land could have been purchased. I feel strongly it remains agricultural, the development of Higil Lea is enough.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
CF1	Maximising access to recreational facilities
E/5	New Business Developments Outside Settlements
EC1	Widening and strengthening the local economy
EC3	Greenfield employment generating development
EC9	Tourism outside settlements
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CC6	Water Management
NH5	Landscape character protection
NH13	Securing high standards of design
NH14	Nationally designated landscape areas

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

T/7	Non-Residential Development Car Parking
R/12	Informal Recreation Facilities

Determining issues and considerations

The main issues in the consideration of this application are;

- Principle of development
- Impact on the character and appearance of the area and visual amenity
- Tourism and business development
- Impact on residential amenity
- Land ownership/right of access
- Highway Safety

Principle of development

The application site sits at one of the gateways to, and within, the Quantock Hills Area of Outstanding Natural Beauty, where the following is relevant;

National Policy:

The National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment, states that at paragraph 115:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”.

West Somerset Local Plan Policy NH14 - Nationally Designated Landscape Areas states that:

Applications for development should have regard to location, siting, orientation and landscaping to achieve high quality design and to ensure that the proposals conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB or the National Park and their settings.

Development which would conflict with the achievement of the statutory purposes of the AONB or the National Park, or their settings ... will not be permitted.

This site is located outside the built up area of Crowcombe and is therefore classed as being sited in open countryside where development is strictly controlled. The associated local plan policy is OC1 which states;

OC1 DEVELOPMENT IN OPEN COUNTRYSIDE

Residential Development In The Open Countryside (land not adjacent or in close proximity to the major settlements, primary and secondary villages) will only be permitted where it can be demonstrated that either:

Such a location is essential for a rural worker engaged in eg: agricultural , forestry, horticulture, equestrian or hunting employment. (applications for such dwellings would be considered subject to a functional and financial test. where permission is granted consideration would be given to this being initially made on a temporary basis, or;

it is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work / live development, or;

it meets an ongoing identified local need for affordable housing in the nearby settlement which cannot be met within or closer to the settlement, or;

it is an affordable housing exceptions scheme adjacent to, or in close proximity to, a settlement in the open countryside permitted in accordance with policy SC4(5).

The proposed change of use is not in close proximity to the settlement of Crowcombe which is classed as a primary village.

Also relevant is policy SC1, points 3 and 4;

SC1 HEIRARCHY OF SETTLEMENTS

1. Limited development in the primary villages: Bicknoller, Carhampton, Crowcombe, Kilve, Stogumber, Stogursey, West Quantoxhead and Washford, will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area.

2. At the secondary villages: Holford, Dunster Marsh, Brompton Ralph, Battleton

and, Brushford, small scale development will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area.

3. Development in the open countryside will be limited to that for which there is an established long-term need and for which such a location is essential, including agriculture, forestry, horticulture, equine and, hunting. development in such locations will also need to demonstrate good proximity and easy accessibility to the existing highway network, or alternative transport modes, and settlements providing essential services and facilities.

4. Development within or in close proximity (within 50 metres) to the contiguous built-up area of Minehead/Alcombe, Watchet, Williton and primary and secondary villages will only be considered where it can be demonstrated that;

- A. It is well related to existing essential services and social facilities within the settlement, and;
- B. there is safe and easy pedestrian access to the essential services and social facilities within the settlement, and;
- C. It respects the historic environment and complements the character of the existing settlement, and;
- D. It does not generate significant additional traffic movements over minor roads to and from the national primary and county highway route network
- E. It does not harm the amenity of the area or the adjoining land uses.

Local policy SD1, advises that development proposals should be considered in favour of sustainable development that secures development that improves the economic, social, historical and environmental conditions in the area. Proposals should also take into account any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against local policies and the National Planning Policy Framework as a whole.

The development site is located close the County route between Taunton and Minehead but is not well related to essential services and social facilities at Crowcombe due to the distances involved and as there is no safe pedestrian access to the village due to there being no pavements and the road is not lit. With regard to point C, although temporary structures are proposed, it is considered that the cumulative impacts of the various structures would not respect the character and visual amenities of the area. Under point D, the proposed change of use would generate significant additional traffic movement over the minor village road to and from the County Highway and so the proposal would not comply with this point.

Use of the existing field access over the access into the residential development at Higil Lea could cause harm to the amenity of the adjoining residents due to an increase in traffic.

The adopted AONB Management Plan is also a material consideration. Within this document, the plan states that “...*the more intimate landscape of the lower slopes ... the irregular hedged fields, and small stone-built hamlets and villages, can be stripped of its special character by inappropriate development and the cumulative effect of insensitive changes over time*” (Pg33). As the proposal will be visually

prominent in the landscape and affects the setting of the AONB, it is considered that the special open character of the area will be adversely affected.

It is noted that as a fall back position, the suggested tourist provision can be held on 28 days of the year without requiring planning permission. This would mean that all the structures would need to be removed from the site including the gravelled track and car parking area.

In conclusion, it is considered that the principle of the change of use, the proposed development is contrary to national policy and local planning policies OC1, SC1 and SD1 and is unacceptable in principle.

Impact on the character and appearance of the area and visual amenity

Local planning policy NH5, relates to landscape character protection. The Council's Landscape officer considers that the site is not an appropriate location for such development being located so close to housing. They also consider that the siting of so many temporary structures will impact on the landscape character of the field which forms part of the view of the Quantock Hills.

Comments returned from Crowcombe Parish Council and from the Quantock Hills ANOB both strongly object to the proposal on the grounds of the change of the agricultural land for the intended use cannot be interpreted as conserving or enhancing the natural beauty and tranquillity of the AONB, and therefore contrary to the adopted ANOB Management Plan and the CROW Act . Further, the Parish Council have commented that there is no need for a non agricultural business at this site and that the visual impact of the development is of great significance.

Several of the comments from the local community also raise issue with the location and the impact of this proposed development and that it should be better located elsewhere in the district.

Given all of the statutory and non statutory comments on the impact on the character and visual amenity of the land, it is considered that the proposal is contrary to National Policy (NPPF), para 115, and local plan policies NH5 and NH14 as the stationing of a number of structures in an open area of land which is rural in character and in such a prominent position will adversely affect the setting, character and appearance of the AONB

Tourism and business development

It is accepted that tourism and business development are Council priorities and that proposals regarding these priorities should be supported, however, the proposed use must also be considered appropriate with regards to national and local policies. Sustainable development as noted in the NPPF, requires that development has an economic, social and environmental role (Para 6), and that presumption in favour of sustainable development should be determined in accordance with the development plan unless material considerations indicate otherwise (para 11). Similarly,

paragraph 28 (supporting a prosperous rural economy), also supports rural tourism which benefits the area and also respects the character of the countryside.

The related local plan policies are EC1 (Widening and strengthening the local economy) which states that proposals which generate a stronger diverse economy and which increase higher paid jobs locally will be supported as well as new employment generating activities. Where possible, proposals should use existing employment sites or sites with similar compatible uses which would not adversely impact on the amenity of existing neighbouring uses. It is understood from the submission that the business has one part time employee and the proposed employees would be 2 full time and 2 part time employees and such jobs would not likely be higher paid jobs. The site is not on an existing employment site and it is confirmed that the land has not been in agricultural use since 2007. It is however a new employment generating business as required by this policy.

Also relevant is policy EC9 (Tourism Outside Settlements), where tourism will only be supported where the location is essential to the business and it could not be located elsewhere, does not affect the vitality and viability of neighbouring settlements and it complements existing tourism services without generating new sustainable transport patterns. This use could well be located elsewhere in the district, closer to a settlement and other existing tourism uses rather than outside of the village of Crowcombe. The final consideration of this policy relates to not generating new transport patterns. It is accepted that the site is close to the existing A358 however, the site itself does not have direct access to the adjoining road but is served by an access off of a private road that serves a residential area and which would result in new transport patterns that do not currently exist.

Therefore, given the above, it is considered that the proposal is contrary to both of the above local plan policies..

Impact on residential amenity

Several representations have been received both in support and against the proposal. The Parish Council have also objected on the grounds that the proposed business would result in a significant loss of privacy due to the close proximity of a small residential development.

It is considered that there will be no significant loss of privacy as landscaping could be used to help screen the site from the dwellings but there will be an increase in the use of the access from the Crowcombe to Flaxpool Hill road which could be an inconvenience to the residents of Hilgil Lea. Overall however it is considered that whilst residential amenity may be affected it will not be so severe that this is a reason for refusal.

Land ownership/right of access

The adjacent landowner of Hilgil Lea (Falcon Rural Housing Ltd) have been contacted by the applicant and been advised of the planning application as Falcon Housing own the private access road to the application site and the applicant only

has a right of access over part of the private road to the current field gate access.

