

## PLANNING COMMITTEE

THURSDAY 26 JUNE 2014 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 29 May 2014 - **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: TWO**

**Date: 17 JUNE 2014**

<u>Ref No.</u>	<u>Application/Report</u>
<b>3/21/13/120</b> Outline Planning	Land at Hopcott Road, Minehead Outline application (with all matters except access reserved) for residential development up to 71 dwellings (including 35% affordable housing), access, landscaping and associated works.
<b>3/39/14/011</b> Full Planning	Williton War Memorial Recreation Ground, Williton, Somerset The Erection Of A Multi-Purpose Sport, Recreation And Community Pavilion, Demolition Of Part And Re-Ordering Of The Remaining Existing Changing Facilities, MUGA, Disabled And Service Vehicle Access From Robert Street And Associated Parking Facilities.
<b>3/39/14/015</b> Full Planning	Unit 6, Roughmoor Enterprise Centre, Roughmoor Trading Estate, Williton, Somerset Change Of Use From B1 And B2 Category To B8 And A1 For The Storage And Sale Of Motor Spares And Accessories.

6. **Exmoor National Park Matters** - **Councillor to report**
7. **Delegated Decision List** - **Please see attached**
8. **Appeals Lodged**

<b>Appellant</b>	<b>Proposal and Site</b>	<b>Appeal Type</b>
Mrs G Barlow	Erection of a Dwelling Site at The Stables, The Bridleway, Ellicombe, Minehead	Written Reps

### **RISK SCORING MATRIX**

Report writers score risks in reports uses the scoring matrix below

<b>Likelihood (Probability)</b>	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
			<b>Impact (Consequences)</b>				

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.

<b>Application No:</b>	3/21/13/120
<b>Parish</b>	Minehead
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	Easting: 296927      Northing: 145702
<b>Applicant</b>	Williams Partnership
<b>Proposal</b>	Outline application (with all matters except access reserved) for residential development up to 71 dwellings (including 35% affordable housing), access, landscaping and associated works.
<b>Location</b>	Land at Hopcott Road, Minehead
<b>Reason for referral to Committee</b>	The Proposal Is A Major Development.

### Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	3	4	12
Clear advice from Planning Officers and Legal advisor during the Committee meeting	2	4	8

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

### Site Location:

Land at Hopcott Road, Minehead

### Description of development:

Outline application (with all matters except access reserved) for residential development up to 71 dwellings (including 35% affordable housing), access, landscaping and associated works.

### Consultations and Representations:

The Local Planning Authority has received the following representations:

#### ***Minehead Town Council***

The Planning Committee are totally opposed to the development and the way it has been currently planned.

The Committee agree that much more thought is required to meet the needs and requirements of the local residents.

There is inadequate infrastructure in Minehead to support this development with concern for the impact on medical, pre-school and transport facilities.

This development will exacerbate the flooding issues that are already a concern in Lower Hopcott Road,

A controlled pedestrian/cycle crossing is required rather than the uncontrolled crossing outlined in the current plans.

This development will not hit set targets for car emission reductions

#### ***Environment Agency***

Thank you for referring the above application to the Environment Agency which was received on 13 January 2014. We have **no objection** to the application subject to the following condition and informatives being included within the decision notice:

**CONDITION:**

No development hereby approved shall be commenced until such time as a comprehensive site surface water drainage scheme, incorporating detailed design for all of the sustainable drainage measures, in accordance with the Flood Risk Assessment (RMA C1260 dated December 2013) has been submitted to, and approved by the Local Planning Authority (LPA). The scheme shall also specify the future maintenance regimes for the various drainage works on site, and specify who/which organisation will be responsible for their future performance. The scheme shall be constructed and maintained in accordance with the approved details.

**REASON:**

To ensure that the site has an appropriate means of surface water drainage, and will not increase flood risks elsewhere.

**CONDITION NOTE:**

There is some discrepancy between the micro drainage calculations and the information provided by RMA Environmental Ltd in their FRA. As part of the detailed drainage stage we request these to be amended to demonstrate that the site will attenuate the 1 in 100 year plus climate change volumes and release the water at an acceptable flow rate that matches the Micro drainage calculations.

**INFORMATIVES:**

The potential introduction of SUDs Approval Boards (SABs) in April 2014 may need to be taken into further consideration by the applicant/agent if this application is determined after the SAB inception date. For this site, Somerset County Council will become the SAB, subject to legal commencement of the relevant provisions of the Floods and Water Management Act 2010. Transitional arrangements for adoption of surface water drainage systems may apply.

There must be no interruption to the surface water drainage systems of the surrounding land as a result of operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate efficiently and that adjoining third party landowners are not adversely affected.

**Pollution Prevention During Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

**Waste Management**

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the applicant requires more specific guidance it is available on our website [www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/).

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs.co.uk>

Please provide us with a copy of the decision notice when available.

If you have any queries regarding the above matter please do not hesitate to contact me.

### ***Wessex Water Authority***

I refer to the attached letter inviting comments on the above proposed development and advise the following on behalf of Wessex Water as sewerage and water supply undertaker for the area in question:

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's [Advice Note 16](#) for further guidance.

There is current adequate spare capacity within existing networks to support predicted development flows; details to be agreed.

Subject to agreement of detail an attenuated connection to the public surface water sewer to the east of the site can be agreed with Wessex Water

There is limited capacity within the local water supply network to serve proposed development; water supply network modelling will be required. There is no current charge for this service. The applicant may contact the undersigned for further information.

### ***Somerset Drainage Board Consortium***

#### ***Parrett Drainage Board***

#### ***SCC - Ecologist***

I would have no objection to the application being approved subject to conditions to:

- Require a fresh badger survey of the site six months before commencement of works. Should there be evidence of badger activity within the site a mitigation strategy shall be submitted to the planning authority and agreed prior to commencement;
- Obtain mitigation for impacts of the development on bats. This mitigation should be consistent with that recommended in the report 'Ecological and Protected Species Surveys Hopcott Road, Minehead, Somerset' dated 'December 2013'. Most importantly, a landscape buffer of at least 3 metres width of suitable habitat should be maintained around the development site (with the exception of the single site entrance onto Hopcott Road) at all stages of the development. (Please note that the 'Illustrative Masterplan' 7131043 dated 'November 2013' seems to show such an arrangement in place at the end of the project). A lighting strategy should be required to be submitted and approved pre-commencement to reduce impacts on bats;
- Ensure any removal of trees or shrubs proceeds outside of the bird nesting season, or, if does not, the activity is supervised by an ecologist;
- Provide that any translocation of Slow-worms is conducted according to the principles outlined in sections 6.4.10 – 6.4.14 inclusive of the Ecological and Protected Species Survey report previously mentioned. To this end I recommend that a reptile mitigation method statement be required to be submitted and approved before work begins on site.

Some informative notes should be added to any planning certificate issued drawing the developers' attention to legal protection afforded to nesting birds, badgers, bats & reptiles and advising the developers on what to do if these are encountered during the development.

According to the Biological Records Centre (BRC), Perennial Centaury (*Centaurium scillioides*) is a nationally rare plant. There are native populations on the south wales coastline as well as in Cornwall. It is a 'Species of Principle Importance' for the purpose of conserving biodiversity under the NERC Act 2006, but only so far as Wales is concerned. Nevertheless, it is so rare in England that if a natural population occurs it would be of some significance.

Because of this I recommend that there is a search of the application site to establish whether Perennial Centaury occurs and, if so, to what extent the proposed development would affect it. I have spoken to Steve Parker, a representative of the Somerset Rare Plants Group and he confirms that earlier this year he was sent a specimen of the plant from a site in Minehead. Steve tells me that the plant flowers in

June and July so now would be an ideal time to look for it. Given that there are plants on neighbouring land and the fact that the flowers are quite conspicuous, I would think that a search for this plant would be likely to turn up specimens if it occurred within the proposed development site provided there was a site visit soon.

### ***Environmental Health Team***

I refer to the above development proposal. One of the key design constraints is identified as drainage and flood risk.

The applicant in the flood risk assessment has proposed a retention basin or pond with a volume of around 872 m<sup>3</sup> (@ c.1 metre depth) to cope with surface water flows from this development. Part of this retention pond is to be incorporated into the public open space providing wider amenity benefits. The future long-term management of maintenance responsibilities it is proposed would lie with the site owners and/or operators and which is to be decided at a later stage. It is also mentioned that this drainage system could be adopted under the Flood and Water Management Act 2010 by an 'approving body'. It refers to flood risk is low and there are no records of flood incidents.

However, we have had reports of flooding on nearby properties recently owing to excess surface water during recent storms. This site falls within the Mercia Mudstone with soakaway tests showing 'negligible amounts of infiltration'.

Based on this risk, I would therefore agree with Environment Agency's earlier comments (31<sup>st</sup> July 2013) that to mitigate the risk of flooding off-site that rather than leaving the adoption and maintenance of this drainage scheme at a later date, that there is an agreed drainage scheme approved by the LPA prior to the development arising. This will include the future maintenance of this land and help towards the prevention of a nuisance.

### ***Housing Enabling Officer***

Further to the Outline application for up to 71 dwellings (including 35% affordable housing), I would like to make the following comments.

I note that the application covers 46 open market houses (1 x 2-bedroom, 26 x 3 bedroom and 19 x 4 bedroom) and 25 affordable flats (20 x 1-bedroom and 5 x 2-bedroom).

The Planning Statement comments that a mix of tenures will be discussed with the Local Planning Authority and, whilst this is welcomed, I would advise that the largest demand is for social rented units and I would look to secure a significant proportion to be delivered on this site.

I would comment that the provision of flats for affordable housing is not comparable with the houses which are proposed for the open market dwellings and would also welcome discussion regarding the type of dwelling which will be eventually provided as the affordable element.

I note that the proposals are largely based on pre-application advice received in May 2013 when the predominant need was for one and two bedroom affordable dwellings. Whilst this is still the case I would also point out that a fairly significant number of affordable homes are currently under construction (or soon will be) in the Minehead and Alcombe area and we need to take account of this when planning future delivery.

There is an acknowledged historic under provision of one bedroom homes throughout the District and, with continuing changes to the Welfare Benefit Programme, this demand will only increase. We do, however, need to be mindful that this is not the only housing need in the District and for reasons of sustainable development and management I would suggest a wider mix.

### **Current Housing Need**

Minehead remains the highest demand area within the District in terms of Housing Need. At the present time, there are 536 households registered on the Somerset Homefinder Choice Based Lettings system who have chosen Minehead as their first choice parish for re-housing. The majority have some form of local connection with Minehead or West Somerset ranging from a requirement to live nearer relatives to give/receive support to resident far in excess of ten years.

Of these 536 households 287 have been assessed as one-bedroom households, 166 are two-bedroom households, 60 are three-bedroom households, 20 are four-bedroom households and 3 are five or more bedroom households.

### Low Cost Home Ownership

There is still a relatively healthy demand for Low Cost Home Ownership within West Somerset and, despite some difficulties with mortgage availability with both new-build and re-sale options tending to sell well. Two and three bedroom dwellings are more sought after.

There are currently 194 households registered with South West Homes who have indicated that they would like to purchase a home in West Somerset. 31 of these households have a local connection with the District and for 17 of them, this connection is with Minehead.

### Recommendation

Based on current need figures and the open nature of proposed tenure I would suggest a more appropriate mix would be

11 x one-bedroom  
8 x two-bedroom  
4 x three-bedroom  
2 x four-bedroom

### **Planning Policy**

#### **Comments of the Planning Policy Team**

##### *Context*

- Site originally put forward for possible residential development consideration as part of the Strategic Housing Land Availability Assessment (SHLAA) 'Call-for-Sites' in Summer 2009 (8<sup>th</sup> July – 1<sup>st</sup> September). No specific potential capacity was proposed by the applicant.
- SHLAA Panel considered the site (MIN1) as being potentially suitable for this type of development. It also identified it as having a notional capacity of c.60 dwellings and in terms of availability could be built out within the first two five year periods, 2011 – 2016 and, 2016 – 2021.
- Site re-submitted in the SHLAA Update 'Call-for-Sites' in Winter 2013 (18<sup>th</sup> January – 14<sup>th</sup> March). Development capacity proposed by applicant, c.70 dwellings.
- Land was not identified as part of the Residential Urban Capacity Study (RUCS) in 2000/01.
- The land has not previously been put forward and/or allocated for development in previous iterations of local development plan documents (e.g. Minehead Area Local Plan, West Somerset District Local Plan.). It was not even considered as an 'omission-site' via representations to the district-wide Local Plan in the Inspectors Report.
- The land was previously identified and designated as forming a part of a Special Landscape Area (SLA) in the Minehead Area Local Plan and its relevant policy C/1.
- The SLA designation was proposed to be carried forward in the district-wide Local Plan with policy wording and areas identified in the Consultation Draft (Policy LC/2) (Policy and Deposit Draft (Policy LC/3) versions of the emerging policy document. This reflected the policy stance in the strategic tier of the development plan as expressed through the Structure Plan in its, consultation-draft (Policy 4) and deposit-draft (Policy 7) versions. The publication of the second revised version of PPG 7 in 1997 changed the national planning policy context in which these policies had been drafted. In order to avoid development plan policies applying local designations and elevating them to the equivalent of statutory designations (e.g. AONB's, National Parks, SSSI's, etc.), the emphasis was changed to that of locally assessed, landscape character. This change in policy stance was duly reflect at both levels of the development plan through the Proposed Modifications to the Structure Plan and the Proposed Changes to the Local Plan.'
- Previously, it could have been argued that due to the site in questions proximity to the National Park boundary that the policy requirements of Policy 2 of the Structure Plan, as this deals with the 'setting' of the National Park. However, the revocation of the extant and emerging Regional Spatial Strategies for the South West also saw the removal of almost all development plan status from the

various adopted structure plans and policies within the region removes this option. Defra have produced a Circular that attempts to provide this policy context but this is not a planning policy document, but a land management one, which means it has limited weight and, the National Planning Policy Framework (NPPF), which post-dates it, makes no such mention. As the NPPF is the most recent document published it, therefore represents the current Government policy on the matter. Also the current usage of that part of Hopcott that is within the National Park is primarily made up of commercial coniferous tree plantations, which is hardly representative of the unique local characteristics of the ENP.

### *Comments*

The primary concerns of the planning Policy team about the proposal are that it is both premature in respect of the future development of Minehead in respect of the allocation of strategic sites for mixed-use development and, that it prejudices the comprehensive development of a much larger area of which it forms a part. 'Strategic' in the context of the emerging Local Plan to 2032 is a site capable of accommodating a minimum of 250 dwellings and 3 Hectares of land for employment generating and social/community activities. There is a clear history leading to the identification of the land, of which the proposed site forms a part, as a potential location for a strategic quantum of growth for the plan period, 2012 – 2032. The stages in this process are as follows:

- The nomination of the land in question through the original SHLAA Call-for-Sites in 2009 has, along with other nominations around it helped to inform the process that has led to the identification of potential sites for strategic levels of development around the three main settlements in the West Somerset Local Planning Authority (LPA) area. This has been an iterative process and the first stage of it was the publication of the SHLAA report in 2010. This identified that the land in question met the three main criteria of the SHLAA process in respect of; suitability, availability and, achievability. Because the new generation of development plans are expected to provide a clear indication of how much residential development would need to be provided for over a 15 – 20 year timeframe and identify suitable location(s) for it, the West Somerset SHLAA report also looked at 'broad-locations-for-growth' around settlements. One of these was around Minehead and incorporated the proposed site.
- The Options consultation on the emerging Local Plan confirmed the overall strategy as one which should be focused on the three main settlements of Minehead, Watchet and, Williton with the greater part of the overall development expected to go to Minehead. In an attempt to rationalise the potential number, location and, size of the sites, particularly in relation to Minehead, a paper was presented to the Council's Local Development Panel on 18<sup>th</sup> October 2011. The proposal site was located within area A6 of 11 sub-areas that formed the broad-location-for-growth for Minehead in the SHLAA report. Members of the Local Development Panel resolved to promote seven of the eleven sub-areas, including A6, as part of the preferred 'Strategic-Directions-of-Growth' around Minehead to be included in the next consultation version of the emerging Local Plan, the Preferred Strategy.
- The West Somerset Local Plan: Preferred Strategy was issued for consultation on 22<sup>nd</sup> March 2012 for a period of eight weeks. Prior to its release and following the resolution of the Local Development Panel on 18<sup>th</sup> October 2011 (and endorsed by Full Council at its meeting on 15<sup>th</sup> November 2011), the Preferred Strategy was subject to two external assessments in the form of a Sustainability Appraisal and, a Habitats Regulations Assessment. The latter document required some amendments to be made to the Preferred Strategy that affected the southern part of the strategic-direction-of-growth identified for south of the Hopcott Road (including the former sub-area A6 which includes the application site).
- Five days after the commencement of the consultation period on the Preferred Strategy, the Government published the National Planning Policy Framework (NPPF). Paragraph 47 of the NPPF requires LPA's to identify key sites for the delivery of housing and other land-use activities. This meant that the strategic-directions-of-growth approach proposed through the Preferred Strategy would be insufficient to ensure that the Local Plan would be found 'sound' at the Examination stage. The implications of the NPPF for the emerging Local Plan at the stage in the process it had reached were reported to the Local Development Panel at its meeting in June 2012. A further report was submitted in October 2012 which outlined the need for additional work to be carried out in order to



clarify the LPA's position in respect of the housing requirement figure that the emerging Local Plan would need to cater for over the plan period (2012 – 2032) and clarify how it would address this at the strategic level. The outcome of this was that the Council commissioned further work in response to the NPPF including an update to the Northern Peninsula Strategic Housing Market Assessment (SHMA) of 2008 in as far as it related to West Somerset and in terms of determining an objectively identified housing need, for the West Somerset LPA area.

The update to the SHMA identified a housing need figure for the LPA area of just under 2,400. This was not dissimilar to the housing requirement figure (2,500) that the Local Plan had been working to plan for as proposed in the former emerging Regional Spatial Strategy for the South West. The Council carried out a further assessment of the land and strategic sites included in the original Preferred Strategy and these were considered by the Local Development Panel in April 2013. They then formed part of their recommendation to Full Council of a Revised Preferred Strategy of the Local Plan which was consulted on during the summer of 2013.

The progress of the emerging Local Plan to date, outlined above, and the procedure of refining and reporting the various changes in respect of the strategic sites identified for consultation demonstrates that this has been carried out as part of an iterative and methodical process. The Minutes of the Local Development Panel meeting on 14<sup>th</sup> November 2013 made it clear that the strategic sites identified through the emerging Local Plan would be subject to a 'Master-Planning' process in order to manage the balance and location of the various uses that may need to be accommodated within them. Policy MD2 in the Revised Preferred Strategy makes clear that the land of which the proposed site forms a part, is expected to be a mixed-use development including residential and compatible non-residential uses. The 'Purpose' section elaborates on this by referring to community and commercial uses.

The proposed development on the site only relates to residential development. It does not include provision for community and/or commercial activities and, does not show how the proposal would be linked with developments on neighbouring pieces of land, and the activities on them, that would comprise the greater strategic site. Without some form of comprehensive master-plan to cover the whole of the strategic site it is difficult to see how a development of the type proposed would make a positive contribution to the sustainability of the larger strategic site. It could prejudice the effective development of the neighbouring pieces of land in a consistent and sustainable way, if developed in isolation from them.

In preliminary conversation with the Local Highway Authority, Somerset County Council, over the transport aspects of the site, they have already expressed concern that the site could be safely and effectively accessed if developed in isolation. The access would be onto a Class 1 County road (A.39), on the inside of a gently curving road with a (current) speed limit of 40mph. It is doubted if visibility splays could be created of the appropriate standard (c.120 metres in both directions to meet the minimum safety standard required. They have also expressed concern about the potential gradient of the road within the site where it will access the A.39.

It is also noted that the proposed access will be in close proximity to an existing road junction on the opposite side of the road where the nature of the gradient of the joining road (Cher) already creates difficulties for vehicles emerging from it onto the A.39. There is also a smaller access road, directly opposite serving a small collection of houses, which can complicate traffic movements in the area.

The development proposal provides an indicative number and type of affordable housing units that could be included as part of the development. The proposal suggests that most of these would be of the one-bedroom variety but also indicates that the open-market properties will be of a range of sizes. West Somerset Council has produced a Planning Obligations Supplementary Planning Document (SPD) which focuses primarily on the provision of affordable housing from larger scale developments. It makes it clear that the size and type of the affordable housing that is expected to be provided as part of the development should be on a like-for like basis within the ratio (65 open-market : 35 Affordable housing). No justification has been provided for the difference between the two. Variation from this requirement in respect of the affordable housing element would have to be subject to the overall negotiation process that would under-pin any Section 106/Planning Obligations, heads-of-terms'

agreement that would accompany the application. The most likely justification for variation would be in response to a different cohort of need for affordable housing in the local area. This would have to be demonstrated through an appropriate up-to-date affordable housing needs survey. It is understood that no such conversation has been undertaken between the applicant/developer and the Council's Affordable Housing Enabler.

### ***Planning Policy***

### ***Rights of Way Protection Officer***

### ***NHS England***

### ***NHS South West***

### ***Planning at Exmoor National Park***

### ***SCC Planning (Minerals)***

### ***Western Power***

### ***Somerset County Council Education***

A development of 71 dwellings would be expected to require about 10 first school places to be available. St Michael's First School is closest to the proposed site and has a net capacity of 150, with 140 on roll; and a forecast roll of 153 by 2017. The other first school in Minehead – Minehead First School has a capacity of 318, with 274 on roll, but with a forecast roll of 322 by 2017. These rises in rolls are due mainly to the rise in birth-rate and demographic factors and do not take into account new development. If the suggested Local Plan increase of over 1300 dwellings in two major allocations comes forward (and this site forms part of one of them), there will obviously be an acute issue about the availability of first school places in the town - and it will not be possible to increase the capacity of the existing schools sufficiently. Prior to the adoption of the new Local Plan, it will therefore be necessary to have identified a site where an additional new first school could be located.

For the time being, it would be difficult to provide sufficient evidence of need for first school education contributions having regard to the CIL Regulations, but there will come a point at which such contributions (or possibly CIL receipts) will need to be secured.

The local middle school and the college would both have sufficient capacity for pupils living in this development. However, the availability of places at these schools may also need to be reviewed in the future as new development is implemented and the current inflated first school cohorts move through the education system.

I will not be seeking education contributions in relation to this application now, but I wanted to flag up the likelihood that we will need to try and do so in relation to subsequent applications on other sites elsewhere at some point in the future – and in particular to bring to your Policy Team's attention the need for a new school site. I can also clarify that I will not be seeking pre-school contributions in relation to the current application. I appreciate the clarification that WSDC will not be employing the CIL.

### ***Highways Development Control***

I refer to the above mentioned planning application received on 14<sup>th</sup> January 2014 and following a site visit on 16<sup>th</sup> January 2014 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to an outline application for 71 residential units and associated access and landscaping.

### ***Traffic Impact***

The submitted Transport Assessment (TA) was subjected to a detailed audit, which has now been completed and the Highway Authority's observations are set out below.

Paragraph 5.4.1 indicates that the development has been based on 80 residential units rather than the 71 proposed. The applicant has argued that this represents a 'sensitivity' test for the site, however it is the Highway Authority's opinion that this would be a little above the expected average rates. Furthermore trip generation for the development is provided in Table 5.2 for the AM and PM Peaks. These rates have obtained using the TRICS 2013 (B) database. The actual output has been provided in the appendices. Having evaluated the output the Highway Authority is satisfied that these appear to be acceptable.

Paragraph 5.5.1 states that the predicted trip distribution for the site has been based on first principles and the 2001 Travel to Work Census data. Table 5.3 shows the predicted trip distribution for the site. Having looked at this the trip distribution to the wards of Alcombe West and Minehead North could perhaps be directed a slightly more through Townsend Road. However, I do not consider this to be an issue as it would be unlikely to make a significant difference.

Moving onto traffic impacts paragraph 5.1.1 states that ATC data was obtained from Somerset County Council for Hopcott Road, although a copy of this data hasn't provided in the submission. Whilst manual classified counts were undertaken in September 2013 at the A39 Hopcott Road/A39 Alcombe Road/Townsend Road mini-roundabout.

The applicant provided TEMPro growth factors have been employed. These are presented in Table 5.1 and have been assessed by the Highway Authority and we are satisfied that they are considered to be correct. The applicant has indicated that the peak hours are 0800-0900 in the AM and 1700-1800 in the PM; with the years of assessment chosen are year of opening (2015) and five years afterwards (2020). This is in line with Somerset County Council requirements.

It was agreed with the Highway Authority at the scoping stage that two junctions would be required for analysis. These were the site access/A39 Hopcott Road priority junction and the A39 Hopcott Road/A39 Alcombe Road mini-roundabout. Table 6.1 shows the output from the PICADY model analysis of the site access with the A39 Hopcott Road junction. The model indicates that the junction would be well within capacity and is considered to be acceptable. Table 6.2 shows the ARCADY output for the A39 Hopcott Road/A39 Alcombe Road mini-roundabout. This again shows that the junction would operate within capacity. Having reviewed the data the Highway Authority is of the opinion that this has been marginally overestimated.

An accessibility plan of the site is provided in Appendix E. This shows the distance of local facilities and services to the site with an 800m radius shown. It is noted that no pedestrian facilities exist along the southern side of the A39 Hopcott Road in the vicinity of the site. This is not necessarily an issue as the entire town lies on the northern side of the road where a pedestrian footway does exist. In terms of cycling infrastructure, there are no off-road cycle routes directly between the site and the centre of town or employment areas so cyclists would have to use existing road network. However, the type of roads that lie between the site and these areas of town are mainly residential.

Paragraph 3.3.1 cites the nearest bus stops to lie approximately 500m to the east, west and north of the site. The stops are quoted as appearing to operate on a 'hail and ride' basis. This seems to be correct. Table 3.1 illustrates the services that are available with bus timetables supplied in Appendix G. Having checked this information, the stops along Townsend Road only host the route 28 bus which runs between Taunton and Minehead every 30m minutes. This is an 800m walk so modal shift may occur. A factor which may limit modal factor across all forms is the apparent lack of street lighting along the A39 Hopcott Road. In particular, during winter, this would be likely to limit people moving away from the use of the private car.

Since this is an outline application, no exact parking provision has been stated. It is noted that in Paragraph 4.6.1 two sets of parking standards are referred too. The Highway Authority recommends that the applicant take into account Somerset County Council's Parking Standards.

Therefore in terms of actual traffic the proposal will lead to an increase in vehicle movements although these are not considered to be significant enough to warrant an objection on these grounds.

## Travel Plan

The submitted Travel Plan has been audited by the Somerset County Council's Travel Plan Officer. The Travel Plan fulfils most of its requirements. However the applicant will need to address the following points:

- Greater detail and clarity on cycle and motorcycle parking;
- Further details on the Travel Plan Co ordinator role;
- Targets need amending to take into account Single Occupancy Vehicles and Car share (rather than 'Car on their own' and Car with other person(s); and
- It has not been stated that the TP will be secured via a S106 agreement.

A copy of the full report is attached and the applicant is advised to address the points raised. Furthermore the Highway Authority will require the Travel Plan to be secured via S106 as per our guidelines.

## Internal Layout

At the point where the proposed site will tie into the existing 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 construction layer of the carriageway by a minimum width of 300mm. Cores may need to be taken to ascertain the depth of existing bituminous macadam layers. The proposed estate road will need to provide a minimum width of 5.0m to allow two-way vehicle flow. In terms of visibility, splays of 2.4m x 120m have been provided in either direction. This is considered to be acceptable by the Highway Authority although the applicant will note that any planting will need to be below 300mm.

Turning to the internal site layout the applicant should be made aware that it is likely 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 Payment Code.

Be advised that 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 Somerset County Council will be required should this gradient be designed to be steeper, as this could have an impact on materials to be used within the carriageway. 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. The footways will also need to make sure that the longitudinal designed gradients are no steeper than 1:12. Anything steeper will provide difficulties. Adoptable turning heads will need to be designed in accordance with the Estate Roads in Somerset and provided between plots 40, 47 and 48. Furthermore 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).

The following points are details the applicant should take account of prior to any further submission. It is noted that vehicles parked behind plots 49-58 will only be able to access the public highway by driving around the proposed play area. There is the potential of conflict due to the number of vehicles using this route and pedestrian/children going to/from the play area. The applicant is urged to re-evaluate this and investigate whether it is possible to provide access between plots 6 and 53? The proposed location of the access to the parking court between plots 20/21 and the play area, may result in an area of conflict with motorists wishing to gain access to the parking courting having to cross the driving line of vehicles emerging through the bend fronting plot 21 travelling in an easterly direction.

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 adjoining carriageway level. The 'Design and Access Statement' indicates that some form of planting will be placed within the required splays. A commuted sum payable by the developer will be required for any such planting and a comprehensive planting schedule will need to be submitted to Somerset County Council for checking/approval purposes.

Finally the applicant should make sure that no doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface 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) and steps.

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. The applicant is also urged to rotate the parking bays serving plots 45 and 46 anti-clockwise through 90 degrees whilst the parking bay immediately south of plot 37 should be rotated clockwise by 90 degrees.

Turning to site drainage can the applicant please confirm the future maintenance responsibilities for the balancing ponds? Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These can be obtained from the Streetworks Co-ordinator (Tel No. 01823 483135). 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 a copy of which will need to be submitted to Somerset County Council.

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.

The applicant would also be required to clear existing carriageway gullies and drains 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.

Any planting within adoptable areas will require a commuted sum. 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. Tree must be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by Somerset County Council will be required for all trees that are to be planted adjacent to the back edge of the prospective public highway to prevent future structural damage to the highway. Furthermore grass margins should not be laid up to vertical faces. The last 200mm should be of a hardened material.

### **Flood Risk Assessment & Drainage Strategy**

The following comments are in reference to the Flood Risk Assessment which has been submitted by the applicant.

The applicant has proposed to utilise permeable paving for the car parking and shared areas. They will need to give careful consideration for the detail between such areas and the prospective public highway. Preference should be given to designing permeable paved areas with levels that fall away from the highway as this will alert those responsible for the maintenance to any reduction in performance i.e. will lead to ponding as opposed to discharge onto the highway.

It is noted that additional SUDS features being considered include swales and filter drains to convey run-off from the roads. The introduction of these features would need to be approved by the Highway Authority as they would result in a greater future maintenance liability and therefore would require a commuted sum.

### **Off site Highways Works**

The proposal would require off site improvements in terms of highway infrastructure for both pedestrians and cyclists. These were provided on plans 13450/T07 Rev A and 13450/T08. These details have been subject to a feasibility audit and the completed report is attached. The applicant is urged to take account of the points raised whilst any further submission would need to be accompanied by an exception response to this audit.

Please note that any off site highway works would be subject to a legal agreement.

## Conclusion and Recommendation

Having reviewed the TA the Highway Authority is satisfied that the proposal will not result in a significant impact to the surrounding highway network. The Travel Plan will need to be amended to reflect the requirements set out in the attached report. Although it is appreciated that this is an outline application and the details shown on the submitted drawing are indicative the applicant the applicant is urged to take account of the points set out above.

In terms of drainage the applicant will need to take note of the information set out above and address these points prior to there next submission. Finally in terms of off-site highway works the audit report has raised a number of points, which need to be clarified before the highway can provide their recommendation to this proposal.

I refer to the above mentioned planning application and the Highway Authority's initial response dated 3<sup>rd</sup> March 2014.

As you are aware although the Highway Authority was satisfied that the proposal would not result in a significant impact on the surrounding highway network, there were some concerns over the off-site highway works and the Travel Plan.

To address these concerns the applicant has submitted further information. This has been submitted for Safety and Technical audit and a copy of the completed report is attached. Having reviewed the report it appears that most of the previous points have now been addressed. However there are a couple of points that remain outstanding although these points are not considered to be significant enough to warrant an objection from the Highway Authority.

From reviewing the submitted information it is apparent that the drainage points have not been addressed as yet (or they were not submitted to the Highway Authority for consideration). Please note that the points raised as part of the Highway Authority's response dated 3<sup>rd</sup> March will need to be addressed prior to works commencing on the site.

At present the revised Travel Plan is still being audited once this has been completed a copy of the report will be sent to the Local Planning Authority. Please note that this would need to be secured via a S106 agreement with the Local Planning Authority.

Therefore to conclude the submitted information has addressed the points raised as part of the Safety and Technical Audit. The audit report relating to the Travel Plan is still outstanding and will be forwarded to the Local Planning Authority once this has been completed. Finally it doesn't appear that the drainage details have been addressed. The Highway Authority would strongly recommend this is dealt with prior to any permission is granted.

However on balance if the Local Planning Authority were minded to grant permission I would require the following conditions to be attached.

- S106 agreement to secure the Travel Plan and also the Highway works.
- 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 the commencement of development and thereafter maintained until the use of the site discontinues.
- 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 completed on site.

- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction deliver hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contactors; and Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, services 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. For this purpose, plans and sections, including 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 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.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- No work shall commence on the development hereby permitted until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority.

Such highway works shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use.

**NOTE:**

The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information, 0845 345 9155.