The observations received from the Housing Association is that with the lack of information including the levels of predicted vehicle movements to access the proposed pop-up cafe facility have not been confirmed it is therefore, difficult to assess future impacts on the residents of Higil Lea or on the patrons wishing to visit the site. Therefore this could result in impacts on residential amenity and on highway safety issues. The Association further comment on the need to consolidate the access surface (as per the highways comments). It is therefore accepted the Housing Association have concerns regarding this proposed change of use but these could either be overcome by condition should planning permission be granted .

Highway Safety

Local policy TR2 (Reducing reliance on the private car), is relevant in this case. This policy states:

Development should be located and designed to maximise the attractiveness of modes of transport other than the private car where appropriate, particularly where;

- *It complements existing service and facility provision in the settlement and surrounding area without generating new unsustainable transport patterns (as a consequence), and;*
- *Does not generate significant additional traffic movements over minor roads to the national primary and county highway route network.*

It is noted within the submission that the applicant is proposing a new gravelled access track and customer parking also to be surfaced in either gravel or plastic grid ground covering for up to 12 cars including 2 disabled spaces., in addition to the stationing and siting of the proposed temporary structures and the staff movements associated with the venue. There is a bus stop on the main road between Taunton and Minehead where regular buses pass the site. It is more likely that tourists would be reliant on their own private vehicle to visit the site rather than on foot from Crowcombe or from the station at Crowcombe Heathfield both of which are some distance away with no safe pedestrian route to the site. The development would therefore generate additional, unsustainable traffic movements over a minor un-named road from the County Highway route and is contrary to policy TR2.

Comments have been received from SCC Highways. They confirm that the access to the site is via a private road (Higil Lea) and off from a classified un-named road where the speed limit is 50mph. At the time of their visit speeds of 40mph were seen from the north and 25mph from the south of the junction with the A358. The Highway Authority also note that as the applicant has rights of access to the site from Higil Lea they have no objection and that the anticipated level of seasonal traffic to the local highway network is not considered severe. They further recommend that if approved, that a designated cycle area should be provided and that minor improvements be made to the existing field gate (increase width to 5m) to allow traffic to enter and exit the site to reduce stacking on the highway. Highways also recommend that the initial access section to Higil field be consolidated to prevent

mud being spread onto the highway (but it should be noted that this is outside the applicant's control). Should the application be approved Highways suggest a series of 4 conditions be imposed as outlined in their comments above..

Several comments have been received from the local community regarding the dangers of highway safety for both pedestrians and vehicles and it is also noted that there is no public footpath linking the site to the village of Crowcombe and that the provision of another alternative new access would further erode that character and appearance of the site and the character of the area and is therefore contrary to local policy SC1 point 4 (as above).

The Parish Council also strongly object on several grounds, one of these being the location of the proposal being close to a main junction on the brow of a hill and the proposed generation of additional traffic using the site and private access road and the suitability of providing the required visitor parking on the land in wet weather and the parking being displaced onto the private residential area or main road causing highway safety issues.

For the reasons given above it is considered that the proposal does not accord with local plan policy TR2.

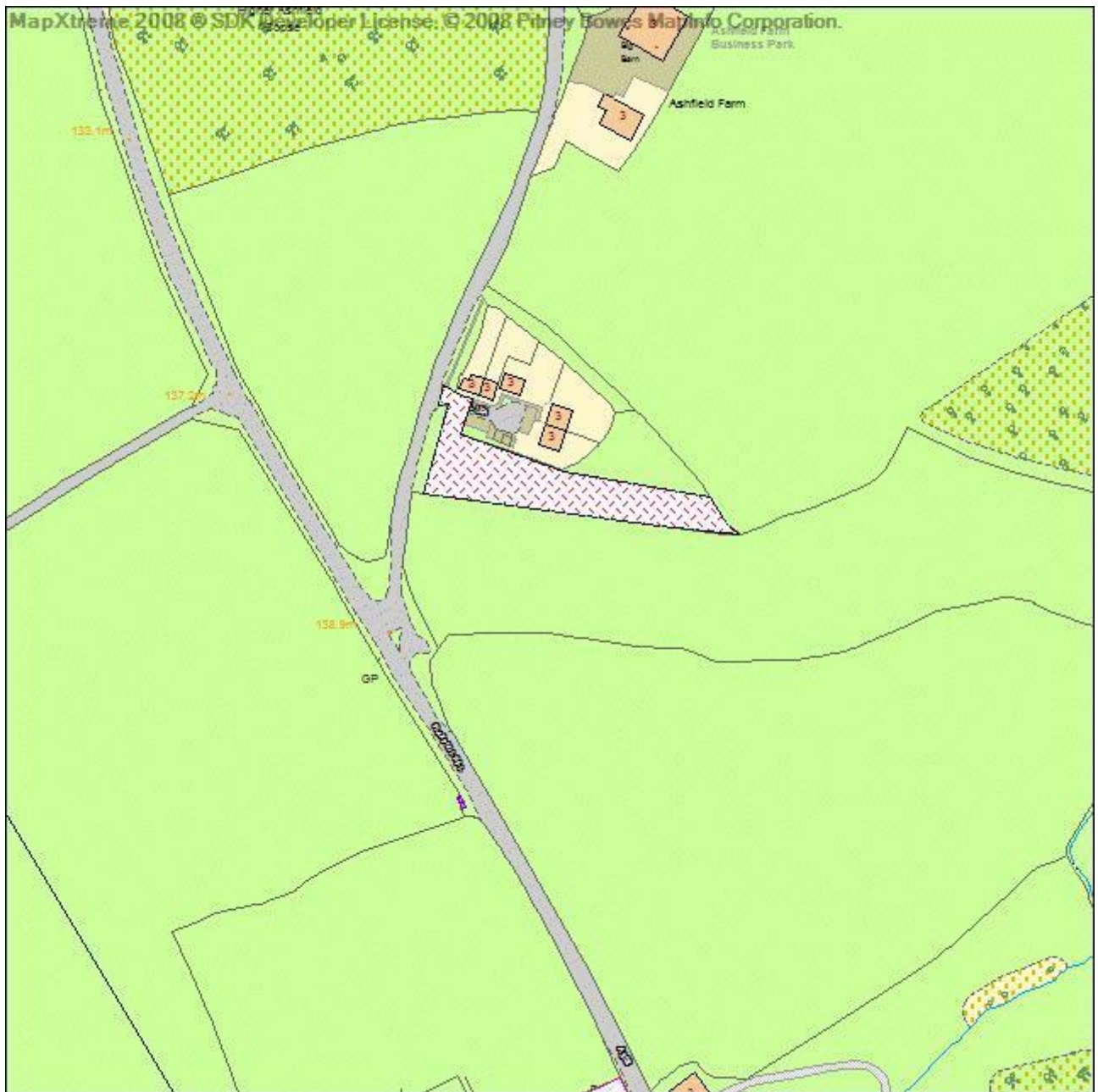
Enforcement

There is a white metal container stored on the application site that has been on site for over a year. The applicant has been asked to remove it but has not done so. It is considered that the retention of this container adversely affects the setting, character and appearance of the AONB which is contrary to Policies OC1, NH5 and NH14 of the West Somerset Local Plan to 2032 and should be removed to ensure that the area is safeguarded. The period of 3 months for compliance is considered reasonable.

Conclusion

In conclusion, it is considered that the proposal would be located in an unsustainable location without close links to nearby services and facilities and which would have significant impacts on the character and appearance of the area and the AONB which is contrary to local plan policies and guidance contained in the National Planning Policy Framework. It is therefore recommended that the application be refused and enforcement action be taken to remove the container currently stored on the application site.

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



Application No 3/07/17/019
Change of use of agricultural
land for siting of pop up cafe,
toilet facilities and storage trailers
with the erection of canvas yurt
and formation of track and
parking
Land to south of Higil Lea,
Crowcombe, Taunton, TA4 4BF
Planning Manager
West Somerset Council
West Somerset House
Killick Way



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Easting: 313950
1:2500
Northing: 135743

Scale:

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

Background

Members considered this reserved matters application for 71 residential dwellings at the Planning Committee meeting on 22 February 2018.

The Committee resolved to defer consideration to allow for further consideration of:

- Design issues relating to materials and a greater range of finishes should be included, render and potentially wood cladding;
- Landscaping;
- Parking;

Following the committee meeting, discussions took place with officers and a meeting was set up which included planning officers and the Masterplanners for the wider strategic allocation. At that meeting, the proposals were discussed with reference to the three areas of concern that were raised by the Planning Committee.

Amendments and revisions were suggested and have resulted in the submission of revised plans that seek to address each of the issues.

This report identifies the changes to the original proposal, provides an assessment of them and makes a conclusion and recommendation. The original report and recommendation that members considered on 22 February is attached and should be taken into account when making a decision.

Changes to the Proposal

Design/Materials

During the discussion with the Masterplanners for the larger site allocation, it was suggested that there should be a blending of colours with lighter materials being

used on the lower slopes and a graduation to darker colours as the site rises. This would ensure that the development would be more in keeping with the colours along Hopcott Road, but would not overly stand out on higher parts of the site which are closer to the National Park.