## *Public Consultation*

The Local Planning Authority has received 84 letters of objection/support making the following comments (summarised):

### **Visual affects**

- A huge housing estate of some 71 dwellings constitutes little more than an unnecessary blot on the Minehead's scenic landscape.
- I object to the long distance visual impact of a disproportionately large development in such a prominent and elevated position on currently unspoilt, agricultural greenbelt land. The sweeping views from Minehead's tourist jewel, North Hill, will be permanently scarred by the scale of this building plot. This is detrimental to Minehead's future tourism.
- Has anyone questioned vehicle pulling onto the road at night with lights blazing into neighbouring properties?
- Policy LC/3 of the West Somerset District Local Plan (April 2006) states "where development is permitted outside development limits, particular attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted". This site quite obviously falls foul of these stated restrictions.
- The tourists only visit Minehead and Exmoor because the area is unspoilt
- Because of the current proposed position light from cars headlights at night will shine right into the front of our property, into our bedrooms and living rooms causing a considerable amount of disturbance and annoyance and light pollution and also the noise of vehicles entering the estate.
- Would substantially change the transition area between the Town and the National Park
- As visitors drive along the A39 from the outskirts of Alcombe towards Porlock they will in the future find major new developments right across the border of the National Park. This will not attract visitors or people wishing to relocate to Minehead.
- The proposed density of dwellings should be reduced substantially. 71 houses, flats etc. is again out of keeping with the area and the town which contains several conservation areas. We note that the Developer aims to 'integrate development into the landscape'. If this is the case then a much smaller development is required (we fail to understand what 'drawing inspiration from nearby North Hill' means, nowhere on North Hill is a development of such density).
- The town has long been known as "the gateway to Exmoor", an introduction to this unique area. How would that work with so much concreted over?
- The proposed site will be extremely steep and make like difficult for the young and old. Those using prams, bicycles, wheelchairs, and invalid vehicles will experience mobility problems and risk of runaways. In addition this site will need high ugly and potentially dangerous supporting walls, certainly not in keeping with the area.
- Generally, over the years it was West Somerset Planning's mission statement to oppose any development to the South of the Hopcott Road, and Periton Road, as it represents development in the open countryside. Perhaps someone could explain to me what has exactly changed here?

### **Economy/housing**

- Minehead's economy cannot support a residential development of these proportions when already the local housing market is saturated with properties for sale, while first-time buyers can barely afford the inflated prices of the seaside community.
- Second or holiday homes are undesirable and a waste of valuable land since they bring little or no benefit to Minehead's economy and constitute little more than a white elephant.
- I object to the development on the basis that it is encroaching on the greenbelt land and the proportion of affordable housing with the development does not justify it. Property in Minehead is not selling. The housing problem is as much to do with affordability as availability. For this development to be justified the proportion of affordable housing needs to be 75-100% rather than the 35% proposed.
- Where on earth will the jobs come from for all these other people, certainly not Minehead! This means they will have to travel further afield for work clogging up our already busy roads. What happened to reducing our carbon footprint?
- The demand for new housing should be fulfilled nearer existing thriving settlements such as Taunton or Bridgwater, where appropriate infrastructure already exist and are more likely to be able to accommodate a rising population.



- Although a percentage of the proposed development seeks to meet the requirement for affordable housing, I would argue that young families tend to move to larger settlements in search of work and amenities, and closer connections to the main transport networks, than Minehead, which appeals more to older/elderly people. There already exists a problem of vacant properties across the town, including many sold as second homes/holiday homes. This leads to a feeling of a declining town and detracts from efforts to build sustainable communities?
- Apart from the temporary period of the build, the development proposal directly provides absolutely no sustainable economic benefit whatsoever to Minehead.
- There is no prospect of increased employment here.
- I fail to see how an increase in the population of Minehead will benefit the area, there are few new employment opportunities, the high street is slowly losing any shops of any worth, replaced by charity shops, the schools are even now fighting about how to provide an education system for our child, a further increase will be detriment to this.
- There are almost 700 properties in the 1-4 bedroom range currently available for sale. There are currently almost 200 properties available for rent within the area. There are further small developments taking place. There is a significant number of sub -£150,000 houses available on the open market that would be construed as suitable social housing.

### **Infrastructure**

- I question how you would treat the gradient of the roads on the site. I would be almost impossible for prams, wheelchairs or bikes to cope with the steepness, especially when there is snow and ice.
- I understand that the development includes the provision of new bus stops, which falls in line with the promotion of sustainable transport, however I think it overlooks the existing inadequacy of the bus services in the area and poor existing road network. The Hub, situated close to the site in question, is frequented by many children and young families and the addition of bus stops will reduce safety for pedestrians. It may mean that new crossing facilities will be needed to mitigate this issue.
- The proposed location on the upper side of Hopcott Road will result in increased traffic on a notoriously dangerous stretch of road especially at the blind and steep junction with Cher.
- I am concerned about the access from the A39 into the proposed new housing estate. The quarter of a mile from the Fire Station is extremely dangerous. There is a substantial bend in the road where you envisage the entrance to the development to be. It is also a notorious spot for speeding vehicles. This would prove dangerous when cars are slowing down to enter the development or pulling out.
- Having served on the local Community Speed Watch team I have been in a position to measure accurately the speed (in Periton Road) of traffic using Hopcott Road. This experience has confirmed my unmeasured observations over the sixteen years I have lived in Periton Road. A significant percentage of traffic travels along Periton/Hopcott Roads at excessive and potentially dangerous speed. This is an issue that would have to be addressed before any Planning consent could be granted.
- The site is not within comfortable walking distance of the town centre and public amenities so the resident must resort to private transportation which will aggravate Minehead's shortage of parking and congest its narrow roads.
- My main concern is the lack of infrastructure to support more housing/people. Due consideration has to be given to the impact on health centres, schools and public services which are already struggling.
- A major issue is the road network in and out of Minehead which is totally inadequate.
- To create more hard surfaces in an area which, during periods of prolonged rain, has water running down Periton Road towards Hopcott Road, due to inadequate drainage clearance and maintenance has not been thoroughly thought through.
- The estate may not be expected to flood, but the knock on effect on the surrounding area. Already after rain it is not unusual to see a stream running down the A39, also Bampton Street and to see the road drains full with water. The estate will be on land that would soak up a lot of this water.
- There are few leisure facilities for this town at present are the developers going to provide a new swimming pool and additional doctors in the surgeries, improve our road to Taunton and Bridgwater. I fear not.

- The developers are assuming that by providing 300 cycle spaces, residents will choose to cycle to and from their homes. Firstly anyone cycling from the site will invariably do so down a considerable hill. The return journey would be back up this hill, so only the fit and determined would want to do this on a regular basis, rather than take the car.
- Lighting is poor along many areas making it unsafe for some to feel they can walk safely in the dark.
- It is stated that there has been no flooding in the immediate vicinity – that is completely wrong. During November 2012 the ground floor of our house, Victoria Cottage, 20 Alcombe Road, was completely flooded by water pouring into our back garden and then into our kitchen and other rooms. Similarly our neighbours at No. 22 also suffered in the same way. This deluge was primarily caused by water streaming down Hopcott Road, then downhill via Meadow Terrace before cascading into the rear car ports of our houses. Our rear gardens were rapidly under four feet of water, which subsequently entered both properties, causing much distress, anxiety and damage. We, with others, have traced the source of the problem, which stems from water streaming from the fields on which you propose to build and then down Hopcott Road. It is stated that the proposed ponds will take up to six hours of rain – is that heavy rain or drizzle? We have now been experiencing 12 hours-plus of heavy rain and with the climate now changing this could become the norm. Where will the overflow go? It does not bear thinking about. Please can you clarify who will manage, maintain and be responsible for these balancing ponds going forward to ensure they work correctly and will not overflow?
- At the meeting held in the Quaker House in January re this proposal, it was stated that the more houses we have here in Minehead the more the likelihood of improvement to the A39 and A358. This is rubbish. I can remember 60 years ago when there was talk of bypasses to the villages between Williton and Minehead. Since that time, the Parks Estate, Cuckoo Meadow, Seaward Way estate and Butlins have all been built without much improvements to the A39.
- There is no street lighting along the Hopcott Road – presumably of the cost of installing this would fall on our local council which is already short of cash?

### **Biodiversity**

- Flora and Fauna – you would be destroying nature. I only have to look out of my window to see deer, badgers, various birds of prey and plenty more wildlife. It would be carnage to destroy it.
- We witness many varieties of wildlife all year round in these fields from wild deer, foxes, badgers, birds of prey, bats and slow worms to name a few. This proposed site will only destroy the natural habitat for such creatures.
- The Ecological and Protected Species Survey submitted by Michael Woods Associates has identified a good population of slow worms on the site and has also shown that 9 different species of bat use the site for foraging and commuting to other sites.
- Would have a serious impact on the resident and visiting wildlife species that includes Red Deer, Bats of numerous variety, Bullfinch, Goldfinch, Redpoll, Redwing and most importantly of all, the increasingly rare Cirl Bunting populations (recorded on this site and previously near the campsite at Alcombe)
- I believe that there is a rare colony of bats that live in the trees just above the proposed development. Not to mention our very rare Butterfly.
- The area will be completely spoilt by the loss of hedges and fields, which are the habitat of deer, badgers and many species of birds at present.
- We have a very rare wild plant in our garden which may have self-seeded and the chance is that this may have come from the proposed site. I have had this plan verified by the rare plants man in Wellington and I would suggest that you have this ground checked out before and soil is moved? The name of this plant is Centaurium Scilloidees trailing. This can only be found in Cornwall from what I have been told.

### **Other**

- The application would prejudice further development that might lead to access rights for more than just 71 dwellings in a considered dangerous location. This could lead to further complications and questions concerning other access routes if the overall development at Hopcott is ever established.
- This appears to be a significant development outside the A39 boundary which may very well be seen as a precedent by other developers. In our view therefore the potential for a cumulative

detrimental effect is likely to be established if this development goes ahead.

- Put these houses between Dunster and Alcombe, where accessibility is easier.
- Why allow this development when there are sites within the town infrastructure which have been identified as developments sites by the council, namely Seward Way adjacent to the existing Mallards development. Infrastructure, access etc. are already available being close to the main supermarkets, schools and hospital.
- I recall when planning policy excluded any development to the south of the A39. I object to a development here when there are other suitable areas for development, which would not have such an adverse visual impact on the curtilage of the town.
- Consist of perfectly useable agricultural land – a commodity essential to any notion of sustainability.
- Does not take into account or in any way meld with the overall proposal to develop the ribbon of land south of the A39. In essence, it is a stand-alone proposal that will stand out like a sore thumb on our landscape and will, of necessity, mean that a number of site entrances will be required to access the entirety of the proposed overall scheme.
- I believe that the land where this development is proposed has certain issues that will provide significant on-cost for any developer and these will mean a significant on-cost to each of the properties. This will make the properties difficult to sell as this is a low income area and the majority of potential buyers that the developer supposedly wishes to target will not have an income that will allow them to afford these properties.
- It is clear that this development is contrary to the Council's Local Plan. The plan mentions that the two major sources of employment are agriculture and tourism. The new housing development will destroy agricultural land and the beauty of the local area that attracts tourists to this area. The plan talks about Landscape Protection and Bio-diversity. This development is contrary in all respect to this strategic intent.
- The plan talks about how superfast optical broadband will allow people to work from home. I believe that research will show that only an extremely low percentage of people actually work from home as there are not the business or employment opportunities that enable this. Superfast Optical Broadband can support the development of Knowledge based companies but it is only one small part of the type of infrastructure and facilities required to support these type of Companies.
- According to local valuers our property could lose up to 20% of its market value.
- We feel it prudent at the time to point out that the strip of grass between the public foot path and out wall/fence is part of our property and is maintained by us (we note there is a bus stop proposed outside our property) and therefore there would be no room for a 'bus pull in'.
- There is a much better section of land by the Hospital on Seaward Way. This scrubby piece of land is what our visitor's first see of Minehead and in my opinion needs to be built on.
- The application is premature and should not be permitted before any public enquiry into the proposed local plan (currently being processed by West Somerset Council) has been concluded and the draft Local Plan has been adopted.
- The proposed development is outside of the Minehead Area Local Plan Development Limit Line.
- If, which is likely, the development includes 'social housing' there would be a danger that the new population mix of Minehead would be detrimental to its family holiday image. The economy of the town would suffer if Foxes Hotels/Academy decided to leave, or, indeed, if Butlins did so.
- This is the first step in what could be termed as 'urban sprawl' as the land owners also own adjoining land.
- By granting planning permission now the local planning authority would pre-empt the Secretary of State's outstanding decision on the draft local plan to 2032, to be made on the basis of his Inspector's public inquiry and the latter's recommendation on major and still controversial policies in what remains a draft.
- It has also been noted that the submitted red line plan (Ref: 7131043 – No. 2) does not include the works proposed to the opposite side of the road nor the edge of the highway to the north of the site. The red line plan should include the entire area that is proposed for development – not just the field in question.

## Support

- Well over two years ago this was the first area that the council earmarked out of the first 24 new housing sites in three key settlement areas in the town to meet the need for 2,500 new homes

over the next 20 years within an expanded town boundary. This site was earmarked by the council to be developed between 2011 and 2016 and we are already well into 2014 with no such planning permissions having been granted within the then areas defined by the Council. This site is or virtually the first planning application and involves just 71 out of the 2,500 proposed new dwellings.

### Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in late Summer 2014 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/5 Development Outside Defined Settlements
- LC/1 Exmoor National Park Periphery
- LC/3 Landscape Character
- NC/4 Species Protection
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/4 Water Resources
- W/5 Surface Water Run-Off
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/8 Residential Car Parking
- T/9 Existing Footpaths
- T/13 Bus Facilities and Infrastructure
- H/4 Affordable Housing
- BD/9 Energy and Waste Conservation
- R/5 Public Open Space and Large Developments
- UN/2 Undergrounding of Service Lines and New Development
- PO/1 Planning Obligations
- TW/2 Hedgerows
- TW/1 Trees and Woodland Protection
- T/3 Transport Requirements of New Development
- A/2 Best and Most Versatile Agricultural Land

### National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration

### Planning History

The following planning history is relevant to this application:

EIA/21/13/003	A formal screening opinion for proposed residential development of up to 80 new dwellings and associated works	EIA not required	30 July 2013
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### Proposal

The application seeks outline planning permission for up to 71 dwellings on one field to the southern side of Hopcott Road. The illustrative plan shows 20 one bed units, six 2 bed units, twenty six 3 bed units, fifteen 4 bed units and four 5 bed units. The proposed access to the site is at the western end of the site . A pedestrian crossing and cycle ways along Hopcott Road are also proposed. The proposed

bus stops and shelters would be sited opposite the public footpath that joins Hopcott Road with Whitegate together with two bus stops and bus shelters in proximity to the access point and pedestrian crossing. An illustrative masterplan for the site has been submitted showing a road zig-zagging up the hill with two potential access points in to the field to the east. Terraced housing is shown running up the contours on the lower slopes of the site with a meadow and two balancing ponds fronting onto Hopcott Road. This area is also to be used as public open space. In the middle of the site is 'The Square', an area of public open space incorporating some play equipment and benches. To the south of 'The Square' are a number of terraced houses and on the upper area larger detached and semi-detached houses together with flats above garages are proposed. The dwellings would be predominantly 2 storeys with some having rooms in the roof making them 2.5 storeys and the flats in the northeast corner of the site would be 2.5 storeys with undercroft parking whereas the flats with garage beneath would be 1.5 storeys. The properties are proposed to be rendered with slate roofs, wooden windows and horizontal boarding. Due to the slope of the site, retaining walls will be required. The boundary hedgerows will also be retained. It should be noted that the illustrative masterplan does not form part of the application but is for illustrative purposes only to show how the site could be developed. The layout, landscaping, scale and appearance of the dwellings are reserved matters to be determined at reserved matters stage.

### **Site Description**

The prominent site on the southern fringe of Minehead slopes up from Hopcott Road in a southerly direction rising approximately 25m resulting in a slope of 1:8. 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.

### **Planning Analysis**

#### ***Principle of Development and 5 year land supply***

##### *Overview*

Policy SP/1 of the Local Plan designates Minehead as a town. The settlement policies within the Local Plan seek to focus the majority of development in Minehead, some development within rural centres (Watchet and Williton) and limited development within the designated villages. Minehead is classed as a Town in the settlement hierarchy and the Local Plan specifically identifies the extent of the development limits.

As the site is outside the development limits of Minehead Policy SP/5 of the Local Plan is the relevant settlement policy. SP/5 requires that development on sites outside of the development limits is strictly controlled and limited to development that benefits social or economic activity, maintains or enhances the environment and does not significantly increase the need to travel. Paragraph 49 of the NPPF, however, identifies that Development Plan policies that specifically deal with supply of housing should not be considered up to date where a local planning authority cannot demonstrate a 5 year land supply. In this scenario the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

##### *Five Year Land Supply Implications*

In view of the current progress in relation to the emerging Local Plan 2012-2032, it is acknowledged that the local planning authority is currently not in a position to demonstrate a five-year housing land supply in accordance with the paragraph 47 of the NPPF. This situation is unlikely to change until the new Local Plan, with strategic site allocations, has progressed sufficiently so that it can be afforded significant weight.

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a strong material consideration that indicates that, in view of the current position in respect of the five-year housing land supply, proposals should not be judged against criteria within Policy SP/5 but rather the main issue in this case will be whether the proposal constitutes sustainable development as defined by the NPPF.

The NPPF clearly sets out that, even when the Development Plan is absent, silent or the relevant policies are out of date planning permission should not be granted where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the NPPF (paragraph 14).

As such notwithstanding the fact that the site is located outside of the development limits consideration must be given to whether the proposed development is suitable having regard to the principles of sustainable development and other material considerations.