Amendments have been submitted which do this by using lighter brick tones and cement particle fibre board which is an alternative to render and more appropriate for the construction techniques being proposed. There is little use of timber cladding in Minehead and it is considered that this would introduce too many material types, resulting in a less coherent development.

At the entrance to the site, the design of plots 1-4 has been revised to create a more dominant entrance that fronts onto the corner and has more than one principal elevation. This was a suggestion made by the Masterplanners to ensure that the entrance to the site has a greater sense of place and arrival.

The applicants have submitted an updated Building for Life 12 Assessment (BfL12) that scores 10 greens and 2 ambers. BfL 12 is a government-endorsed industry standard for well-designed homes and neighbourhoods. Based on a simple 'traffic light' system (red, amber and green) it is recommended that proposed new developments aim to:

- Secure as many 'greens' as possible,
- Minimise the number of 'ambers' and;
- Avoid 'reds'.

The more 'greens' that are achieved, the better a development will be and it is considered that the proposed development has met a standard that is acceptable and that this is a good score for a site that has a number of difficult constraints.

Landscaping

Changes have been made to the internal landscaping of the site with the introduction of single larger semi-mature (Ornamental Sweetgum) specimen trees outside plots 32-35 and 64 together with semi-mature larger specimen trees at the site entrance.

These will help soften the impact of the development from some of the longer distance views as well as creating a more interesting street scene and environment.

Additional tree planting is also proposed along the frontage of the site facing Hopcott Road, to the rear of plots 1-4 and parking court 2. The addition of native trees and soft landscaping in this position provides additional greenery and helps to create a softer and more attractive frontage onto Hopcott Road.

The 3-5m landscape/wildlife buffer around the edge of the site has been retained.

Parking

Following a detailed review of the car/motorcycle parking provision, the scheme has been revised to accommodate an additional 11 car parking spaces (bringing the total proposed spaces up to 161) and 14 motorcycle parking spaces. The optimum standard in the Somerset County Council Parking Strategy is 183 car parking spaces, however it is acknowledged that the introduction of further parking spaces would be at a detriment to the design and landscaping of the scheme. The indicative layout that was submitted with the outline application and travel plan that was accepted by the Planning Inspector indicated that there would be 142 space plus informal street parking for visitors.

Given that the site forms part of a large strategic allocation that will include bus routes which pass through the site, the already agreed enhancements to bus stops on Hopcott Road, the short walking distance to Alcombe Local Centre and the implementation of a Travel Plan which seeks to reduce reliance on cars, it is considered that 161 car parking spaces and 14 motorcycle spaces is an appropriate level of parking for 71 dwellings in this location.

Cycle parking is proposed either within the dwellings (garage/storage space) or secure storage within the rear gardens. This results in a total of 169 spaces which is in accordance with the Somerset County Council Parking Standards.

The applicants have confirmed that they would be happy to accept a planning condition requiring the provision of electric vehicle charging points. It is suggested that the following condition is imposed on any reserved matters consent.

“No development shall commence on site unless details of electric car charging measures/details have been submitted to and approved in writing by the Local Planning Authorities. The development shall not be carried out unless in accordance with the details so approved.”

Conclusion and Recommendation

The amendments to the scheme are positive and result in a better development than originally proposed. The site still has a number of constraints that make it difficult to achieve the optimum level of car parking without having adverse impacts on the form and character of the residential streets or result in the loss of some of the proposed landscaping and garden space. However, parking provision has been increased and is an improvement on the level that was previously considered by members. The introduction of cycle and motorcycle parking as well as vehicle charging points will ensure that a range of different modes of transport have been considered.

Discussion has taken place between the applicant, officers and the masterplanners for the larger allocation and the changes to the design and materials as well as the introduction of specimen trees with the development all result in a more coherent scheme that has acceptable impacts on the local area. It is therefore **recommended that reserved matters consent is granted** as set out in the original report (attached) but with the additional condition requiring details of electric car charging points to be submitted and approved by the Local Planning Authority.

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Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

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

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

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

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

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

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

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

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

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

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

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

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

Proposal

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

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

Affordable Housing (25 units)

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

Open Market Housing (46 units)

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

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

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

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

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

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

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

Site Description

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

Relevant Planning History

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

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

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

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

allocation.

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

Consultation Responses

Minehead Town Council - Recommend refusal.

Concerns are:-

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

Environment Agency – no comments received

Wessex Water Authority –

Foul Drainage

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

Surface Water Drainage

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

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

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

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

Biodiversity Officer –

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

Environmental Health Team – no comments received

Housing Enabling Officer –

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

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

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

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

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

Planning Policy –

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

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

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

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

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

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

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

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

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

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

Rights of Way Protection Officer – No comments received

Planning at Exmoor National Park –

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

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

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

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

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

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

Western Power – no comments received

Somerset County Council Education – no comments received

Highways Development Control –

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

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

Traffic Impact

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

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

safety or free flow of traffic in the area.

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

Travel Plan

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

Parking

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

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

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

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

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

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

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

Highway Works

Access

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

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

Estate Roads

The applicant should be aware that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This will include any private roads/ drives that serve more than 2 dwellings. Under APC, the detailed design of the estate roads will require further detailed assessment by the Highway Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Off-Site works

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

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

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

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

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

Other

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

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained from Laura Williams

(LZWilliams@somerset.gov.uk). Applications should be submitted at least four weeks before works are proposed to commence in order for Statutory Undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.

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

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

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

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

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

Drainage

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

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

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

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

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

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

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

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

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

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

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

Conclusions

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

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

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

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

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

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

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

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

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

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

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

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Landscaping Officer –

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

Representations Received

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

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

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

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

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

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

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

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

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

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

Determining issues and considerations

Principle of Development

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

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

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

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

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

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

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

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

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

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

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

Layout

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

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

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

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

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

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

Appearance

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

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

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

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

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

Landscaping

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

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

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

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

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

Scale

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

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

Conclusions

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

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



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



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Application No:	3/21/18/017
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 296936 Northing: 146828
Applicant	Mrs M Taylor
Proposal	Erection of a 10.5m long and 1.8m high close boarded fence in the south west corner of the site (retention of works already undertaken).
Location	Elgin Towers, Burgundy Road, Minehead, TA24 5QJ
Reason for referral to Committee	Ward Member's view is contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions

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

(A3) DrNo 1138.1/200 Proposed Site Plans

(A3) DrNo 1138.1/201A Proposed Fence & Hedge

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

- 2 Laurel hedging plants shall be planted along the eastern side of the fence in accordance with drawing no. 1138.1/201A within the first available planting season from the date of approval of the development.

The laurels shall be protected and maintained in a healthy weed free condition and any plants that cease to grow shall be replaced by plants of a similar size and species.

Once established the hedge shall be maintained at a minimum height of 1.8m and thereafter retained.

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

- 3 The fence along the western boundary of Elgin Tower shall be removed once the laurel hedge on the eastern boundary of the fence has reached a minimum height of 1.8m.

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

- 2 Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development will encroach on, under or over the adjoining property.
- 3 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Proposal

It is proposed to retain a 1.8m high close boarded fence which runs for 10.5m along the western boundary and then runs for 1.5 metres up the bank towards the east. The fence is supported at regular intervals by concrete posts on the western side of the fence. It has been erected for security purposes to deter trespassers and restrict deer entering the grounds.

In addition it is proposed to plant a hedge of native species directly to the east of the fence with the intention of concealing the fence. Once the hedge is established and at the same height of the fence, the fence will be removed.

Site Description

Elgin Tower is a stone built Grade II listed building with a slate dual-pitch roof, turrets and parapets walls. It was constructed in 1887 and is a dominant 'castle' structure sited on a prominent position above the War Memorial site in Minehead. It is located in the Higher Town Conservation Area.

Relevant Planning History

3/21/13/055 – retention of a deer fence around the perimeter of the existing property – granted 4 July 2013.

This is a green coloured wire mesh fence which has been removed from its location along the western boundary, hence the erection of the 1.8m close boarded fence.

Consultation Responses

Minehead Town Council – The Town Council are unable to make comments as the meeting was cancelled.

Representations Received

Three letters of objection have been received, making the following comments:

- It prevents a view of the sea.
- It is detrimental and unsympathetic to the character of Penrhyn, a red brick Edwardian flat.
- It does not enhance or preserve the special character of the Grade 2 listed Elgin Tower and detracts from its setting.
- It does not enhance or preserve the Conservation Area.
- The use of concrete posts spoils the ambience of the area and is more suited to a commercial area rather than a residential setting.
- It is out of keeping with the remaining boundary with its green open deer fence, hedges and stone walls.
- It dominates the side of our ground floor flat and restricts the morning sun to our living room.
- The slope of the land is such that it exacerbates the height of the fence.
- If granted it could set a precedent for the fence to be extended around the boundary.
- Would prefer the fence to be lower in height with wooden posts.
- A laurel hedge would be preferable to a fence and would be in keeping with the existing laurel hedges in this area.
- With a picket fence and deer fencing in situ it is not considered that there was a security issue and the picket fence and deer fencing do not affect Elgin Towers, Penrhyn or the Conservation Area.
- The fence is not on Elgin Tower's land but on our land. It has been erected

along the length of our small garden and patio area.

- The fence is encroaching onto the land belonging to Flat 1. It should be relocated onto the edge of the Elgin Tower's boundary and a laurel hedge planted between the existing picket fence and the tall fence to provide a greener outlook and enhance security. Once the laurel hedge has matured the tall fence may no longer be needed and should be removed.

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
MD1	Minehead Development
NH1	Historic Environment
NH2	Management of Heritage Assets

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

BD/3	Conversions, Alterations and, Extensions
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Determining issues and considerations

The determining issues in the consideration of this application are the affect on the amenities of neighbours, the appearance of the boundary's impact on the setting of the listed building and the conservation area and the impact on the street scene.

The fence is approximately 5 metres from the neighbouring property to the west, Penrhyn, which comprises three flats. The fence could lead to some loss of light on the east side of the ground floor flat windows in the mornings, but it is considered that this would be minimal and the bay window on the south elevation would compensate for any light lost from the east.

Due to the existing hedging along the boundary with St Michaels Road, the fence is not easily visible from the highway and thus there is no adverse affect on the street scene.

As Elgin Tower is in Higher Town Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of importance and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in determining the application. Within the site the fence is a dominating structure which does give the appearance of bulk and mass on the western boundary, particularly in contrast to the adjacent lower picket fence on Penrhyn's side. Its obtrusion is alien in a landscape characterised mainly by hedging and its presence urbanises the rural nature of the area. It is thus considered that it does not preserve the setting of the Conservation Area.

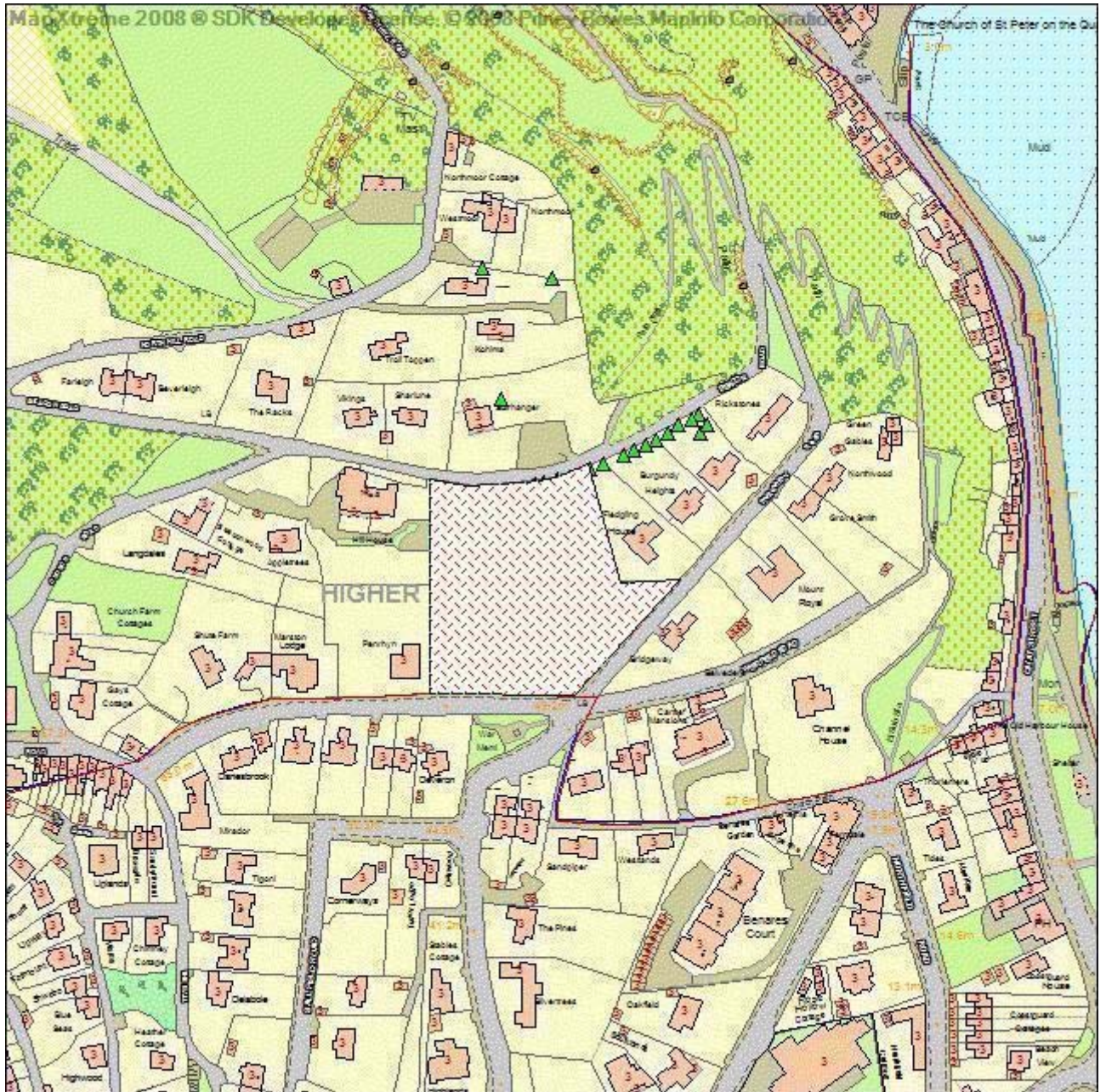
As Elgin Tower is a Grade II listed building this application must be determined in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that the listed building, its setting and any features of historic or architectural interest must be preserved when considering whether to grant planning permission. The fence is about 40m from Elgin Tower so does not directly impact on the building itself, but its urban appearance and bulk is incongruous with the traditional rural setting of Elgin Tower and it thus adversely affects the setting of this Grade II listed building.

On its own the fence would be considered unacceptable. However, the proposed planting of an evergreen hedge (Laurel) alongside the eastern boundary of the fence will both soften the fence and conceal it from the view of the listed building in the short-term. Laurel is already used for a number of the existing hedges. A condition is recommended that once the hedge has grown to a minimum height of 1.8m the fence should be removed, which will once more preserve the Conservation Area and the setting of the Listed Building.

Comments have been received regarding the ownership of the land on which the fence has been erected. However, it is understood from the agent and applicant that the fence is within the ownership of Elgin Towers.

The temporary nature of the retained fence is therefore acceptable and in accordance with policies SC1, MD1, NH1 and NH2 of the West Somerset Local Plan to 2032 and saved policy BD/1 of the West Somerset District Local Plan (2006). The application is therefore recommended for conditional approval.

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



Application No 3/21/18/017
 Erection of a 10.5m long and
 1.8m high close boarded fence in
 the south west corner of the site
 (retention of works already
 undertaken).

Elgin Towers, Burgundy Road,
 Minehead, TA24 5QJ
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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 1:2500

Scale:

Application No:	3/28/17/008
Parish	Sampford Brett
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 308467 Northing: 140623
Applicant	Mr Gliddon
Proposal	Erection of 1 No. detached dwelling and garage with formation of pedestrian and vehicular access (amended scheme to 3/28/16/008)
Location	Land to the rear of Brownwich House, 47 Tower Hill, Williton, TA4 4JR
Reason for referral to Committee	The views of the Town Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

Revised Site Location plan (dated 20/2/18).
Block Plan, dwg. no. 1921-8B
Proposed bungalow & Garage, dwg. no. 1921-12
Proposed elevations, dwg. no. 1921-10A
Proposed floor plans, dwg. no. 1921-9A
Proposed garage, dwg. no. 1921-11

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

- 3 The dwelling hereby permitted shall not be occupied until the track, which provides access to it, and the associated areas allocated for parking and turning have been constructed in accordance with full details that have been submitted to and approved by the local planning authority. Those details shall include the surfacing of the track and parking areas, any remedial measures needing to be

undertaken to deal with any undermining, and provision for the layby and pedestrian refuge along the track. The areas allocated for parking and turning shall not thereafter be used for any purpose other than the parking and turning of vehicles, and the layby and pedestrian refuge shown on drawing number 1921 – 8B shall be maintained in a useable condition, particularly by keeping the hedges cut back, the surfaced in a fit and safe condition and preventing the falling of material onto the layby and refuge areas.

Reason: In order to safeguard public safety along the public footpath and in the interests of highway safety, in accordance with Policy T/8 of the West Somerset District Council Local Plan and TR1 of the West Somerset plan to 2032.

- 4 Prior to occupation of the building, 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 ensure the adequate provision of drainage infrastructure.