### ***Emerging Local Plan and Prematurity***

The application site is shown within The West Somerset Local Plan to 2032 (revised draft preferred strategy), June 2013 as being part of a key strategic site, MD2. The proposed policy states that the area MD2 will be a mixed development of approximately 750 dwellings with a minimum of 3 hectares of appropriate and compatible, non-residential uses. These non-residential uses are considered to be community and commercial uses. It was resolved by the Local Development Panel in November 2013 that the development of the strategic site would be subject to a master planning process in order to manage the balance and location of the various uses. The proposed development only relates to residential development and does not show how the site will effectively be incorporated within the larger strategic site. Without a master plan this could prejudice the effective development of the neighbouring sections of land that maybe included within the strategic site. Although the site has not been allocated and there is no masterplan for the strategic site at the present time this does not necessarily mean that the proposal is premature. It must be remembered that in the context of the NPPF there is a presumption in favour of sustainable development and that to refuse an application on the grounds of prematurity there must be clear adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, taking the NPPF policies and other material considerations into account. These circumstances are limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process." (Planning Practice Guidance 2014)

As the emerging local plan has not been submitted for examination limited weight can be given to the policies with it. It should be noted however that as the site is sustainable (see below) that the principle of development is accepted. There is however concern over the proposed efficient development of the whole strategic site and in order to ensure that this site is effectively incorporated within the proposed strategic site it is considered that this can be controlled by condition. This accords to a number of the core planning principles of the NPPF, in particular ,

- "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);

- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs." (paragraph 17)

together with paragraphs 57 and 59 of the NPPF which state:

- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- Local planning authorities should consider using design codes where they could deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Overall, it is considered that the development could be brought forward without being prejudicial to the emerging Local Plan.

### ***Principles of Sustainable Development***

Paragraph 7 of the NPPF states that there are three dimensions of sustainable development, economic, social and environmental. Each dimension of sustainable development should not be considered in isolation and they are mutually dependant. Paragraph 6 of the NPPF states that paragraphs 18 to 219 of the NPPF should be taken as a whole and constitute the Government's view of what sustainable development means in practice for the planning system. In reaching a view as to whether the site is suitable for the development proposed a range of considerations are relevant. The remainder of the report will consider the various aspects of the proposal taking into account the economic, social and environmental facets of sustainable development.

### ***Location of the Site (transport links/proximity to services and facilities)***

Planning policy seeks to ensure that maximum use of public transport, cycling and walking can take place (paragraphs 17 and 35 of the NPPF).

The site is located approximately 0.8km from the centre of Alcombe, about 1.2km from the two main supermarkets and the Mart Road employment area on the edge of the Town Centre of Minehead and approximately 0.8km from the centre of Minehead. Collectively there is a good range of services and facilities in these locations. Over a 10 minute walk (which is up to 800m) to local facilities is generally considered beyond what is considered to be easy walking distance for a walkable neighbourhood according to Manual for Streets (2007). The site is located around 500m from the nearest bus stop on Alcombe Road. It can therefore be seen that the distance to the town centre and other services and facilities is such that the site is on the limit of transport sustainability but services, facilities and employment can be reached relatively easily without the need to use a car. As part of the proposal however two bus stops at the entrance to the site are proposed which improves the site's sustainable. It is also noted that other sites within the development limits are located equally as distant from the centre of Alcombe, the town centre, the town's main employment area and the two main supermarkets. New sites to meet the housing need are likely to come forward on land that is similarly distant from the town centre and other service areas including the proposed allocated site within the draft emerging Local Plan (of which this application site forms a part of). Travel Plan measures (which can be secured through a S106) would help to maximise opportunities for the use of sustainable modes of transport. Overall it is considered that the location of the site is acceptable in transport sustainability terms.

### ***Housing Supply***

In considering a proposal against sustainable development principles the provision of a supply of housing to meet the needs of present and future generations is an important factor. This development would make a relatively significant contribution to the housing need in West Somerset. Whilst the housing mix is not known as this is an outline application, the submitted illustrative masterplan shows a mix of house types and tenures with 35% of the dwellings being one and two bedroomed affordable units.

### ***Affordable Housing***

Policy H/4 of the local plan requires that affordable housing is provided on sites where 15 or more

dwellings are proposed in Minehead. The Policy sets out that the provision should be based on the level of identified need in the area and sets out a number of factors to be taken in to account in considering proposals where an affordable housing contribution is required. The Council's planning obligations SPD (2009) however, provides an up to date policy in respect of the provision of affordable housing. The SPD reduces the threshold when affordable housing should be provided to eight or more dwellings and sets the provision at 35% of the total number of dwellings.

The NPPF requires that local planning authorities ensure that their local plans meet the full needs for market and affordable housing in the housing market area. Where affordable housing is needed the NPPF requires that policies should be in place to meet the need on site unless off-site provision or a financial contribution of broadly equivalent value is justified. The provision of affordable housing is a significant social benefit. Appropriate provision of affordable housing is a strong factor that weighs in favour of housing proposals.

#### *On-site Provision*

Having regard to the comments from the Housing Enabler, for this site, the provision of 10 one bed units, 8 two bed units, 5 three bed units and 2 four bed units are required compared to the proposed 20 one bed units and 5 two bed units put forward by the Agent. The number of one bed units required by the Housing Enabler is 10% less than the needs indicate. The reason for this is to ensure that not too many one bed dwellings are provided especially as a number of one bed units that have been provided and consented in Minehead in the last financial year together with the proposed 8 one bed units that are likely to be built in the next 18 months at the Ellicombe Meadow site. It is considered that whilst the one bed demand is not completely met on this site there is also a need for accommodation for larger families. The current local need indicates that the affordable homes should mainly be provided on a social rent basis. There is also a demand for Low Cost Home ownership especially for two and three bedroom dwellings. The tenures would be secured through a Section 106 agreement.

Given the importance of tenure split and the mix of affordable units the results of more detailed discussion could be reported to Members prior to the signing of a Section 106 Agreement although it is important that members are mindful of the basis on which they are considering the proposal it should be noted that the proposal is to provide 35% of the dwellings as affordable units. As such the on-site provision meets the requirements of the SPD.

#### *Conclusion*

It is considered that the affordable housing provision falls within the requirements of the Council's SPD and complies with policies within the NPPF (paragraphs 47 and 50). The trigger points for the provision will need to be agreed on as part of the S106 negotiations. The provision of a policy compliant proportion of affordable housing is a significant factor that weighs in favour of this proposal.

#### ***Economic implications***

Having regard to paragraph 7 of the NPPF the economic role of sustainability involves contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

There are economic benefits associated with the construction of dwellings throughout the construction period. Although there are not substantive economic benefits through the provision of housing in itself ensuring that adequate housing land is available and the housing need is met does have wider benefits, some of which are of an economic nature. In the context of a significant housing need (as outlined above), the provision of a relatively significant number of houses on a site at the edge of the district's highest tier settlement is a factor that weighs in favour of the proposed development.

Overall, the proposal is considered sustainable development and, given the lack of a 5 year land supply, the proposal is therefore considered acceptable in principle.

## ***2. Character and Appearance of the Area***

The site forms part of the open countryside that adjoins the built up area of Minehead and is bordered by Hopcott Road along the site's northern boundary which defines the current edge to Minehead. The site together with the adjoining fields form a distinct slope up to the boundary of Exmoor National Park.



The fields are generally defined by native hedgerows along the boundaries. The boundary to Hopcott Road is an overgrown hedgerow with trees within the hedgerow. There are a number of clusters of houses interspersed along the southern side of Hopcott Road including one group of dwellings along the western boundary of the site. The building materials used in the vicinity of the site are mixed but are mainly render, slate and tiles. The predominant building form is detached and semi-detached dwellings in the immediate area. Stone boundary walls are also a feature of the area.

The relevant Local Plan policies which relate to the design of any proposed new development are policies BD/1 and BD/2. These policies require development to be sympathetic in scale to the surrounding built environment and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. The NPPF places a strong emphasis on design and states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (paragraph 56).

As the site is a sloping site set up above Minehead the visual impact on the area needs to be taken into account. Due to the existing roadside tree and hedgerow cover the immediate views from Hopcott Road are limited but when viewed from Seaward Way and North Hill for example the whole site is visible. The views from Hopcott Road will be opened up however with the proposed new access. In order to help assimilate the development into the landscape it is considered that all the boundary hedgerows and hedgerow trees will need to be retained, or in the case of the elms (which will eventually succumb to Dutch Elm disease) be replaced as part of a landscaping scheme. This can be controlled through conditions. It is considered that with carefully design solutions the proposed development of this site will be seen as an extension for Minehead and that the setting of Exmoor National Park will not be so adversely affected that the application should be recommended for refusal.

As the proposal is in outline only, the design and layout of the development does not form part of the application. An illustrative masterplan has been submitted showing a possible layout with building types, parking courts, open space and potential access points into adjoining land. The Design and Access Statement outlines the ethos of what could be built. It is suggested however, important that the design should not appear to be driven by the design of the highway through use of landscaping, different road widths, pedestrian routes and spaces including a formal square at the centre of the site to give the neighbourhood an identity. In addition, the character of North Hill has been looked at as that development is on a slope, similar to the application site although clearly not at the same density The location of the buildings would take account the sun to ensure that the garden areas receive the sun and to ensure that PV and /or solar hot water panels can be utilised on the roofs. The proposed materials are render and slate. The proposed density is 35 dwellings per hectare. It is considered that the principle of the layout shown on the illustrative masterplan is acceptable in principle (excluding the number of access points into adjoining land that is discussed in the highway section below). It is proposed to add a condition to the permission requiring that a detailed masterplan and design code is in place prior to the consideration of any reserved matters.

### ***Residential Amenity***

Policy BD/2 of the Local Plan requires that the siting of new building has had regard to the relationship with adjoining buildings and open spaces. One of the core principles of the NPPF is to "always to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings". (paragraph 17). This policy will need to be taken into account when the reserved matters application are submitted.

The existing dwellings to the west of the site do have windows that overlook the site and this will need to be taken account when siting any new dwellings as will the distance and orientation of the new dwellings so that there are no overbearing or overlooking issues.

Concern has been raised that car head lights will shine into existing properties when they exit the new access road. It is not unusual for there to be dwellings located opposite a T junction and whilst this can be designed out when a new road network is being designed it is very limited in what can be done in this particular situation. It is considered that the distances involved together with the existing boundary treatment will help keep any light entering the property to a minimum and that any adverse effect whilst understood would not be so detrimental as to refuse the application.

Due to the proximity of the existing dwellings to the application site the impact on their amenity during the construction period needs to be taken into account. Whilst a degree of disturbance is associated with all forms of development the impact of this can be mitigated through appropriate site management. To ensure that this can be achieved a construction management plan can be secured through a planning condition. Such a condition can be used to secure appropriate working practices in terms of operations on (eg hours of work) and traffic impacts (to ensure deliveries using heavy vehicles avoid peak times). It is considered that with suitable working practices in place this development could proceed without significant harm to neighbour amenity.

#### *4. Highway Safety*

Paragraph 32 of the NPPF makes it clear that planning decisions should take into account whether a safe and suitable access to the site can be achieved.

It is proposed to create a 5.5m wide access onto Hopcott Road with 2.4m x 120m visibility splays and 2.5m x 120m visibility splays for cyclists. A shared unsegregated 2.5m wide footway/cycleway is proposed to the east of the new junction to the junction with Whitegate Road. Two bus stops and shelters near the proposed junction are also proposed.

The Highway Authority are satisfied that the proposal would not result in a significant impact on the surrounding highway network but consider that a S106 Agreement to secure a Travel Plan and highway works ( including the pedestrian crossing and cycle path) is required. In the opinion of the Highway Authority, the submitted travel plan has met the standard required subject to minor amendments . These amendments can be agreed as part of the S106. The Travel Plan currently proposes the use of notice boards, site specific travel information packs, resident travel vouchers, discounted cycle purchase, walking bus for Minehead First School pupils, cycle to work information, provision of bus stops and a cycleway. Conditions are also necessary including a drainage scheme (including means of attenuation).

It is noted that the pedestrian crossing is to be uncontrolled but that Minehead Town Council consider it should be controlled. The Highway Authority have not objected to this but this can form part of the discussions in drafting the S106.

Comments have also been received concerning the lack of street lighting in the vicinity of the application site. This issue has been raised with the Highway Authority who acknowledge there is a lack of street lighting. Highway Authority advise however that the lighting of short stretches can be harmful for drivers as they move from lit to unlit areas. The solution is to light the whole length of Hopcott but this would be an unreasonable requirement for the applicant to implement.

As part of the Highway response details on the internal layout and parking requirements have been provided but are not discussed as part of this application as the internal layout is a reserved matter.

#### *5. Flood Risk*

Policy W/6 of the Local Plan only permits development within areas of flooding where environmentally acceptable measures are in place to mitigate risks. The NPPF requires that inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk of flooding and, where development is necessary, it should be made safe without increasing flood risk elsewhere.

The site is located within flood zone 1 and is not at risk of reservoir flooding. As the site is over one hectare, however, a Flood Risk Assessment (FRA) has been submitted. As part of the submitted FRA a proposed drainage system has been put forward to provide the desired rate of attenuation. The measures suggested that can be used are restricted by the low infiltration rates and relatively steep slope of the site. The preferred strategy is the use of a retention basin/pond to collect surface water and allow it to discharge to the Wessex Water surface water sewer network. The runoff from the site would be routed into the retention basin/pond. The flow would be controlled through an outlet structure. The flow control would be limited to the greenfield runoff rates for a range of return periods from a 1 year up to a 100 year event. Further drainage and SUDS features can be utilised in order to provide further attenuation including porous hard surfaces to parking and shared areas, oversized, low fall surface water drains and informal SUDS feature such as swales and filter drains.

It should be noted that the surface water that currently leaves the site is intercepted by Hopcott Road and that the highway drainage system is unlikely to have been designed to accommodate additional water from the application site so could lead to overflowing of the highway drainage system and cause potential flooding to nearby properties. This is known to have happened and has been confirmed by a number of representations received. For this reason a SUDS that collects and stores the surface water from the site and is then connected to a dedicated surface water sewer to an existing connection to the east of the site and as noted below, Wessex Water has confirmed that this sewer has sufficient capacity to accept the proposed surface water flows should help ensure that water does not run down Hopcott Road and flood properties. The Environment Agency has assessed the FRA and the proposed solutions and has no objection to the application subject to a condition concerning a surface water drainage scheme. A number of informatives have also been suggested which can be included on the decision notice.

Wessex Water have confirmed that there is currently spare capacity within the existing network to support predicted development flows. Agreement however is required for the detail for connecting the attenuation connection to the public surface water sewer. There is however limited capacity within the local water supply.

With regard to the recommendations from the Environment Agency and comments from Wessex Water it is considered that surface water can be adequately controlled through the use of SUDS and as the existing public surface water sewer has capacity it is considered that the scheme is acceptable with regard to flooding issues subject to the imposition of a surface water drainage scheme condition.

## **6. Ecology**

Policy NC/4 of the Local Plan prohibits development that would give rise to harm to protected species unless the harm can be avoided through the use of planning conditions or planning obligations. In addition the NPPF defines one of the facets of sustainable development as "helping to improve biodiversity" (paragraph 7) and in Chapter 11 the overarching aim is that in making decisions on planning applications, biodiversity should be maintained and enhanced.

The application is supported by ecological and protected species surveys for badgers, bats, dormice, slow worms and birds.

### *Badgers*

There were no signs of badgers using the area but two latrines in the adjoining woodland at the southern end of the site were found. The County Ecologist considers that a fresh badger survey should be carried out six months before works commence on site and if there is evidence of badger activity within the site a mitigation strategy should be submitted and agreed before the development commences. This can be secured by a condition.

### *Bats*

There were no roosting sites for bats on the application site but nine species of bat were recorded, the most frequently being common pipistrelles with lower numbers of rarer bat species including lesser and greater horseshoe bats and Leisler. The County Ecologist considers that the mitigation recommended in the submitted surveys be implemented. This includes a landscape buffer at least 3m wide around the boundaries of the site except at the point of access onto Hopcott Road. This buffer should not form part of any rear gardens. A lighting strategy would also be required to be submitted and approved prior to work commencing on site. Conditions to ensure that there is an appropriate buffer and lighting scheme can be imposed. The maintenance of the buffer zone can be included within a maintenance agreement in the S106 agreement.

### *Dormice*

No signs of dormice were identified during the dormouse survey. There are also no records of dormice identified during the desktop study.

### *Slow worms*

The reptile study identified a good population of slow worms around the northern, eastern and western

boundaries but there were none in the centre of the site or along the southern boundary. It is recommended that the site is fenced off with reptile proof fencing during the construction period, the slow worms caught and relocated. Destructive searches will then need to be carried out to ensure that the land is not suitable for recolonisation. The destructive search will require an excavator to scrape away the vegetation and top few centimetres of topsoil under the supervision of an ecologist and any slow worms found are to be relocated. Where possible however the slow worms should preferably be retained on site. The strip of grassland and balancing ponds along the northern boundary may be suitable but a management plan to retain this area as rough, tussocky grassland in perpetuity will be necessary. A reptile mitigation method statement will be required and approved prior to works commencing on site. This can be secured by condition and the maintenance of the northern strip can be included in a maintenance agreement as part of the S106.