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

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

- 6 No site works, demolition or clearance shall be undertaken on site unless the site has been prepared in accordance with a specification detailing protective measures and methods of working in relation to existing trees and other planting on the site including a programme for such work. Such details shall first have been submitted to and approved in writing by the Local Planning Authority. The 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 in the interests of the character and appearance of the area.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National

Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application. Concerns were raised in respect of pedestrian safety. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

The proposal is for the erection of 1 detached dwelling and double garage with formation of pedestrian and vehicular access (amended scheme to 3/28/16/008) in part of the former rear garden of Brownwich House. The two storey, 3 bed dwelling, includes rooms in the roof in order to minimise the height and scale of the dwelling. The proposed construction materials are render with natural slate roofs.

Access to the site is to be via an unsurfaced public footpath and a section of the access track to Union Quarry. It is proposed to resurface the public footpath section with type 1 aggregate for which consent has been granted by Somerset County Council. One vehicular layby located nearest the proposed dwelling and one pedestrian refuge nearest the road have been created within the existing hedgerow that borders the garden of Brownwich House.

This proposal is an amended proposal to that refused in September 2017. This was refused on the following grounds:

The track to be used as the access to the proposed dwelling is narrow and has little use by vehicular traffic. It is also a public right of way and has significant use by walkers. The proposed erection of a dwelling would result in an increase in the use of the track by motor vehicles which would have very limited ability to pass and also increase the potential for conflict between pedestrians on vehicles. This would result in there not being a safe and easy pedestrian access to local facilities as well as inconveniencing walkers using the public right of way from accessing the countryside. Therefore the proposal is contrary to the provisions of Policies SC1 and NH13 of the West Somerset Local Plan to 2032.

The amendment relates to the provision of one layby and one pedestrian refuge instead of two pedestrian refuges.

Site Description

The site is 0.16 hectares and currently forms part of the rear garden of Brownwich House, a large brick built 4 bedroom detached house and garage with large front and rear gardens and is a corner plot and the last in a row of detached properties on the

southern side of Tower Hill.

Immediately adjacent to the eastern boundary of the application site is the public footpath from the A358 at Raglands Cross, which links to the fields to the north of the application site and also to the access track to the former Union Quarry.

The current boundary treatment comprises of natural hedging between the public footpath and the site. Other boundary treatments include a 0.5m stone boundary wall either side of double wooden access gates on the front (southern) roadside boundary. There is a mixture of 1.5m hedging and some wooden fencing along the side (western) neighbouring boundary. To the rear (northern) boundary adjacent to the access track is a mixture of 1.5m hedging, some wire fencing and a single metal garden gate hung by two stone square pillars.

The land is higher than the adjoining highway and is a relatively level site thereafter.

Relevant Planning History

3/28/09/002 - Single storey dwelling in Union Quarry to the rear of Tower Hill, refused on 17 December 2009 on the basis of the access being inadequate. However, this proposal was allowed on appeal 6/09/10

3/28/15/005 - Single storey 4 bedroom bungalow in the former quarry to the rear of houses on Tower Hill, approved 30/09/15

3/28/16/002 - Dwelling at Union Quarry, approved 29/09/16

3/28/16/008 - Demolition of garden structures and erection of 1 no. dwelling and detached garage with formation of vehicular and pedestrian accesses, refused on 17/09/17. This relates to the land the subject of this application.

Consultation Responses

Sampford Brett Parish Council - Sampford Brett Parish Council discussed the above application at their Parish Council meeting on 6th December, and wishes to make the following comments:

1. We acknowledge that the revised application reduces the risk to pedestrians using the public footpath, but remain concerned about pedestrian safety particularly on the blind right angle bend. At this point vehicles leaving the proposed property will have no view of approaching pedestrians, or visa versa.
2. With regards to the vehicle passing area – Option A is preferable as it is further from the road.
3. The proposed site is behind the existing building line and will detract from the character of the area and the amenity of the neighbouring property.

4. The two mature beech trees in the neighbouring garden must be protected during construction. We understand that the neighbour has applied for tree preservation orders which have been verbally approved, but not yet completed.

Tree Officer - I'm not sure how this application differs from 3/28/16/008, but my comment would be the same, which is:

Regarding this application, I think it would be useful to have a drawing that clearly overlays the Root Protection Areas of the oak and neighbouring trees with the proposed buildings. The oak is a nice, youngish specimen worth protecting. There are some good beech trees in the neighbouring garden also. There is also another oak outside the rear of the site, on the north side of the track to the quarry.

It looks as though the house is far enough away from the oak not to damage it excessively. The garage is quite close to the beech tree roots, and possibly to the oak to the north. Could it be moved further south, subject to the extent of the Root Protection Zones?

Rights of Way Protection Officer - Please refer to my previous comments of 4th April 2017, which still stand.

The mitigations offered in the amended scheme are welcomed, with Option A being preferable.

Highways Development Control - Standing Advice.

Wessex Water Authority - No comments received

Biodiversity and Landscaping Officer - Comments made on application 3/28/16/008 (below) still apply

The development will have an impact on the character of this rural track and PROW. Could the hedge on the corner of the track be translocated to minimise this impact.

Representations Received

One letter of objection has been received raising the following;

- The comments I made concerning application ref no 3/28/16/008 still stand. These are that should the house in the quarry be built at the same time as this one there will be health and safety issues. The public footpath will need to be closed during construction which will cause inconvenience to users. The garage is too close to the boundary and question why a double garage rather than a single garage is required.
- A Tree Preservation Order has been requested on the two beech trees in the

adjoining rear garden and the necessary paperwork is being processed to complete this order.

- The plot is also beyond the building line and the corner where vehicles would lead onto the PROW is a danger if pedestrians or vehicles are on the 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

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC2	Housing Provision
NH5	Landscape character protection
NH13	Securing high standards of design
CC6	Water Management

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 in the consideration of the application are;

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

Principle of development

The site is located within the built up area of Williton and therefore there is a presumption in favour of the development as the proposal meets the criteria set out in Policy SC1 of the West Somerset Local plan to 2032. The site is in the built up area of Williton although it is located within the parish of Sampford Brett.

It should be noted however, that a previous application for a dwelling in Union Quarry was refused on the basis of the impact the additional traffic would have upon the footpath, (as mentioned in the proposal this has been addressed by the applicant within this submission). This decision was upheld on appeal. This means that unless it can be demonstrated that there is now a materially different situation with regard to highway, traffic and access considerations to this proposed dwelling, the principle of the use of this footpath by vehicular traffic accessing residential properties has to be taken as being demonstrated to be acceptable. Additional information has been submitted in the form of 2 pedestrian surveys have been undertaken to address the use of the right of way which shows a low useage of the footpath. It is therefore considered that the previous refusal relating to the safe and easy access to and from the site have been addressed and is acceptable in terms of local policies SC1 and TR2 of the West Somerset Local Plan to 2032.

Impacts on the character and appearance of the area

It is considered that this new dwelling will be well screened with minor revisions to the existing boundary treatments on the northern boundary of the site. The applicant confirms that 'there is scope to landscape the boundary with no. 47, Brownwich House in the form of a hedge or suitable trees'. It is also proposed that apart from the removal of a small portion of hedgerow to provide the new access no other changes are proposed in the landscape. A condition is recommended requesting details of the proposed landscaping be submitted prior to the occupation of the building.

The Council's landscape officer considers that the development would impact on the character of the track and public right of way and this is noted, however the character of the lane would change with the implementation of permission granted on appeal for a new dwelling to be constructed in Union Quarry.

The Council's tree officer considers that in their opinion the house is far enough away from an existing Oak tree so as not to damage it excessively, although the garage is close to beech tree roots and possible the Oak to the north. A condition is recommended requiring root protection measures to be put in place prior to the development in order to protect trees in the vicinity of the site.

The proposed construction materials of the new development are to be confirmed and a condition is recommended accordingly.

A third party representation has raised the fact that the proposed dwelling would not

be on the building line in the area. 47 Tower Hill is further forward on the plot when compared to the adjoining neighbours and so any notion of building line has already been infringed. The proposed new dwelling would not be seen from the road and so any mis-alignment with other properties is not considered to adversely affect amenity, views or the street scene.

Given the considerations above it is considered that the proposed development will not have a significant impact on the character and appearance of the area and is therefore in accordance with local planning policy NH5 of the West Somerset Local Plan to 2032.

Impacts on residential amenity

A representation has been received raising concerns regarding the siting of the garage in relation to the proximity to the boundary with the neighbour.

The proposed detached garage is shown as being approximately 2.5m from the boundary. It should be noted that a garage in this position in a residential garden would currently be permitted development and not require planning permission. Given that the garage is shown to the east of the very rear of the neighbouring garden, it is not considered that the garage would result in any loss of light or privacy.