### *Birds*

A variety of birds were found on site during the survey periods and research on records of bird species was carried out. None were on the site. There were however historic records of ciril buntings in 1996 but on consulting the local RSPB ciril bunting officer it was identified that no ciril buntings are known within the area and so are not considered a restraint to development.

To ensure that nesting birds are not adversely affected during construction a note on the decision notice will be required to bring to the attention of the developer that the removal of trees and shrubs should be carried out outside of the bird nesting season. If it is to be carried out in the nesting season it will need to be done under the supervision of an ecologist. A condition should not be used as other legislation controls works that affect nesting birds.

### *Flora*

It has been brought to our attention that there is the possibility that there is a nationally rare plant, Perennial Centaury in the vicinity of the site and that it could have spread to the application site. Due to this the County Ecologist has recommended that a search for the plant be undertaken. Should the plant be found advice on a suitable condition, if required will be sought.

### *Enhancing biodiversity*

It is suggested that to be in accordance with the NPPF which states that, "opportunities to incorporate biodiversity in and around developments should be encouraged" (paragraph 118) there are a number of enhancements that could be made. A proposed enhancement are the two balancing ponds and surrounding area. Other enhancements could include bat and bird boxes particularly along the eastern boundary and new hedgerow planting along the western boundary. These enhancements can be secured by condition.

Overall it is considered that adequate measures can be put in place to ensure that there would not be a net loss in biodiversity and enhancements, mainly through landscaping can be achieved.

### **Section 106 Agreement**

Policy PO/1 of the local plan allows for the provision of planning obligations to provide or contribute towards infrastructure or community facilities directly related to the proposed development and commensurate with the development proposals.

In seeking to negotiate and secure planning obligations the local planning authority has to have regard to paragraphs 203 and 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010. Planning obligations should only be sought where they meet all of the following three tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The local planning authority has an adopted SPD in respect of planning obligations (adopted December 2009). The guidance in the SPD sets the local planning authority's priorities for planning obligations and how these should be secured.

### *Value of Planning Obligations*

The SPD sets out an indication of the potential value of planning obligations for contributions in addition to the provision of affordable housing. It details what could be achieved whilst enabling the development to be commercially viable. These contributions would include costs such as community recreation contributions, highway improvements and contributions towards education.

For residential development in Minehead, this range is suggested to be between £5,000 - £10,000 per plot although individual applications are assessed on their own individual merits and circumstances. Where a developer is able to demonstrate that necessary contributions would result in the scheme becoming unviable, the local planning authority should seek to take a flexible approach in securing any obligations (as advocated by paragraph 205 of the Framework). The Agent has suggested that £5,000 per open market dwelling only be offered as it is considered that this reflects the abnormal costs of the site which are related to the topography of the site and the required retaining structures. As no viability details have been submitted it is not known what the abnormal costs are and how this affects the viability of the site. In addition, the contribution should also relate to all the proposed dwellings not just the open market dwellings. The figure per dwelling will therefore need to be negotiated as part of the Section 106 agreement. The commuted sum would need to be acceptable and reasonably related in kind and scale to the development proposed. The wording of the Section 106 agreement would allow the contributions to be spent on projects that are local to the application site and the allocation of the contribution would be managed through the Council's Planning Obligations Group process.

### *Affordable Housing*

As set out above, the Section 106 Agreement will secure a 35% on-site provision of affordable housing. The timing of the affordable housing contribution is to be agreed as part of the negotiations in completing the Section 106. It could be secured, for example, on the basis of 50% of the contribution prior to the commencement of the development and the final 50% of the contribution prior to the occupation of 50% of the dwellings. The affordable housing would then be completed and the ownership transferred to a registered provider prior to the occupation of no more than 50% of the open market dwellings at the site.

### *Community Infrastructure*

#### *Education*

As the scheme is for more than 50 dwellings, having regard to the SPD, there is a requirement for the provision of a contribution towards education. The County Education Authority has however, decided that a contribution will not be required for this particular development as there is sufficient capacity for pupils at the middle school and college. With regard to the first schools, at present, the County Education Authority considers that it is difficult to provide sufficient evidence to show that a contribution is required. There will however come a point where a contribution will be required as it is realised that with a proposed increase of dwellings through local plan housing allocations there will be an acute issue concerning the need for first school pupil places in Minehead and as the schools will not be able to increase their capacity, a new first school will be required.

#### *Highway works*

Off-site highway improvements are proposed including a pedestrian crossing, two bus stops and two bus shelters together with a shared cycle way using the existing pavement on Hopcott Road.

#### *Recreation*

West Somerset Council's Sport and Recreation Facilities Assessment identifies a need for the redevelopment of the football club building and identifies the lack of a public swimming pool in Minehead as a significant issue. The Somerset Playing Pitch Assessment Report 2013 identifies the need for a redeveloped football clubhouse and changing rooms at Irnham Road and that by 2026 there will be an unmet demand for sports pitches (junior and mini football pitches, rugby and mini rugby pitches). There has also been an identified need for additional multi-use games areas, allotments and provision for teenagers. Minehead Town Council has identified a number of priorities and these include improving and developing recreational and play facilities for children of all ages and to develop a community resource building which encompasses recreational and sporting facilities. In addition, improvements to the rights of way network to improve connectivity and a project to develop mixed ability cycle trails in the Hopcott area with a purpose built trails centre is being progressed that would improve connectivity to the surrounding area to the south. Improvements to the public realm of Minehead town centre is relevant.

The evidence available at present demonstrates that new residential development will result in a need for community infrastructure. As such this proposal must mitigate its impact on the existing community facilities and this could include financially supporting some of the above proposals.

Policy R/5 of the Local Plan seeks the provision of public open space for sites providing more than 25 dwellings. The Policy allows for on-site provision and/or a contribution towards the provision of open space elsewhere. The Policy sets out that the provision should be on the basis of 1 hectare per 173 dwellings. For a scheme of 71 dwellings this would equate to 5050 square metres. There is therefore a shortfall of open space of 950 square metres based on the illustrative masterplan. As this is an outlined scheme, what is shown on the illustrative masterplan may not be what is provided at reserved matters stage a figure per square metre for off-site provision will need to be included within the Section 106. This can then be used to calculate what the financial contribution should be. The cost per square metre is to be negotiated. Having regard to the relatively modest scale of development proposed it is considered appropriate that some on site open space is provided and there is a contribution towards the provision or enhancement of community infrastructure elsewhere which is reasonably related in kind and scale to the development.

#### *Provision and maintenance of public open space including landscaped areas*

As part of the development it is known that an area of open space including balancing ponds are required at the northern end of the site and that other areas of open space will be required to accord with policy R/5 together with a landscape buffer for ecological reasons as discussed under bats above and visual reasons are required. As landscaping and the layout and design are reserved matters the Section 106 will only be able to generic as the details are not known.

#### *Section 106 Monitoring and Administration*

The SPD requires the provision of £100 per dwelling (£7,100 for this proposal) as a contribution towards the monitoring and administration of the Section 106 agreement. The trigger for payment is proposed to be upon completion of the Section 106/ issue of permission.

#### **Community Consultation**

Paragraph 66 of the Framework encourages applicants to work closely with those directly affected by the development proposals, taking into account the views of the community. Proposals should be looked upon more favourably where an applicant has demonstrated views have been taken into account in developing the design.

Prior to the submission of the planning application the applicant has engaged with local residents through a public exhibition and inviting written and verbal comments.

The acceptability of the principal of the scheme has been considered in detail above. The applicant has demonstrated that there has been some consultation with the community and that views have been taken on board in developing the design of the scheme. This is a small factor that weighs in favour of the proposal.

#### **Other implications**

##### *Housing Need*

The issue of the need for housing has been raised by a number of residents together with the view that there are many properties currently for sale. In the updated strategic housing market assessment, which forms part of the evidence for the emerging local plan it identifies a housing need of at least 2,400 dwellings with a previous study at the height of the market indicating a need for 3,500 dwellings within the District. A need has therefore been demonstrated and this site would contribute to meeting that need.

##### *Infrastructure*

Concern over the lack of infrastructure to support the proposed housing has been raised. The Council's planning policy team has approached the various infrastructure providers to ascertain the need for infrastructure as a result of the scale of development that would be proposed in the emerging Local Plan. There has not been any significant need identified that would result in it being appropriate for the Council to secure infrastructure provision through the Community Infrastructure Levy. Any site/development specific mitigation can be secured through on-site provision or contributions towards

off-site provision or enhancement of infrastructure/facilities. In this case the scheme falls above the threshold where the County Council seeks contributions towards education provision but the County Council as noted above have stated that no additional infrastructure is required at this time. In terms of open space and community infrastructure, as set out above, provision would be made through a mixture of on-site provision and contributions towards off-site provision. The level of contribution has yet to be agreed but will have regard to the relevant policies and the SPD.

#### *Loss of Agricultural Land*

This proposal would result in the loss of about 2.05 hectares of agricultural land. This land is classed as Grade 3b under the agricultural land classification. Policy A/2 of the Local Plan seeks to protect the best and most versatile agricultural land from development (grades 1, 2 and 3a). Planning permission for the development of Grade 3b land is therefore acceptable in principle as it is a lower grade than 1, 2 or 3a.. The Framework also requires that planning authorities take into account the economic and other benefits of the best and most versatile agricultural land and seek to use areas of lower quality land in preference to higher quality land. As higher grade land is not to be lost to development and having regard to the lack of sufficient housing land availability it is considered that the benefits associated with the provision of housing outweighs the harm associated with the loss of the agricultural land.

#### *Air Quality*

The Town Council have commented that the proposed development will not hit set targets for car emission reductions. Whilst no evidence has been submitted to substantiate this Environmental Health has confirmed that in terms of air quality and increase in emissions for larger developments there is a need to assess and predict air quality impacts in terms of the likelihood of exceeding the prescribed standards and the significance of any increase in emissions. The proposed development is approaching the size where an air quality assessment would be requested but measures such as the travel plan are proposed which will control any increase in traffic emissions. It is therefore considered that there will be an increase in emissions but these will be controlled through various measures. In addition, the air quality level is better than the national guidelines indicate and the proposed development will not mean that the levels will exceed the national guidelines, this aspect would not be reasonable as a reason for refusal.

#### **Conclusion on the Suitability of the Site for Development**

It is considered that the benefits of this proposal in terms of the contribution to the supply of houses, including an adequate and policy compliant proportion of affordable housing, is a significant factor that weighs in favour of the grant of planning permission. The negative impacts of the development can be mitigated to a large degree and are not considered to outweigh the benefits of the proposal. In considering the proposed development in the context of Local Plan policy and policies within the Framework it is considered that the site is suitable for housing development and represents sustainable development. A package of planning conditions and obligations are necessary to ensure that the impact of the development is acceptable.

#### **Environmental Impact Assessment**

Prior to the submission of the application the applicant wrote to the local planning authority to request a Screening Opinion as to whether the proposed development was EIA development. Following a review of the proposal and the planning constraints associated with the site the Council reached the view that the development was not EIA development.

#### **Conclusion and Recommendation**

It is recommended that delegated authority be granted to the Assistant Director, Planning and Environment to grant outline planning permission, subject to:

- the completion of a Section 106 agreement as identified within this report;
- to amended the schedule of conditions as appropriate; and
- negotiate any minor alteration to the scheme.

#### **Conclusion and Recommendation**

It is considered that the proposal, is acceptable and it is recommended that Outline Planning Permission be granted.

## Planning Permission is subject to the following conditions:

- 1 The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

**Reason:** As required by Section 92 of the Town and Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** As required by Section 92 of the Town and Country Planning Act 1990 and to avoid the accumulation of unimplemented planning permissions.

- 3 Approval of the details of the (a) layout (b) scale (c) appearance and (e) landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

Project Number 7131043

- Location Plan, drawing number 1, issue C
- Survey, drawing number 2, issue C
- Illustrative Masterplan, drawing number 3, issue C

Job number C13450

- Access Plan - general arrangement and visibility splays, drawing number 13450/T06
- Proposed walking and cycling infrastructure improvement, drawing number 13450/T08
- Access Plan contour and long section, drawing number 13450/T07

and approved reports:

- Residential Travel Plan by Hydrock Ref: C13450
- Transport Assessment by Hydrock Ref: C13450
- Utilities Appraisal by Smiths Gore, project number RMA-C1260, dated Aug 2013
- Flood Risk Assessment by RMA Environmental Ltd, project number RMA-C1260, dated Dec 2013
- Design and Access Statement by Mark Richmond Architects, dated Dec 2013
- Ecological & Protected Species Surveys, carried out by Michael Woods Associates Ecological Consultants, dated Dec 2013
- Landscape & Visual Impact Assessment, by Bridges Design Associates, dated Dec 2013
- Planning Statement by Williams Partnership, dated Dec 2013
- Statement of community Involvement by Williams Partnership, dated Dec 2013

entered on 8/01/2014.

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

- 5 Unless otherwise agreed, no Reserved Matters Application shall be submitted for development on any part of the site until and unless a Detailed Design Brief and Code for that part of the site has been generated in consultation with the Local Planning Authority and has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that the development will deliver a cohesive approach to the design and layout having regard to the provisions of Policies BD/1 and BD/2 of the West Somerset District Local Plan and section 7 of the National Planning Policy Framework.

- 6 Each Detailed Design Brief and Code submitted to the Local planning Authority for approval shall consists of guidance and coding relating to the following matters for part



of the site unless otherwise agreed by the Local Planning Authority.

- Guidance and coding on the location and distributions of the different land uses;
- Guidance and coding on residential densities;
- Guidance and coding on building form, scale and design, including heights, bulk, massing, materials and detailing, colour palette and boundary treatments; and the identification of key building groups, frontages, landmarks and corner buildings, and important spaces around those buildings;
- Affordable Housing: the location and distribution of affordable housing units;
- Movement Strategy to include:
  - highways and access: A plan showing proposed roads, footpaths and cycleways within the Sub-Area;
  - surface finishes and street furniture: Guidance and coding giving details of typical surface finishes and of street furniture for roads, footpaths, cycle-ways and car parking areas relating to the Hopcott Road Site;
  - car parking strategy, including principles of public/private split and management and maintenance of private car parking; and
  - guidance and coding on speed restraint measures;
- Guidance and coding on the design and distribution of landscape and open space including identification of the public realm, incidental green open spaces and play areas within the site.
- Guidance and coding on the incorporation and promotion of sustainability and renewable energy initiatives in accordance with such strategy will include guidance as to the achievement of:
  - energy efficient layouts;
  - energy efficient building design;
  - renewable energy generation including the safeguarding on residential buildings with a southerly aspect the option of providing in the future for energy generation by the use of solar panels or photo voltaic cells;
  - water use minimisation and recycling; and
  - provision for waste recycling;
- Lighting: A strategy for lighting of roads, footpaths, cycle routes, play areas, open spaces and all other areas accessible to the public including guidance on the height of the lighting columns and the types, colour and brightness of proposed lights, and measures to limit light pollution from development within the site;

**Reason:** To ensure that the development achieves the objectives set out having regard to the provisions of Policies BD/1, LC/3, T/8, T/9, T/13, H/4, BD/9 and R/5 of the West Somerset District Local Plan and sections 1, 4, 7 and 10 of the National Planning Policy Framework.

- 7 The Detailed Design Briefs and Codes shall, where appropriate, include provision to safeguard the proposed access(es) to other parts of the Hopcott Road Site as identified in the emerging Local Plan from the Site in a form that is adequate to accommodate public transport and vehicles for the future development of the Hopcott Road Site. Provision shall also be included to safeguard footpath and cycleway linkages.

**Reason:** To ensure the comprehensive development of the Hopcott Road site and to accord with sections 1 and 6 of the National Planning Policy Framework.

- 8 No development shall take place in a part of the site other than in accordance with the approved Detailed Design Brief and Code, unless otherwise agreed by the Local Planning Authority.

**Reason:** To ensure that the development achieves the objectives set out having regard to the provisions of Policies BD/1, LC/3, T/8, T/9, T/13, H/4, BD/9 and R/5 of the West Somerset District Local Plan and sections 1, 4, 6, 7 and 10 of the National Planning Policy Framework.

- 9 Notwithstanding the Residential Travel Plan submitted by Hydrock Ref: C13450 no dwelling permitted by this development shall be occupied until a detailed Travel Plan

has been submitted to and approved in writing by the Local Planning Authority. The approved travel Plan shall be implemented and operated as approved.

**Reason:** To ensure that the carrying out of the works is adequately served by all modes of transport and to minimise the impacts of the works on the highway network.

- 10 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 the commencement of development and thereafter maintained until the use of the site discontinues.

**Reason:** In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 11 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 completed on site.

**Reason:** In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 12 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

**Reason:** To prevent pollution to the land and/or water environment, protect the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006).

- 13 The proposed estate roads, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, services 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. For this purpose, plans and sections, including as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

**Reason:** In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 14 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at

least base course level between the dwelling and existing highway.