The nearest part of the proposed dwelling is shown at a distance of 20 metres from the party boundary with the adjacent neighbour and then it is only looking towards the end of the rear garden. Given that the only windows indicated on this elevation are at ground floor level and there is an existing hedge on the party boundary, all this is deemed sufficient to protect the amenities of the neighbouring property.

It is concluded that there will be no significant impact to residential amenity in terms of overlooking, overbearing impact or noise issues. There may be some impacts on the use of the existing access track, but this is not considered such as to justify a reason for refusal, particularly in view of the last appeal decision .

The proposal is considered to meet the general requirements of local planning policy NH13 of the West Somerset District Local Plan to 2032.

Public right of way (PROW)

The Councils Landscape Officer considers that "The development will have an impact on the character of this rural track and PROW". However, the track has previously been linked to an approval of planning permission for a single dwelling at the quarry site. It is not clear who the confirmed owner of the track or the public right of way is. The applicant has completed Certificate 'D' of the application form, advising that he has advertised in the local press for any possible owner to be established and no response has been received to date. The applicant has therefore fulfilled the obligations contained within the Town and Country Planning (Development Management Procedure) Order.

Comments returned from SCC Public Rights of Way Group, prefer that Option A is implemented, and this have been provided. This option sees the provision of a vehicle passing bay being provided towards the rear boundary of the current dwelling and the footpath. An additional pedestrian refuge shown to be provided is positioned closer to the Tower Hill junction. This refuge has been completed as required under condition 8 of the permission for a single dwelling on the Union Quarry site. They confirm that they have maintenance responsibilities in relation to the health and safety of the public using the footpath but raise no objections to the proposal. Further, they welcome the mitigations offered in the amended scheme.

The applicant has confirmed the resurfacing of the track with aggregate. Two pedestrian surveys of users using the right of way were also carried out in August 2017 and February 2018. These surveys confirmed that the pedestrian users are low. There were no records vehicle movements during the survey.

It is therefore considered that the development is acceptable in terms of the access and the use of this PROW(footpath WL 20/7).

Highways

The site is located to the rear of properties fronting the main road from Williton to Taunton. There is a designated bus stop to the west of the site.

The Parish Council have referred to paragraph 14 of the former appeal decision notice for the Union Quarry application (ref APP/H/3320/A/10/2122491, dated 6/9/2010). The Inspector in that case stated that his decision was based on the application before him for the development of one dwelling using the adjoining track. However, the Inspector also acknowledged that an earlier appeal in 1995 was in respect of two dwellings on the Quarry site. It is recognised that each proposal is judged on its own merits and that in this case, the comments regarding the aforementioned appeals relate to the quarry site, not this current application site. The common factor linking those appeals and the current proposal is the use of the Public Right of Way and the initial part of the track to the quarry. The Highway Authority have commented that the matter should be considered under their standing advice, knowing that access would be via a public footpath. In terms of the standing advice, the proposed access way is considered acceptable.

The proposed new highway arrangements under Option A, includes; the width of the refuge to be 4.8m and a 4.24m passing point length in hedging and a 17.57m total length along the northern boundary of the site, 2.4 x25m junction visibility splay is to be provided in accordance with the manual for street guidance for a 20mph speed limit. Also proposed is a widening on the bend to accommodate a swept path analysis. Option B would be the same as Option A but the refuge would be closer to the Tower Hill junction. Option B is not to be implemented but a pedestrian refuge has been provided at this point instead. A condition is recommended to ensure that both the layby and refuge are implemented and retained.

Parking provision within the site comprises two parking spaces within the new

garage and two further parking spaces near the garage. The parking provision is therefore considered acceptable in terms of the Highway Authority's Parking Strategy.

It is considered that the revised details for this development have addressed the previous refusal reasons in terms of highway safety and as such the development is therefore acceptable in terms of local policies T/8 of the West Somerset District Local Plan 2006 and policy TR2 of the West Somerset Local Plan to 2032.

Flooding and drainage

The site is not located within a designated flood risk area and is located on level land which then proceeds to fall (outside of the application site) significantly from the north and to the east towards Sampford Brett. A Flood Risk Assessment has not been submitted and one is not required.

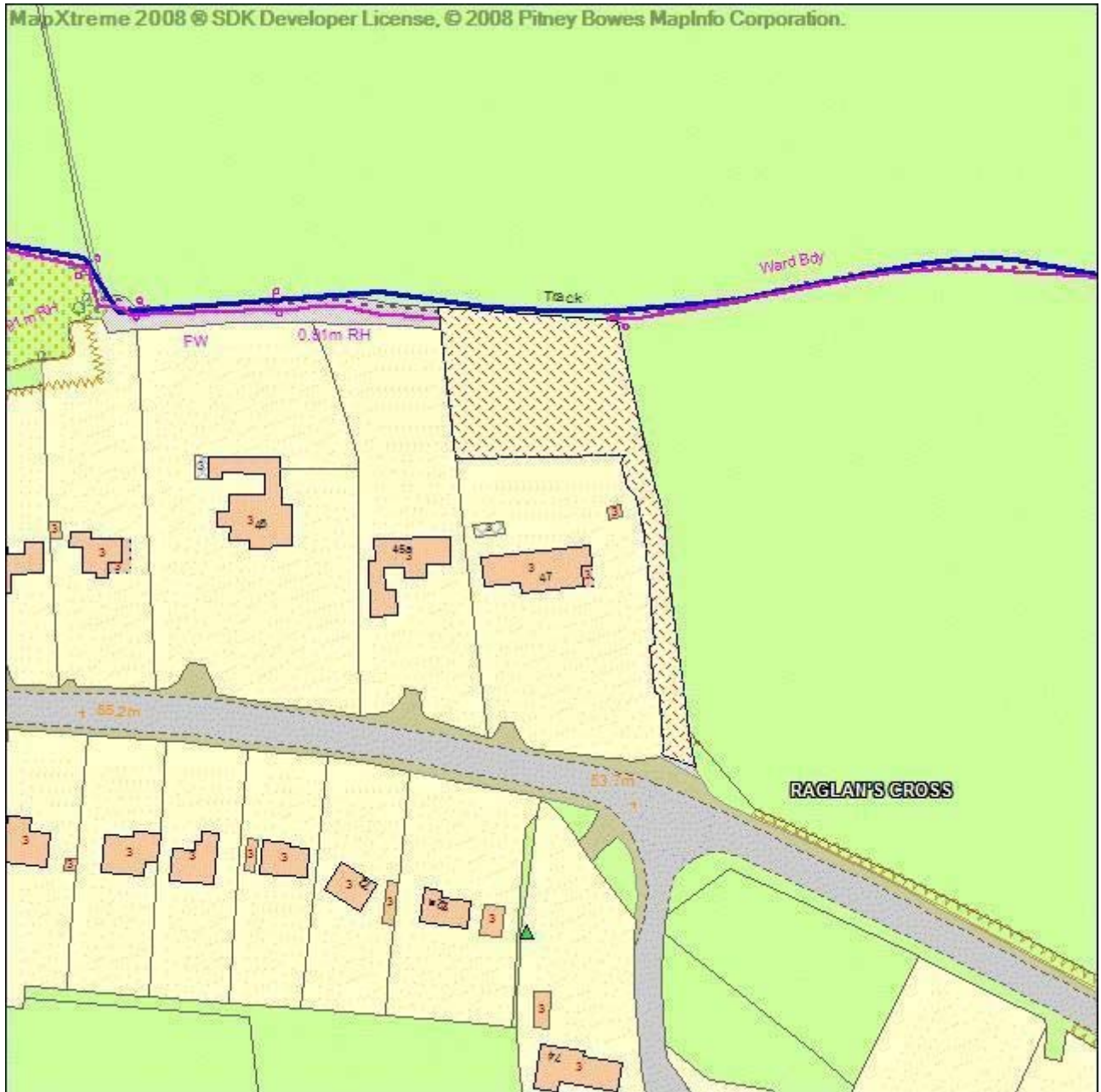
It is stated that the water connection would be via the existing mains and that surface water would be disposed of via the mains sewer and surface water will be disposed of via soakaway.

It is noted that the applicant has stated that foul sewage would be disposed of via mains sewer. It has become evident that none of the dwellings at Tower Hill are connected to the main sewers and have their own separate arrangements of either sewage treatment plants or cess pits. Therefore details of drainage will need to be submitted and agreed with the LPA prior to development and a condition to this effect is recommended.

Conclusion

Given all of the above consideration and the comments received from consultees it is considered that this proposal has fully addressed the previous refusal reason on application ref 3/28/16/008, which is a material consideration in this case. The proposal is acceptable in terms of development within the settlement limits of Williton and that it complies with the relevant local planning policies SD1, SC1, NH5, NH13 and CC6 of the West Somerset District Local Plan to 2032 and retained policy T/8 of the West Somerset District Local Plan 2006. 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 3/28/17/008
 Erection of 1 No, detached dwelling and garage with formation of pedestrian and vehicular access (amended scheme to 3/28/16/008)
 Land to the rear of Brownwich House, 47 Tower Hill, Williton
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Application No:	3/39/18/002
Parish	Williton
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 308789 Northing: 142982
Applicant	Mrs Cottrell
Proposal	Siting of a static caravan and installation of a metal fence (retention of works already undertaken)
Location	Doniford Farm Park, Doniford Farm, Doniford Road, Watchet, TA23 0TQ
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation.