**Reason:** In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

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

**Reason:** In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 16 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.

**Reason:** In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 17 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.

**Reason:** In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 18 No work shall commence on the development hereby permitted until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. Such highway works shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use.

**Reason:** In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 19 Require a fresh badger survey of the site six months before commencement of works. Should there be evidence of badger activity within the site a mitigation strategy shall be submitted to the planning authority and agreed prior to commencement.

**Reason:** To safeguard badgers and their setts having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 20 No works shall be undertaken on site unless details of mitigation for impacts of the development on bats has been submitted to the Local Planning Authority. This mitigation should be consistent with that recommended in the report 'Ecological and Protected Species Surveys Hopcott Road, Minehead, Somerset' dated 'December 2013'. Most importantly, a landscape buffer of at least 3 metres width of suitable habitat should be maintained around the development site (with the exception of the single site entrance onto Hopcott Road) at all stages of the development. (Please note that the 'Illustrative Masterplan' 7131043 dated 'November 2013' seems to show such an arrangement in place at the end of the project). Any necessary mitigation measures identified by the survey shall be incorporated into the development before the building is converted and subsequently retained.

**Reason:** To safeguard bats and barn owls and their roosting/nesting sites having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 21 No works shall be undertaken on site unless, details of a scheme for the retention and/or creation of suitable features and habitat for nesting birds, including details of the proposed timing of any works affecting features or habitat likely to be used by nesting birds, has been submitted to and approved in writing by the Local Planning Authority.

This scheme shall include details of provisions for the long-term management of features and habitats used by nesting birds. The works shall thereafter be carried out in accordance with the approved scheme.

**Reasons:** To safeguard nesting birds and their habitat having regard to the provisions of Saved Policy NC/5 of the West Somerset District Local Plan (2006).

- 22 No works (including ground clearance works) shall be undertaken on site unless details of a scheme for the avoidance of killing or injuring of slow worms has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved scheme.

**Reason:** To avoid unnecessary killing or injuring of slow worms having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 23 No works shall be undertaken on site unless a scheme for the lighting of the site (including the provision of the external lighting on buildings) has been submitted to and approved in writing by the local planning authority. The external lighting of the site shall only be carried out in accordance with the approved scheme.

**Reason:** To ensure that external lighting does not harm the character of the surrounding area having regard to the provision of Policies LC/1 and LC/3 of the West Somerset District Local Plan.

- 24 As part of Condition 3 the proposed landscaping works shall include a landscape strip around the boundaries of the site of at least 3m in width.

**Reason:** To ensure the provision of and implementation of an appropriate landscape setting to the development and to safeguard the habitat of protected species having regard to the provisions of Saved Policies BD/1, BD/2 and NC/4 of the West Somerset District Local Plan (2006).

- 25 No development hereby approved shall not be commenced until such time as a comprehensive site surface water drainage scheme, incorporating detailed design for all of the sustainable drainage measures, in accordance with the Flood Risk Assessment (RMA C1260 dated December 2013) has been submitted to, and approved by the Local Planning Authority (LPA). The scheme shall also specify the future maintenance regimes for the various drainage works on site, and specify who/which organisation will be responsible for their future performance. The scheme shall be constructed and maintained in accordance with the approved details.

**Reason:** To ensure that the site has an appropriate means of surface water drainage, and will not increase flood risks elsewhere and to accord with the provisions of saved policy W/5 of the adopted West Somerset District Local Plan (2006).

- 26 Prior to work commencing on site a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in accordance with the approved details.

**Reason:** To ensure that the waste is dealt with appropriately and to accord with the provisions of saved policy B/8 of the adopted West Somerset District Local Plan (2006).

## Notes

### 1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the nature of the submitted scheme. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information, 0845 345 9155.
- 3 The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken must comply with the appropriate wildlife legislation.

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

The applicant and contractors must be aware that all bats, badgers and reptiles are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on a tree, work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

- 4 The potential introduction of SUDs Approval Boards (SABs) in April 2014 may need to be taken into further consideration by the applicant/agent if this application is determined after the SAB inception date. For this site, Somerset County Council will become the SAB, subject to legal commencement of the relevant provisions of the Floods and Water Management Act 2010. Transitional arrangements for adoption of surface water drainage systems may apply.

There must be no interruption to the surface water drainage systems of the surrounding land as a result of operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate efficiently and that adjoining third party landowners are not adversely affected.

## 5 **Pollution Prevention During Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

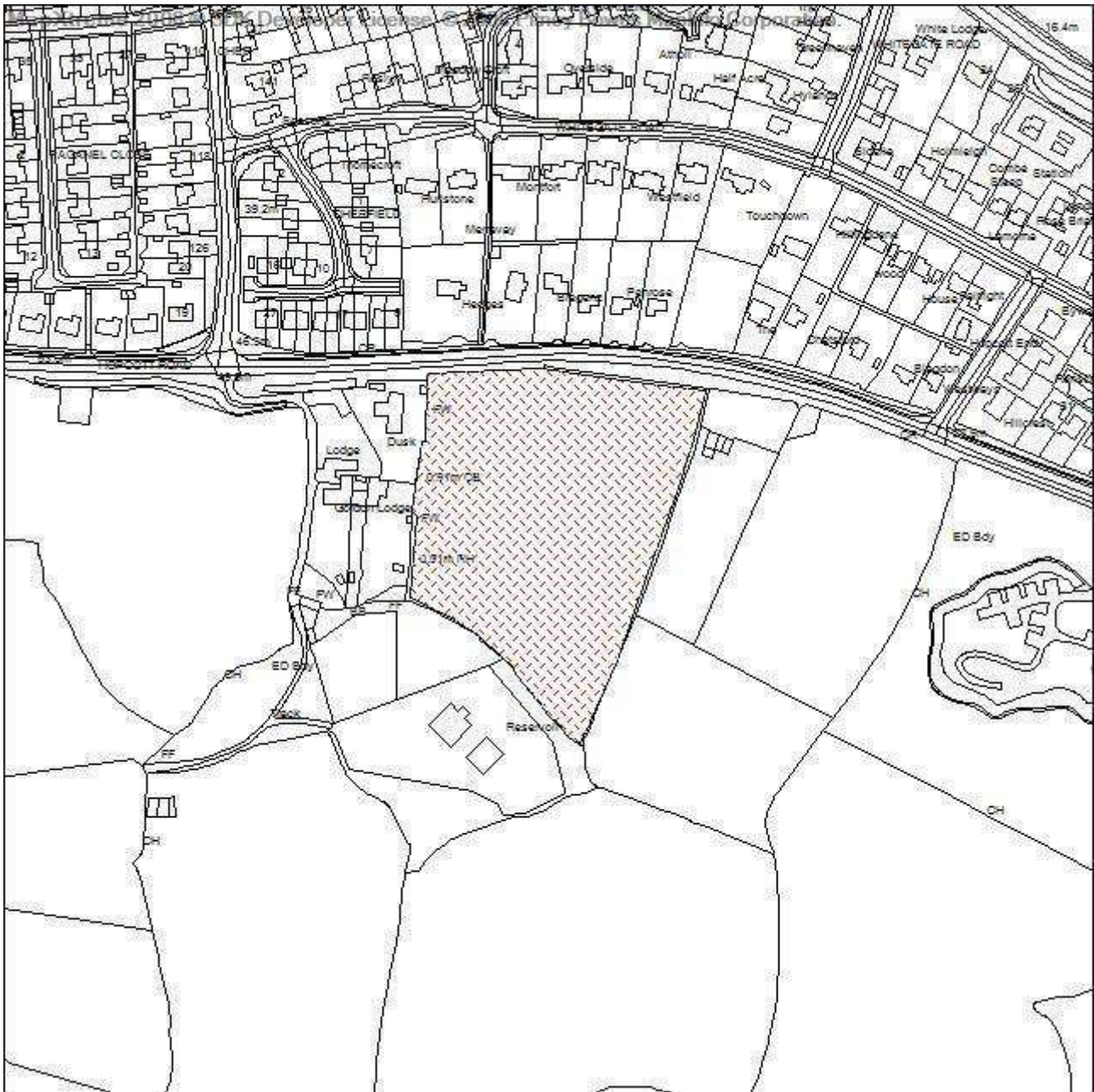
## 6 **Waste Management**

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the applicant requires more specific guidance it is available on our website [www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/).

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs.co.uk>



Application No 3/21/13/120  
 Outline application (with all matters  
 except access reserved) for  
 residential development up to 71  
 dwellings (including 35% affordable  
 housing), access, landscaping and  
 associated works.

Land at Hopcott Road, Minehead  
 8 January 2014

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

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Easting: 296933 Northing: 145631

1:3000

Northing:

Scale:



Application No:	<b>3/39/14/011</b>
<b>Parish</b>	Williton
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Michael Hicks
<b>Grid Ref</b>	
<b>Applicant</b>	Reed Holland Associates Ltd
<b>Proposal</b>	The erection of a multi-purpose sport, recreation and community pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disabled and service vehicle access from Robert Street and associated parking facilities.
<b>Location</b>	Williton War Memorial Recreation Ground, Williton, Somerset
<b>Reason for referral to Committee</b>	Involvement of members of staff in the parish council Level of public interest

### **Risk Assessment**

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

### **Site Location:**

Williton War Memorial Recreation Ground, Williton, Somerset

### **Description of development:**

The erection of a multi-purpose sport, recreation and community pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disabled and service vehicle access from Robert Street and associated parking facilities.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Williton Parish Council***

Unable to comment as applicant

#### ***Highways Development Control***

##### First response:

There is no objection in principle to this proposal but the Highway Authority does have the following detailed comments to make.

The proposal will utilise the existing maintenance access to the field. However from the details shown on drawing no. 12.44.03 it is apparent that improvements are proposed to this point of access. From the details provided the access will be widened to 4.6m this will require land that was outside the control of the applicant. It is understood that this strip of land has been secured for its use although no evidence of this has been provided. Therefore would the applicant please confirm that this has now been secured?



The widened carriageway will provide a width of 4.8m ideally the Highway Authority would require a minimum width of 5.0m. However Manual for Streets does illustrate that a width of 4.8m can allow to vehicles to pass. Although if larger vehicles were utilising this point of access it is likely that any vehicles waiting to enter the site would need to give way to them.

It is noted that a section of the access will be finished in Grasscrete. The applicant will need to be made aware that any grasscrete will need to be of sufficient strength to take the largest vehicle that will use it. At the point of access the applicant has proposed to provide visibility splays of 2.4m x 24m in either direction. The access is onto Robert Street, which is subject to a 30mph speed limit as such the Highway Authority would normally request splays of 2.4m x 43m. However vehicle speeds pass the site are significantly below this as a consequence the proposed splays are considered to be sufficient. Please note that visibility splays should be taken to the nearside carriageway edge and not to the centre of the carriageway. However it should be noted that Robert Street can be characterised as single width as such vehicles would be located in the centre of the carriageway.

A gate has been proposed to stop vehicle access outside the designated hours. It is noted that the gate has been set back 6.0m, which is considered to be acceptable, although the applicant should note that this will need to be set so that it opens inwards.

The applicant has proposed a 1.8m wide pedestrian access along the southern side of the access. The applicant has indicated that it would be hard paved however no other details have been provided. Is the applicant looking to segregate the pedestrian access? The Highway Authority does have some concerns that if the point of access were to remain shared then vehicles would likely encroach on the pedestrian access.

Turning to the internal site arrangements the applicant has proposed 6 parking spaces, which is considered to be acceptable. The applicant has also provided a standard turning head to allow vehicles to leave in a forward gear. The applicant should be aware that the access road might need to be widened due to two vehicles meeting and manoeuvring within the car park. It is noted that a new footway has been around the recreation ground. Is the applicant intending this to remain private or is it to be offered up for adoption? If it is then it is likely they would need to discuss this with the Rights of Way Team.

To conclude the Highway Authority has no objection in principle to this proposal but there are a number of points that need to be clarified before the Highway Authority can provide its recommendation.

#### Second response:

- The amendments to the plan address the issues previously raised.
- The purchase of the land within the surgery should be completed prior to works commencing.

#### **SCC - Ecologist**

##### First response:

Thank you for consulting me on this application to create a Multi-User Games Area (MUGA) within the War Memorial Recreation Ground at Williton. I agree with most of the findings of the Extended Phase 1 habitat Survey submitted with this application. If you are minded to approve the application, I would advise that a condition is imposed to the effect that the development will be carried out strictly in accordance with the recommendations in sections 4.4., 5.4 and 6.3 of the Survey Report, so that adequate precautions are taken to safeguard protected species. I would like a condition also such that the development is carried out according to recommendation 3.4 on page 5, but part 3.4.4 seems to be at odds with what is actually proposed by the applicants. As I understand it, the applicants wish to plant the north-east boundary with fast-growing evergreens and 3.4.4 advocates the use of "primarily native species".

I can see the attraction of using non-native evergreens, if planting on the north east boundary has to provide some sort of audio and/or visual screen to protect the amenity of neighbours. They can be very fast growing. However, if one is not careful to manage some types there can be issues concerning excessive shading of gardens, so non-native evergreens are not always an ideal screening solution. A compromise might be to plant something native that is fast-growing like Willow (although this sheds its leaves in winter) or plant something slightly slower growing (like Beech – which can retain its leaves into the winter, or Holly which is evergreen).

Second response:

Regarding my comments on the evergreen planting, I should these to an arboriculturist colleague who commented thus:

“I couldn't agree more, by definition if they grow fast then they grow big and in that location one would not want full size conifers. Conifers would only be appropriate if they are to be maintained as a hedge, I would suggest something like Thuja plicata 'Atrovirens' which is fast growing but can be maintained at 6 - 7' in height and which is more controllable than the ubiquitous Leylandii.”

**Environment Agency**

The site lies within flood zones 3,2 & 1. The existing recreation ground lies within flood zone 3, whilst the existing pavilion is in flood zones 2 & 1. The proposed re-development is water compatible and is in the same location as the existing pavilion. It is therefore sequentially it is sited in the most suitable location on the site.

The FRA outlines the flood risks to the site, but it does not confirm the mitigation measures that they will undertake to make the development safe. The applicant proposes flood resilience measures but does not confirm the finished floor level of the building. The finished floor levels of the pavilion must be set at least 29.60m AOD to be above the 1 in 100 year plus climate change flood level in order for the development to be safe from flooding. The applicant will need to confirm if this is achievable on site.

We note that safe access and egress may not be possible during a flood event. The applicant will need to agree flood warning and evacuation arrangements with the LPA's Emergency Planners as the new pavilion could increase the number of users at the site.

The applicant proposes to discharge surface water into an attenuation tank and any excess surface water will outfall into a local pond in the nearby remembrance garden. No details of the capacity of this pond, or the attenuation tank have been submitted. We will need to see full details of runoff rates, and attenuation capacity at the detailed design stage.

If the applicant can confirm that the finished floor levels are acceptable then we would have no objections to this planning application, and recommend the following conditions and informatives outlined below:

**CONDITION:** The development hereby permitted shall not be commenced until such time as *a scheme for Flood Resilience* has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: *To reduce the impact of flooding on the proposed development and future occupants.*

**CONDITION:** Finished floor levels must be set no lower than 29.60m AOD

REASON: *To reduce the impact of flooding on the proposed development and future occupants.*

**CONDITION:** No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning

authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

INFORMATIVE: There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

### ***Rights of Way Protection Officer***

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that crosses the access to the site at the present time (footpath WL 28/1). I have attached a plan for your information.

Any proposed works must not encroach on to the current available width of the bridleway.

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

The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

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

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

### ***Avon & Somerset Police***

The main points of my observations at that time were as follows:-

#### **External Areas**

1. The proposed Pavilion appears to be in a fairly isolated position to the rear of existing dwellings with limited natural surveillance from surrounding areas, particularly during the hours of darkness.
1. As proposed, it is important to secure the access road to deter gatherings of 'boy racers' in the disabled parking spaces outside normal access times. Gates are preferred, which should be lockable and anti-lift, as rising barriers are more susceptible to damage and can be circumvented by motor cycles etc.

1. The proposed benches should be of substantial construction, vandal-resistant and securely fixed so that they cannot be removed.
1. Planting and landscaping in areas where visibility is important should be maximum height of 1 metre, as is proposed in the hedge near the Pavilion, and mature trees should be devoid of foliage below 2 metres, so allowing a clear field of vision to assist natural surveillance.
1. The MUGA appears to be a reasonable distance from nearby dwellings and adjacent to industrial units which should help minimise any noise nuisance. It should be constructed to British Standard specification in relation to weldmesh fencing panels, lighting columns etc. The luminaries should be cowled down to provide the necessary lux levels but minimise light pollution to the surrounding area and residents. Lighting controls should be such that it can only be controlled by clients and bona-fide users. For the same reason, lockable gates should be installed and a system of key issue/control implemented.

## **Pavilion**

1. The potential lack of any perimeter protection means that greater attention must be paid to the physical protection of the Pavilion itself, as mentioned below.
1. The building itself is of a regular, rectangular shape with no hidden, recessed areas which is recommended.
1. The proposed canopy along the front of the building could encourage gatherings of youths outside normal hours resulting in crime and ASB affecting the building – is the canopy considered essential?
1. The fairly deep overhang of the eaves should deter unauthorised climbing and any other potential climbing aids should be avoided.
1. The Bin Store at the rear of the building should be of substantial construction and lockable to deter wheelie bins being used as climbing aids or for arson.
1. The glazing along the front of the building should incorporate at least one pane of laminated glass to deter and prevent unauthorised access.
1. External doors and ground floor or easily accessible windows should comply with PAS 24:2012 standard of security.
1. Where safety and security are important i.e. the Pavilion, parking spaces and access, the area should be suitably lit to allow good uniformity of light using energy efficient lamps, low light pollution, good aesthetic appearance and using vandal-resistant materials. Remote areas which are not overlooked such as the sports field and rear of the Pavilion should not be lit as this may encourage undesirable use during the hours of darkness. I note that four lampposts are indicated on the plan along the entrance drive and footpath.
1. A monitored intruder alarm system should be installed in the Pavilion to deter burglary and cctv considered to monitor the Pavilion and area to the rear which should have a deterrent effect.

## **Crime & Disorder Statistics**

1. Reported crime for the area of this development during the period 01/05/2013-30/04/2014 (within 200 metre radius of the grid reference) is as follows:-

Criminal Damage - 5 Offences (incl. 1 damage to a vehicle, 1 graffiti sprayed on the war memorial and 3 damage to fencing around the Recreation Ground)

Sexual Offences - 1

Violence Against the Person - 6 (incl. 1 GBH, 1 ABH and remainder harassment etc)

**Total 12 Offences**

This averages 1 offence per month which are low crime levels.

In addition, 4 incidents of anti-social behaviour have been reported occurring in the Recreation Ground, which are also low levels.

## **Additional Comments**

I have since made a site visit and note from the documentation supporting the planning application that the following changes have been made since my pre-app consultation with the architect :-

1. The Bin Store has been re-sited from the rear of the Pavilion to further along the entrance driveway.
1. A Cycle Store has now been provided near the Pavilion.
1. The disabled parking spaces have been angled towards the sports field allowing the erection of a post and rail fence and repositioning of three benches.
1. Lighting in the form of four lamp-posts will be provided along the entrance driveway and footpath.

I consider these changes to be beneficial and I appreciate that, if planning permission is granted, some of my above recommendations may be considered at the detailed design stage.

I also note that the Recreation Ground is a Designated Public Place in relation to the seizure of alcohol, which should help deter ASB, and there is existing lighting along the footpath adjacent to the MUGA and Play Area.

Additional comprehensive information regarding security is available on the 'Secured by Design' website – [www.securedbydesign.com](http://www.securedbydesign.com)

### ***Tree Officer, Taunton Deane***

- a) If the position of the new pavilion can be amended so that it is outside of the Root Protection Zone of the copper beech tree (as given by using the guidance in BS5837 2012), it should be possible to accommodate it without causing excessive damage to this tree's roots and therefore its overall health.  
The tree is in reasonably good health, growing in good ground all around, so should be able to withstand some minor root pruning on one side if necessary. Some minor pruning of the crown of this tree on the south west side may be necessary.
- b) The current drawings do not appear to show 3 off-site trees that are located in the rear gardens of neighbouring properties. These trees (ash, oak and beech) would overhang the new pavilion to some extent and may require some minor pruning to construct and accommodate the new building. These off-site trees are growing in ground that is approximately one metre above the playing fields and are 'behind' a wall. Their root systems are therefore unlikely to have spread far (if at all) into the playing fields and are therefore unlikely to be significantly affected by the construction of the building. However, it is recommended that some trial excavations are carried out to confirm the presence of any roots in that area.
- c) With regards to the three trees adjacent to the MUGA, I would suggest that they should be classed as category C trees under BS5837 rather than U, as the survey concludes that they are generally healthy with an estimated lifespan of 10 years plus. However, I would agree that they have various structural issues as detailed in the survey. The Robinia is clearly struggling and the horse chestnut has structural weaknesses that render it more likely to fail as it increases in size. I would not recommend that these trees were retained should consent be granted. The sweet chestnut is the best of the three and in my opinion could be retained at this stage, subject to it being annually inspected.

As a general comment, an accurate scale drawing should be provided to show the location of the tree protection fencing in relation to the new building and MUGA. The fencing should be inspected on site prior to commencement. Any pruning works necessary should be agreed prior to commencement. Details of the Arboricultural Method Statement should be adhered to.

## ***Environmental Health Officer (DA)***

### First response:

No objections in principle subject to the following conditions and advisory comments:

1. Prior to development there must be a satisfactory Construction Noise Management Plan submitted and agreed by the LPA setting out the controls to reduce environmental impacts during construction. The Management plan should consider all aspects of the construction where noise will be generated included vehicle movements on and off the site. Note: regard should be BS 5228 (Noise and vibration control on construction and open sites).
2. Additional information is sought regarding the ventilation system proposed for the kitchen based on the anticipated use. Mechanical ventilation may be required over passive / openable windows and if so the details of this should be provided.

### Second response:

Comments awaited in relation to the additional community uses. Committee members will be updated at the planning committee through late correspondence.

## ***Public Consultation***

The Local Planning Authority has received 42 letters of objection/support making the following comments (summarised):

Twenty six letters have been received in support of the application and sixteen have been received against.

### The following points are raised in support of the application:

- People in Williton need this facility and it will particularly benefit the local children.
- The facilities will encourage people to get involved in sport and community activities.
- The facilities will boost community cohesion.
- The park is currently underused by local people.
- Local residents would not have to travel to nearby towns to access facilities.
- The existing pavilion is not adequate.
- The pavilion will provide facilities for Williton football club. With the pavilion the football club will attract more players and create youth teams.
- Williton may be able to start a cricket club.
- The proposed tennis court in the MUGA would be of benefit.
- The proposal would provide disabled facilities and better access to the ground over the existing situation.
- Good to see money spent on something other than another housing estate or unnecessary supermarket.
- The additional facilities would fit with the original purpose of the memorial ground.

### The following objections are raised to the application:

#### Character and appearance:

- The scale of the building is out of scale with its surroundings.
- The proposed building would be detrimental to the setting of adjoining listed buildings.
- The overall scale and height of the building would be excessive.
- The modern design of the building would not fit in with surrounding traditional buildings.
- The loss of the dry stone wall to the vehicular access would be detrimental to the character of the village.
- The building will be located on a 'plinth' to avoid flood waters which will raise the height of the building in excess of the height illustrated.

### Listed Buildings:

- The proposal would be detrimental to the setting of adjacent listed buildings.
- The 'Malt house' which is located within the garden of 28 Long Street is listed and is of historic interest to the village. It would be obscured by the proposed building.
- The impact of the fencing and floodlights in the 'MUGA' will be detrimental to the setting of the adjoining listed building, No. 48 Long Street.

### Residential amenity:

- This is currently a peaceful and quiet area.
- The proposed location is too close to adjoining residential properties. There are other locations in the ground that would be better in this regard.
- The building would be a target for vandals and the hidden area behind the building could be a location for unlawful activities.
- In the hours of darkness, the Parish Council would illuminate the building to deter vandals. This would affect neighbouring residents.
- Noise generated from wedding parties and any other raucous activities.
- If the building is licensed in the future for alcohol and music, it would be detrimental to local residents.
- The view that adjoining residents have of the Quantock hills which will be blocked.
- The proposed floodlights will be detrimental to residential amenity.

### Trees:

- The pavilion could potentially harm the adjacent Copper Beech tree and three trees within one of the adjoining residential gardens due to the impact on roots.

### Highways:

- Proposed parking is insufficient. An accepted criteria for parking space is one space per three people. This would equate to 50 spaces for 150 people.
- No agreement has been reached in relation to the purchase of land from the GP surgery to provide the access.
- The vehicular access will interfere with walkers right to enjoy the ground in safety and the access point from Robert Street is not safe.
- Planning permission was refused previously for a village hall on the MUGA site due to insufficient access.
- Open vehicular access from Robert Street would make the ground accessible for vehicles any time of day and evening.
- people attending events could park in Robert Street to avoid paying for parking in the car park.

### Flooding:

- The building will make current problems of waterlogged ground worse. The land where the pavilion is to be sited is lower than adjoining land further to the south of the ground.
- Runoff from the roof of the building could flood the area.
- It is only a matter of time before the site becomes classed as flood zone 2. Flooding from the Monksilver Stream 60 years ago was worst in the location the building is to be sited.

### Other objections:

- The building would contravene sections of the Human Rights Act due to noise and disturbance.
- The building would contravene the original deed of conveyance for the ground which requires the no buildings are constructed other than for 'sporting or ground maintenance' purposes.
- The building has been named a 'pavilion' to circumvent planning regulations and bypass restrictions on the memorial ground covenants.
- The building could accommodate up to 150 people, including for wedding receptions, bingo and badminton, therefore the application should be for a community/village hall not a pavilion.
- The building would require the relocation of the football pitch and could compromise its use.

- Why can't the existing facilities be refurbished?
- Negative impact on property values.
- Fear of crime.

### Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in late Summer 2014 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- LC/3 Landscape Character
- CA/3 Redevelopment Within Conservation Areas
- SP/1 Settlement Hierarchy
- T/3 Transport Requirements of New Development
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/5 Surface Water Run-Off
- R/3 Outdoor Play-Space
- LB/1 Listed Buildings Alterations and Extensions
- NC/4 Species Protection
- NC/5 Wildlife Habitats

### National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.

### Planning History

The following planning history is relevant to this application:

3/39/01/010	Re-instatement of existing boarded up windows, removal of redundant roof tank/enclosure and increase in paved area externally	Granted	01/06/2007
3/39/99/019	Construction of a new sports pavilion with community facilities and demolition of existing storage building.	Granted	22/07/1999

### Description of proposal

The proposed sports pavilion would be located at the north western end of the recreation ground. The proposed building would measure 29.8 metres in length by 17 metres in depth. It would have a dual level, dual pitched roof with upper and lower ridge heights of 7.9 metres and 6.3 metres respectively. The proposed building would accommodate a multi use sports hall, changing facilities, W/Cs, kitchen and ground floor store. An additional store room is located at first floor level within the roof space.

The proposed external materials for the building would be render to the walls and natural slate to the roof.



A vehicular access is proposed from Robert Street, entering the Memorial Ground along its eastern boundary. The vehicular access and six disabled parking spaces are proposed near the eastern site boundary.

The MUGA playing surface would measure 18 metres in width by 35 metres in length and would comprise a tarmac surface. A fence measuring 3 metres in height is proposed around the playing surface. Pole mounted floodlights are proposed around the MUGA with a maximum height of 7.2 metres.

### **Site Description**

The memorial ground is located within the settlement limits of Williton and covers approximately 1.6 hectares in total. Currently there is no vehicular access into the ground. The area surrounding the site is predominantly residential, although there are some other uses within the locality. To the north of the memorial ground are dwellings that front Long Street, these include a total of five grade II Listed Buildings (Nos 28,30, 42,46 and 48 Long Street) and to the western site boundary there are dwellings fronting Robert Street. A GP surgery and car park is located alongside the western site boundary and the proposed vehicular access in to the site.

The proposed multi use games area (MUGA) would be located beyond the eastern boundary of the memorial ground. The Long Street Industrial Area is located to the east of the site. There is a children's play area to the south of the site. The northern site boundary consists of a high stone wall which forms the garden boundary of No. 48 Long Street, a Grade II Listed Building. The western site boundary is shared with the memorial ground and consists of a hedge and bank and three mature trees.

There are a number of mature trees within and around the subject site. Of the most significance, there is a mature Copper Beech tree directly to the north east of the proposed pavilion.

### **Planning Analysis**

#### *1. Principle of Development*

This site is located within the development limits of Williton. The acceptability of the proposed development is dependent on assessing the proposal against development plan policies within the West Somerset Local Plan 2006 (the Local Plan) and other material considerations such as the NPPF.

Paragraph 215 of the NPPF requires that policies within the Local Plan are afforded a degree of weight in accordance with their compliance with the NPPF.

Saved Policies R3 and R/4 of the Local Plan are relevant to the proposal. Policy R/3 relates to outdoor play-spaces and states:

*"Development of areas of outdoor playing space as shown on the Proposal Map will only be permitted for recreation or sports facilities associated with the playing space, provided that an equivalent and equally convenient area is laid out and made available by the applicant for the same open space purpose".*

Policy R/4 relates to playing pitch improvements and states (inter alia) that:

*"The development of a playing pitch or extensions or improvements to existing facilities will be permitted where:*

- (i) The development is located within or adjacent to an existing settlement;*
- (ii) A degree of use of the provision by the wider community is secured; and,*
- (iii) It would not be visually intrusive.*

Of relevance to the proposal, paragraph 74 of the NPPF states that:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Overall the generally thrust of Policy R/3 policy accords with the NPPF, although the NPPF provides some additional flexibility in that compensatory open space provision is not required where the benefits of the development (in this case the pavilion) clearly outweighs the loss of open space. Having regard to this, it is considered that compensatory additional provision cannot necessarily be required upon in all circumstances, regardless of the benefits of a development.

Having regard to the above policy context, the two main issues are as follows:

- Is the proposed use acceptable in this location?
- Do the benefits of the proposal as a whole outweigh the loss of open space?

The proposed use would primarily provide ancillary facilities for the existing playing field. Williton football club use the playing field for matches and practice twice a week with matches at the weekend. It is considered likely that the facilities within the pavilion would attract other teams and clubs to the site. In addition to this, the proposed MUGA and indoor sport arena would further diversify the sport and recreational use of the ground. Overall, the pavilion is considered to supplement the existing sport and recreational use of the playing field, would be open to the community and is likely to encourage greater use of the memorial ground and participation in local sporting activities.

In terms of the need for the development, the local football club would be the primary beneficiaries of the proposal. Currently sports facilities in relation to the playing field are not up to modern standards and there is a clear argument for the need and associated benefits of the pavilion. Comments have been received in relation to whether there is a need for the badminton court given that there are already facilities located at Danesfield school. These existing facilities are currently only open to the public outside school hours. As such, the West Somerset Council Sport and Recreation Facilities Study (2012) identifies a potential need for additional provision to supplement these existing facilities. In addition, the hall would facilitate other sports. Interest has been expressed from potential users for carpet bowls and the hall could also be suitable for sports such as basketball and netball.

In addition to this, the proposed MUGA would open up an area of land that is currently not in public use and overall it is considered that there would not be little or no net loss in open space provision (this depends on how a calculation is made). For example, the area or operational development for the pavilion including hard standing, vehicular access and parking would be approximately 1200 square metres and the total area of additional recreational space provided by the MUGA would be approximately 1300 square metres. Furthermore, the siting of the pavilion on the periphery of the playing field would not compromise the function of the football pitch, although a minor re siting would be required. As such, the proposed use is considered to be acceptable in this location and would comply with the additional requirements of Saved Policy R/4 (i) and (ii) , Saved Policy R/3 and with bullet point 3 of paragraph 74 of the NPPF.

In terms of securing the additional open space, it is considered necessary and reasonable in planning terms to secure this through an appropriate planning condition. Policy R/3 requires this in all cases where playing fields are developed. It is acknowledged that the NPPF does not necessarily require this in all cases, however, it is a subjective judgement as to whether the 'needs' of a development clearly outweigh the loss of open space. On balance, it is considered that having regard to Policy R/3 and paragraph 74 of the NPPF, it is reasonable in planning terms to ensure that the additional open space (site for the proposed MUGA) is made accessible to the public prior to the substantial completion of the pavilion.

*Other uses:*

The applicants, the parish council have suggested that other secondary uses take place within the pavilion. These would include use by general sports and recreation clubs, for example 5- a- side football and netball. In addition, a community use element such as weekly meetings for groups such as cubs, a youth club, bingo, coffee mornings and fund raising. Subject to some additional restrictions through planning conditions, additional community uses are considered to be acceptable in principle.

An unrestricted planning consent for a sports pavilion/hall would provide a broad range of uses that could be lawfully carried out within the building. For example, a D2 use class includes concert halls. Any such use could be detrimental to the amenities of nearby residents given their proximity to the site. It is further noted that a noise assessment has not been submitted with the application and as such it is difficult to confidently assess how noise emitting from the building would impact upon adjoining residents.

It is noted that planning permission was granted in 1999 for the construction of a pavilion/community building within the memorial ground (reference 3/39/99/019). This application was granted without any restrictions on the use of the building. However, the building was sited further to the south of the site, a greater distance from the nearby dwellings and the size of the multi-functional space was significantly smaller than within the current proposal. Having regard to these differences, the absence of a noise assessment within the proposal, in the interests of residential amenity, it is considered necessary and reasonable to restrict additional uses of the building, hours of operation, the exclusion of amplified music from the building and to agree any external lighting through planning conditions. Furthermore it is considered reasonable and necessary in planning terms to secure the sports facilities and community use in perpetuity given that there are temporary permitted development rights from D2 use classes to 'temporary flexible uses' which include business, retail, financial services and restaurants/cafes. As such, it is considered reasonable to restrict these rights in order to retain the building for community use. Appropriate planning conditions are recommended within this report.