Recommendation

Recommended decision: Refuse

Reasons for refusal:

In the opinion of the Local Planning Authority, it has not been demonstrated that there are exceptional circumstances to retain the caravan which is sited in open countryside and the retention of the caravan does not meet any of the criteria contained in Policy OC1 of the West Somerset District Local Plan to 2032. The proposal is therefore contrary to Policy OC1 and is not in accordance with the guidance contained in the National Planning Policy Framework, in particular paragraph 55.

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 / policies within the National Planning Policy Framework] and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw

the application.

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

It is proposed to retain the two bedroom caravan that is sited between two modern farm buildings. The proposal is also for the retention of a 3m high metal fence that joins the two farm buildings together when viewed from the road that runs through Doniford.

Site Description

Doniford Farm Park comprises of a number of modern farm buildings and a stone barn with access off of Doniford Road. These barns have recently been sold away from the adjoining Doniford House, a Grade II listed building. The stone barn is a curtilage listed building. There is a field to the north of the buildings which acts as a buffer to the Bristol Channel.

Relevant Planning History

3/39/11/023	Change of use to farm park with six craft workshops, shop, cafe, exhibition area and animal enclosures	Grant	20 December 2011
3/39/11/024	External and internal alterations to buildings associated with the change of use to a farm park with six craft workshops, shop, cafe, exhibition area and animal enclosures.	Grant	20 December 2011

The planning permission and listed building consent relate to using the application site as a farm park together with Doniford House and the stone barns now associated with Doniford House.

Consultation Responses

Williton Parish Council - Agree in principal only on a temporary measure for the personal use of Mrs Cottrell whilst work is carried out, and removed once works are complete.

Highways Development Control - Standing advice applies.

Fire Officer - The caravan installed on site does not compromise the means of escape from the farm or obstruct emergency access to the site.

Representations Received

One letter has been received objecting to the caravan being retained on a permanent basis but considers that as a temporary measure for a maximum of one year for personal use by the applicant is acceptable. The fence and caravan however block a fire exit and any further structures will adversely affect the listed curtilage.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
NH1	Historic Environment
NH2	Management of Heritage Assets
SC1	Hierarchy of settlements
SD1	Presumption in favour of sustainable development

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

BD/3	Conversions, Alterations and, Extensions
------	------------------------------------------

Determining issues and considerations

The main issues in the determination of this application are the principle of development and the affect on the setting of Doniford House.

1. Principle of Development

Doniford is situated within open countryside where local plan policy OC1 is the relevant policy. This policy states that development is generally not considered to be appropriate except in exceptional circumstances where this is beneficial for the community and local economy. Permission will only be permitted where it can be demonstrated that the site is:

- Essential for a rural worker,
- Conversion of a building as part of a live work unit in association with employment or tourism use,
- Is new build to benefit an existing employment activity that could not be easily accommodated in a nearby settlement,
- Meets an ongoing need in a nearby settlement which can not be met in that settlement or closer to that settlement identified need for affordable housing or
- Is an affordable housing exception scheme

The reasoning submitted for the retention of the caravan is to accommodate the operator of the Farm Park to provide on site security and 24 hour care for farm animals. Prior to the Farm Park being separated from Doniford House, the previous operator lived in Doniford House. Prior to stationing the caravan the applicant contacted local estate agents to determine the viability of renting or purchasing a property nearby. The applicant was unable to find a nearby residence but it is known that there are properties for sale in Doniford. The applicant considers that it is unacceptable for the operator of the Farm Park to live in Williton or Watchet due to the travel distance involved.

No information has been submitted that demonstrates that there is an exceptional need to live on site such as why 24 hour care is required for the animals or why 24 hour on site security is necessary and why this can not be achieved through, for example the use of CCTV. In addition it has not been demonstrated that the retention of the caravan is beneficial for the community and local economy. It is considered that as the applicant has not demonstrated that there are exceptional circumstances that Policy OC1 of the Local Plan has not been complied with.

In addition, the NPPF state that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. These special circumstances include rural worker's dwellings, the optimal use of heritage assets or appropriate enabling development to safeguard heritage assets, reuse of buildings that would enhance the immediate setting or new build that is of exceptional quality or innovative design. It is considered that the retention of the caravan does not meet any of these criteria and is therefore contrary to the advice contained in the NPPF

The principal of the retention of the metal fence is accepted as the fence complies with policies NH/1 and NH/2 of the local plan and saved policy BD/3.

2. Affect on the setting of Doniford House.

Due to the location of the caravan between two modern farm buildings that help to screen the caravan from Doniford House as well as being some distance from Doniford House, it is considered that the siting of the caravan does not adversely

affect the setting of Doniford Farm. The affect on the setting of the curtilage stone barns is considered to be minimal due to the fact that the caravan is located within the area of modern farm buildings. The fence has also screened the caravan from the road and whilst it is currently shiny in appearance this will tone down over time and the design of the fence has taken account of the design of the adjoining farm buildings.

3. Other issues

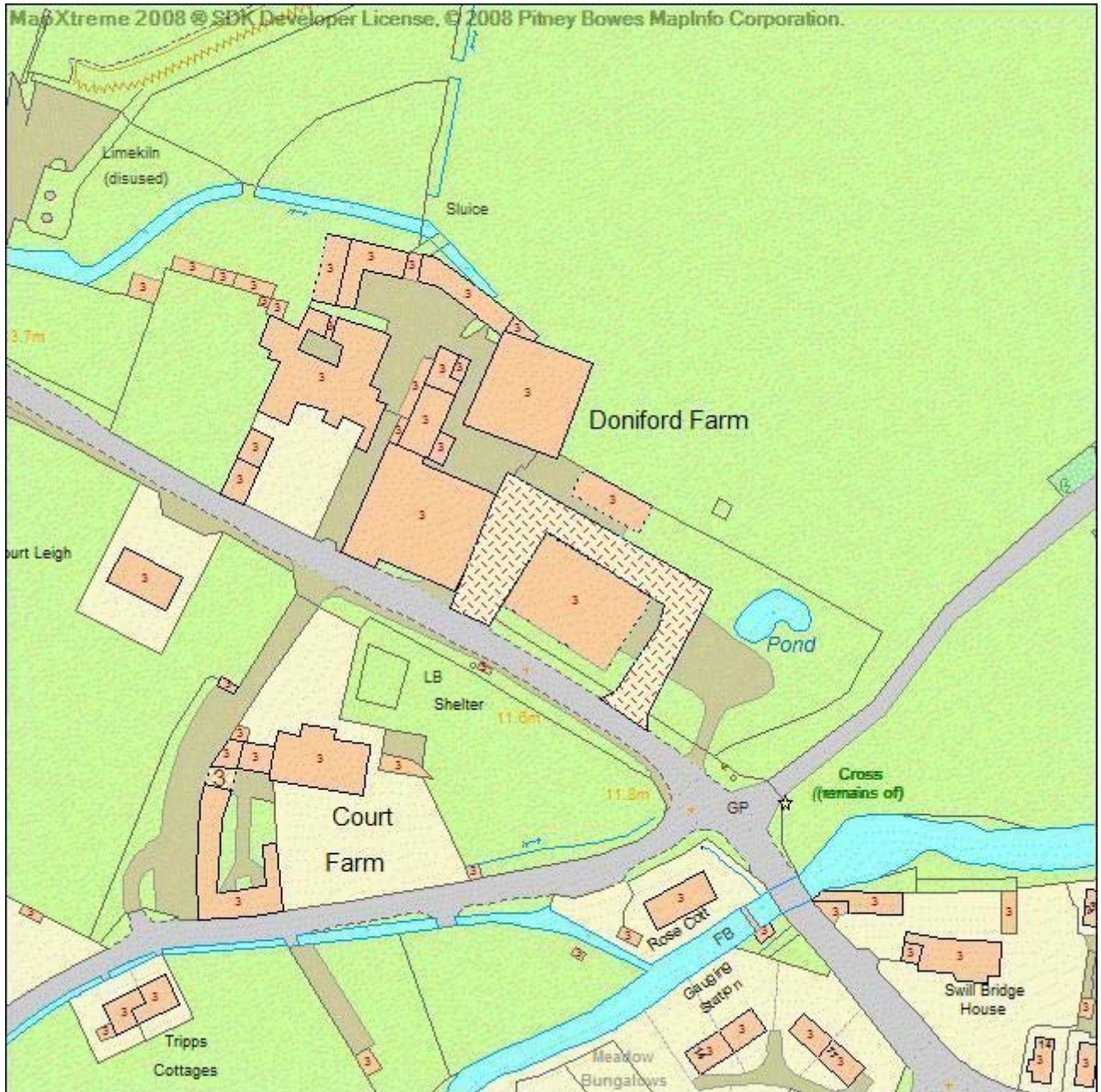
It is noted that the Parish Council and a neighbour consider that the stationing of the caravan while the alterations are being carried out to the site is acceptable but not permanently. Under The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 4, Class A the caravan can however be stationed on the land provided that is required temporarily in connection with the building works on site. The caravan however must be removed once the building works are completed. It is therefore considered that as the applicant occupies the caravan and is involved in the building operations the applicant is currently complying with the legislation. It should be noted however that the applicant has applied to retain the caravan on a permanent basis and for the reasons given above this is not considered acceptable.