## *2. Character and Appearance of the Area*

The NPPF cites “contributing to protecting and enhancing our ... built and historic environment” as a key element of sustainable development (Paragraph 7). Chapter 12 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.

### *Proposed pavilion/community hall*

Overall, it is considered that the scale, design and materials of the pavilion would be acceptable. It is accepted that the scale of the building is relatively substantial in terms of maximum height and width and would be larger in terms of footprint when compared to the residential buildings to the north and east. However, the proposal is considered to be acceptable in this regard. The maximum height of the building would not appear incongruous in relation to the heights of buildings in the area. Dwellings fronting Long Street and Robert Street are generally 2 storey in height and whilst it is acknowledged that the dwellings on Long Street are set on lower ground than the memorial ground, they would be set a sufficient distance from the proposed pavilion so that it would not appear incongruous or overbearing in visual terms. The mature trees close to the proposed pavilion would provide a mature landscaped setting that would be further improved by additional planting. These details are proposed to be secured by a planning condition.

In relation to the footprint of the building, whilst it would be considerably larger than individual dwellings nearby, the open setting around the building, the space to be provided around the pavilion and the distance from the nearest dwelling in excess of 20 metres (No. 32 Robert Street) would ensure that the building does not appear incongruous in this regard.

In terms of materials, the area is characterised by a range of building materials such as natural stone, render, brick, cob, natural slate and thatch. The proposed render would have a simple contemporary

appearance but would not detract from the range of materials and building styles in the locality and the proposal is therefore acceptable in this regard.

In terms of the impact on the setting of nearby Listed Buildings the proposal is considered to be acceptable. The proposed pavilion would be located a sufficient distance from the Listed Buildings. The rear elevation of the nearest, No. 28 Long Street would be located approximately 33 metres from the proposed pavilion and the rear boundary of No. 28 would be located approximately 18 metres away. In addition, public access to the rear of the building would not be obstructed and therefore views of the Listed Buildings and associated garden structures would remain from public vantage points. It is noted that there is a curtilage Listed Building within the garden of No. 28 Long Street. This consists of a small stone and thatch building located on the boundary of the ground. It would be located approximately 18 metres from the proposed pavilion. This is considered to be a sufficient distance to ensure that the setting of the building is not harmed.

Concern has been raised over the loss of the view of these buildings from wider vantage points further to the south. It is acknowledged that the development would prevent these existing views, however, having regard to the considerations above, the loss of a relatively distant view is not considered to harm the setting of these buildings.

#### *Proposed MUGA*

The proposed MUGA is considered to be acceptable in relation to the impact on the character and appearance of the area. The proposed fencing would not appear overly high against the pre-existing boundary treatment consisting of a stone wall, trees and industrial units. The proposed floodlights would have a maximum height of 7.2 metres. The impact of these on the setting of the adjacent Listed Building, No. 48 Long Street is considered to be acceptable. Whilst the height of the floodlights would exceed the adjoining stone wall, floodlights are relatively visually light weight in appearance and would therefore not unacceptably detract from the setting of No. 48. For this reason, the floodlights would not appear overbearing or incongruous within the wider landscape, although two mature trees and the hedge row to the western boundary would be removed. Retained and additional planting that can be secured through the landscaping condition will ensure that the fence and flood lights will be acceptable assimilated into the wider visual context.

### *3. Residential Amenity*

Policy BD/2 of the Local Plan requires that the siting of new buildings has regard to the relationship with adjoining buildings and open spaces. One of the core principles of the NPPF is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings” (paragraph 17).

#### *Proposed pavilion/hall*

Overall, the impact of the proposal on residential amenity is considered to be acceptable, although it is acknowledged that there would be some impact upon Nos 32-36 Robert Street and Nos 28-30 Long Street. The principle considerations are in relation to the impact on loss of light, sense of enclosure and loss of outlook. The applicants have submitted shadowing diagrams with the application. These indicate that there would be very limited actual overshadowing of adjoining gardens. The rear corner of the building would be approximately 2.2 metres from the boundary of the adjoining dwelling, No. 32 and approximately 3.2 metres from No. 34 (measured from the edge of the eaves). The eaves height at this point would be 2.6 metres, however site levels within the adjoining gardens are higher than the subject site and will thereby lessen the visual impact. Furthermore, having regard to the shallow pitch of the roof, orientation of the corner of the building in relation to these adjoining gardens and the relatively significant depth of the gardens, it is considered that there would be no undue impact on these adjoining occupiers in relation to sense of enclosure, loss of light and loss of outlook.

It is acknowledged that these dwellings currently enjoy an open view across the Memorial ground. In planning terms, the loss of a private view is not a material planning consideration, rather applications are assessed against other criteria that are discussed above.

In terms of the impact on habitable rooms the proposal is considered to be acceptable. The nearest elevation containing habitable rooms (No. 36) would be located approximately 22 metres from the rear elevation of the proposed pavilion. This distance is considered to be acceptable in terms of impacts on light levels and confirms to well accepted standards within suburban areas.

#### *Proposed MUGA*

The principal issue relates to the impact on adjoining residents through noise and light pollution. The nearest residential properties are No. 48-50 Long Street, dwellings within Brook Road and Withybridge (accessed from Catwell lane). These would be located approximately 69, 62 and 82 metres from the proposed MUGA respectively. Subject to planning conditions it is considered that this distance, coupled with the relatively limited size of the MUGA and proposed floodlights would ensure that there would be no undue impact on residential amenity. The design of the floodlights will be secured through a planning condition to ensure the units are of an acceptable design so as to prevent unnecessary light spillage out of the site. In addition, it is considered necessary to limit the hours of operation to between 08.00 and 22.00 Monday to Sunday.

#### *4. Highway Safety*

The highway authority have commented that they do not object in principle to the development, however several issues have been highlighted by the authority within the first consultation response. These principal issues were as follows:

- Ideally the access would have a width of 5.0 metres rather than 4.8.
- Concerns over the lack of segregation between the vehicular access and pedestrian path in the access.
- The access road may need to be widened to allow two vehicles to pass.

Other areas of comment relate to ownership of the access, whether the footpath would be offered for adoption by the highway authority, constructing the entrance gates so they open inwards and constructing the grass create of sufficient strength to support vehicles.

Amended plans have been forwarded to the Highway Authority which includes the addition of a passing layby adjacent to the disabled spaces. The Highway Authority has since confirmed that this amendment is acceptable, however discussions are ongoing in relation to appropriate subdivision of pedestrians and vehicles at the proposed vehicular access.

#### *5. Flood Risk*

Policy W/6 of the Local Plan only permits development within areas at risk of flooding where environmentally acceptable measures are provided to mitigate risks. The NPPF requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding and where development is necessary, it should be made safe without increasing flood risk elsewhere.

The proposed pavilion is located within flood zone 2, whereas some of the proposed vehicular access is located within zone 3. The use would be classed as a 'less vulnerable' development. This use is considered appropriate in principle within zone 2 subject to the application of the sequential test. The aim of the Sequential Test is to steer development to areas at the least risk of flooding, in accordance with paragraph 101 of the NPPF. For development in zone 2 the sequential test is applied to make sure that there are no alternative sites in Flood Zone 1 (and thus, ensure that principles of the NPPF para 101 are correctly applied).

It is understood that the Parish Council have been looking at potential locations for a community facility for a number of years. The report submitted to address the sequential test contends that there are no other sites that are 'reasonably available' within flood zone 1 in Williton. Given the extent of flood zone 1, it is considered very unlikely that there are suitable deliverable sites within zone 1 and as such, the proposed siting within Zone 2 is considered to be acceptable.

A flood risk assessment has been submitted which sets out mitigation measures for the building floor levels and sustainable drainage measures for the proposal. The Environment Agency have stated that floor levels must not be set lower than 29.60 AOD (above ordnance datum). Concerns have been raised by neighbours that the building will be located on a 'plinth' thereby raising the overall height of the building. The existing levels shown on the site survey are AOD levels. These indicate that the finished floor level would be approximately level with the existing ground levels and therefore the overall height of the building will not be raised above the height shown on the elevations. An AOD level for the ridge has been annotated on the elevations to clarify this matter.

The Environment Agency have been consulted on the application and have confirmed that they have no objections to the proposal, subject to planning conditions being included on the decision notice. These include conditions relating to drainage details, finished floor level and flood mitigation measures within the fabric of the building are considered reasonable in planning terms given the location of the site adjacent to flood zone 3.

### *7. Biodiversity*

Policy NC/4 of the Local Plan prohibits development that would give rise to harm to protected species unless the harm can be avoided through the use of planning conditions. One of the facets of sustainable development as defined by the NPPF is "helping to improve biodiversity" (paragraph 7). Within chapter 11 of the NPPF the overarching aim is that in making decision on planning applications, biodiversity should be maintained and enhanced.

The submitted extended phase 1 habitat survey indicates that there is no evidence of bats being present within the site, however it is likely that bats do forage/commute over the site boundaries. It is recommended that boundary trees and vegetation is retained wherever possible. Whilst two trees and a hedge to the western boundary would be removed, other trees within the site would be retained. Furthermore, a landscaping condition can ensure additional planting within the MUGA site and compensatory planting around the proposed pavilion. Subject to the selection of appropriate native species, it is considered that an acceptable degree of mitigation can be achieved.

The habitat survey identified the hedge bank and pile of stones to the north east corner of the site as being a potential habitat for reptiles. The survey recommends that their removal is supervised by an ecologist and relocated to an appropriate area. An appropriate condition is recommended within this report to ensure that reptiles are not harmed or killed during the demolition of these structures.

In relation to badgers, there may be a badger sett within the north-eastern corner of the site for the proposed MUGA, although at the time of the survey it appears to be disused. A badger path is located extending along the south western boundary of the site. The report recommends that a 3 metre wide protected zone is established to enable the retention of the badger sett, and the design of the flood lights needs to prevent spillage onto the protected area. An appropriate condition is recommended within this report.

### *8 Trees*

A detailed tree survey has been submitted with the application in relation to trees adjoining the proposed pavilion and within the site for the MUGA. Of most significance is the Copper Beech adjacent to the proposed pavilion. This tree is subject to a tree preservation order. Amended plans have been received which have relocated the pavilion 1.5 metres to the north east in order that the footprint of the building is approximately 0.5 metres outside the root protection area (RPA). The Council's tree officer has commented that on this basis the proposed development is unlikely to prejudice the health of the tree. However, in order for impacts to be minimised, and to ensure that the development is carried out in accordance with the recommendations included within the tree survey, it is considered reasonable for the planning condition to ensure that a suitably qualified arborist supervise the site when foundations are being dug.

There are three trees located outside of the site within the garden of No. 32 consisting of an Oak, a Beech and an Ash. These are not covered by the tree survey. However, the trees are located on ground that is upto 1 metre higher than the application site. Furthermore, there is a substantial boundary wall adjacent to the trees. The Councils tree officer has commented that due to these site features, it is unlikely that many (if any) roots have spread into the memorial ground. However, it is considered reasonable to ensure that an arborist supervises the digging of foundations in this vicinity in order to minimise the impact on the trees if roots have spread into the site.

In relation to the proposed MUGA, the Councils tree officer has suggested that the three mature trees on the western boundary should be classed as category C as the survey concludes they are generally healthy. However, the Councils officer agrees that the Robina and Horse Chestnut trees have various structural defects and therefore does not recommend that these trees are retained, however the Sweet Chestnut is concluded to be the best specimen of the three and therefore worthy of retention.

Amended plans have been received illustrating the retention of the Sweet Chestnut and 6 holly trees to the southern boundary of the MUGA. The retention of these is considered beneficial to the landscape setting of the overall scheme.

Notwithstanding the comments within the tree survey in relation to retaining the hedgerow, overall it is considered to be a relatively poor example. It is therefore considered to be acceptable to remove the hedgerow/bank. Amended plans illustrate a multifunctional earth/stone bank to the boundary which will provide boundary demarcation and seating. Details of this can be agreed through a planning condition. A landscaping condition has been recommended to ensure additional the planting of additional trees within the site which will ensure additional tree planting to mitigate against some of the loss of tree cover within the site.

A condition to ensure a schedule of works for the protection of retained trees, having regard to the recommendations in the tree survey is considered reasonable in planning terms. Supervision of these works by a qualified arborist is not required due to the lower quality of existing trees around the proposed MUGA.

#### *9. Public Right of Way*

There is a public right of way that runs along the existing eastern boundary of the memorial ground (footpath WL/28/1). The County Council footpaths officer has commented that no objections are raised in principle, however, comments are included in relation to the potential requirement for a temporary closure of the path. It is considered that during the removal of the hedge and bank a temporary closure/diversion may be required. This matter is covered by other legislation and is the responsibility of the County Council. It is recommended an informative is included within the decision notice.

#### **Other matters:**

##### *Memorial Ground covenant*

Concerns have been raised over the impact of the proposal on property values. The impact on property values is not a material planning consideration and therefore cannot be considered in determining this proposal. Whether or not the proposal is in accordance with a covenant on the land is not a material planning consideration.

#### **Environmental Impact Assessment**

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

#### **Conclusion and Recommendation**

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

It is recommended that delegated authority be granted to the Assistant Director, Planning and Environment to grant planning permission subject to negotiation of acceptable amendments in relation to the subdivision of vehicles and pedestrians along the access off Robert Street.

**Planning permission is subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Other than as required by conditions 4, 5, 14 and 15 the development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers:  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No works shall be undertaken on site unless a schedule of materials and finishes for all materials (including the submission of samples where appropriate) to be used in the construction of the external surfaces of the roof, walls and areas of hard standing (including the surface for the proposed multi use games area) and the method of construction for the vehicular access, parking and turning have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out only in accordance with the details so approved.  
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2 and LB/1 of the West Somerset District Local Plan (2006).
- 4 No works shall be undertaken on site unless details for all proposed boundary treatments on the application site, including the widened vehicular access, frontage to Robert Street and replacement earth/stone bank to the south western boundary of the proposed multi use games area have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish, colour and finished ordnance datum ground levels adjoining the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the substantial completion of the building hereby approved.  
Reason: To safeguard the character of the area and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).
- 5 No works shall be undertaken on site unless a soft landscape scheme (including trees to be retained) has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, positions, species and size of all new trees and the location of grassed areas and areas for shrub planting and a programme of implementation. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.  
Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).



- 6 No site works, demolition or clearance shall be undertaken on site unless a detailed scheme has been prepared in accordance with a specification detailing protective measures and methods of working (having regard to the recommendations within the Arboricultural reports dated 28th April 2014) in relation to existing planting and retained trees on the site and a programme for such work, which has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include the presence of a suitably qualified arborist who shall monitor and supervise the proposed works and mitigation strategies on site as such time of the carrying out of digging foundations in respect to the Copper Beech tree and the three trees located within the garden of No. 32 Robert Street, consisting of 1xOak, 1xAsh and 1x Beech tree. The scheme shall further include the locations of protective fencing to be indicated on a scale plan. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained until the development, hereby approved, has been completed.  
Reason: To safeguard the existing trees and planting to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2, TW/1 and TW/2 of the West Somerset District Local Plan (2006).
- 7 No amplified sound, consisting of recorded sound, tannoys, loudspeakers or other means of boosting the natural volume of voices or music shall be generated from within, attached to and within 20 metres of the building hereby approved.  
Reason: To safeguard the residential amenities of occupiers of nearby properties having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).
- 8 No works shall be undertaken on site unless details of any external lighting to be erected, placed or operated on the site shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.  
Reason: To safeguard the character and appearance of the building and in the interests of residential amenity having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the primary use of the building hereby approved shall be that of a sports pavilion and associated facilities including changing facilities to support the existing recreational use of the ground. There shall be no change of use or permitted change of use of the building without the prior express grant of planning permission by the Local Planning Authority.  
Reason: The approved use only has been found to be acceptable in this location and other permitted changes to other use classes would require further detailed consideration by the Local Planning Authority having regard to the provisions of Saved Policy R/3 of the West Somerset District Local Plan (2006).
- 10 The floodlights associated with the multi-use games area (MUGA) hereby approved shall be mounted on a maximum of six poles and shall not exceed 7.2 metres in height. No development shall take place in connection with the construction of the MUGA until details of the design, specification and appearance, including all technical details as required by the Local Planning Authority to undertake a full assessment of potential light pollution are submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall

thereafter be retained in the approved form.

Reason: To safeguard the character and appearance of the area and to ensure an acceptable impact on wildlife and the setting of the adjacent listed building having regard to the provisions of Saved Policies BD/1, BD/2 and LB/1 and of the West Somerset District Local Plan (2006).

- 11 The hours of operation of the flood lights hereby approved shall be limited to between the hours of 08:00 and 22:00 Monday to Sunday (inclusive).

Reason: To safeguard the character and appearance of the area and to ensure an acceptable impact on wildlife and the setting of the adjacent listed building having regard to the provisions of Saved Policies BD/1, BD/2 and LB/1 and of the West Somerset District Local Plan (2006).