As this proposal is for the retention of the caravan, if it is still in situ once the building works are completed and if planning permission is refused for its retention, enforcement action to ensure the removal of the caravan will be required.

4. Conclusion

In conclusion, the caravan is sited in open countryside where development is not generally appropriate but in exceptional circumstances provided the proposal is beneficial for the community and local economy it may be appropriate. It is considered, however, that it has not been demonstrated that there are exceptional circumstances to retain the caravan that will be beneficial for the community and local economy and as such is contrary to policy OC/1. The proposal is also contrary to the advice contained in the NPPF relating to new dwellings in the open countryside. The retention of the fence does not adversely affect the setting of the nearby listed building. It is therefore recommended that the retention of the caravan is refused.

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



Application No 3/39/18/002
 Retention of the siting of a static
 caravan and metal fence
 Doniford Farm Park, Doniford
 Road, Watchet



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

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Appeal Decision

Site visit made on 26 March 2018

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2018

Appeal Ref: APP/H3320/W/17/3185430

Former Scarr House, Lydeard St Lawrence, Scarr, Somerset TA4 3RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Paine against the decision of West Somerset Council.
 - The application Ref 3/02/16/005, dated 22 June 2016, was refused by notice dated 31 March 2017.
 - The development proposed is described on the application form as to 'reconstruct the original buildings and convert them into holiday accommodation'.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the West Somerset Local Plan (adopted November 2016, the 'LP'). Amongst other material considerations I have had regard to the National Planning Policy Framework (the 'NPPF').

Main issues

3. The main issues are whether or not the appeal site is an appropriate location for the development proposed, with particular regard to (1) its effect on local character, and (2) to the accessibility of services and facilities.

Reasons

Character and appearance

4. The appeal site is an irregular parcel of overgrown land. Part of the hillside and valley tracking alongside the watercourse running through Tarr, the land slopes downwards significantly from Pitsford Hill towards Scarr Bridge. Despite vegetation and trees present, on account of the topography the appeal site is readily apparent from nearby vantage points along the unnamed road running beside the Old Manse.
5. The appeal site contains remains of two historic stone buildings. Whether or not these are verifiably remains of Scarr House or of other vernacular buildings is incidental (and relates principally to nomenclature rather than planning considerations). There is no evidence before me to indicate an active use here since the buildings fell into disrepair around the 1960s.

6. The appellant has, laudably, devoted considerable effort to attempting to establish the design and means of construction of the original buildings. Whilst the development proposed would respect the footprint of the remains, the proposal is nonetheless effectively for the erection of two new properties and a new use of the land: no elements of the former buildings would be retained (albeit that some materials may be re-useable).¹
7. The appellant furthermore explains that the design of the properties proposed is based on an 'impression of how the house would have looked' which is, in part, 'based on extensive research of typical dwellings of the same era'.² The proposal would therefore efface any remains currently present, and replace them with an assumption of what may have existed previously.
8. Accordingly the development would not preserve any historic significance intrinsic to the ruins as they stand.³ The erection of new buildings, however carefully designed, does not represent the creation of new heritage assets. I will return to the benefits of the proposal, however in this context the approach in LP policy NH1 'Historic Environment' and paragraph 153 of the National Planning Policy Framework ('NPPF') related to preserving or enhancing non-designated heritage assets, is of little relevance.
9. The remains of the original buildings on site are, moreover, essentially low-level ruins which have become overgrown with burdock and brambles in the passage of time.⁴ Combined with the state of the land generally, they are almost imperceptible from outside the appeal site. In appearance the appeal site is therefore consistent with the strongly rural, natural character of the surrounding rolling landscape.
10. Whilst there are a handful of properties dotted irregularly about the area, the proposal would have no strong visual connection to other built development; all other properties of the hamlet of Tarr fall on the opposite side of Scarr Bridge to the appeal site. By introducing significant built development where none is currently readily apparent, within land which reinforces the intrinsic beauty of the countryside, the proposal would be detrimental to local character.
11. Such harm may fairly be described as moderate on account of the presence of natural screening (were landscaping measures to be secured via condition). Nonetheless on account of my reasoning above the proposal would conflict with the objective of LP policy OC1 'Open countryside development' and approach in paragraphs 17 and 60 of the NPPF (in summary to ensure that development integrates appropriately with the character of its surroundings).

Accessibility

12. LP policy EC9 'Tourism outside of settlements' accords support to such development where 'it could not be located elsewhere', and where 'unsustainable transport patterns' do not arise. Similarly paragraph 28 of the NPPF supports rural economic growth subject to such development being sustainable, and to tourist facilities being appropriately located.

¹ As set out in paragraph 6.3 of the appellant's 'Materials and Sourcing' document dated 8 May 2016. The proposal cannot therefore accurately be described as a 'conversion' as in the appellant's planning statement.

² Design and Access Statement dated January 2016, section 2.5.

³ Albeit that historic details and archaeology could be recorded subject to appropriately worded conditions.

⁴ Heritage Statement dated 28 April 2016, paragraph 2.3.

13. Opportunities to maximise sustainable transport solutions vary from urban to rural areas. I accept that it is not uncommon for holiday accommodation to be located in secluded and tranquil locations given the value that some place on such qualities. However the appeal site is a significant distance from the nearest services and facilities catering for day-to-day needs: the appellant explains that the settlements of Lydeard St Lawrence and Wiveliscombe offering such are approximately 3 kilometres away as the crow flies.⁵
14. The route that must be travelled to reach these settlements is not welcoming to pedestrians or cyclists, being in part along narrow winding rural lanes without dedicated footways or lighting, occasionally with relatively steep inclines. There is nothing I observed, nor evidence before me, to indicate that Tarr is readily accessible by public transport. Given the distance and nature of the route to the nearest services and facilities, occupants of the buildings proposed are likely to be highly reliant on the use of private vehicles, resulting in some associated environmental harm.
15. The presence of ruins makes the appeal site somewhat unusual. However that does not intrinsically justify allowing permission for the particular scheme before me. Nor is the nature of the site or proposal sufficient in itself, given my reasoning above, to demonstrate compliance with the requirements of LP policy EC9 (i.e. that such development could not be located in a more accessible location).
16. Holiday accommodation is effectively a residential use restricted by conditions. Therefore paragraph 55 of the NPPF is also relevant, which sets out that new isolated homes in the countryside should be avoided other than in special circumstances (an approach reflected also in LP policy OC1). As established above, the appeal site is both visually and physically isolated, accorded its ordinary meaning. The proposal would comply with none of the examples of special circumstances given in paragraph 55 as it would efface any remains of former buildings, and would be detrimental to the setting of the appeal site.
17. I therefore conclude that the appeal site is not an appropriate location for the development proposed with particular regard to the accessibility of services and facilities, in conflict with LP policy EC9 and with relevant elements of the NPPF.

Other matters

18. I acknowledge the care that has been taken in terms of the historic integrity of the design proposed, and that this would reference the aesthetic and means of construction of other traditional vernacular properties. However the harm that would result from the proposal to local character would not be off-set by this.
19. The proposal would have certain social and economic benefits, chiefly in supporting employment during construction and as occupants would make use of services and facilities in the area.⁶ However there is no clear enumeration of the benefits of the historic methods of construction proposed relative to any other building project, and the benefits resulting from the operation of two units of holiday accommodation would be comparatively modest. Moreover, in

⁵ The Council state the distance to Wiveliscombe as 4.8 kilometres in actuality, although this is disputed.

⁶ With reference to paragraph 5.5 of the appellant's statement of case in particular.

general terms, the support in the NPPF to tourism or housing is not at the expense of ensuring that all development integrates appropriately with its surrounding context in terms of character and accessibility.

20. Appeal Ref APP/W1145/W/17/3168734 has been brought to my attention. There the inspector determined that the appeal site was in an accessible location by rural standards. However that case was in Torridge District Council's administrative area and related to the proposed construction of a single dwelling significantly closer to nearby services and facilities than is the case here. As such the circumstances in that appeal and this case are not directly comparable, and neither it, nor any other matters, is sufficient to alter my conclusions in respect of the main issues in this appeal.

Conclusion

21. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the NPPF. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR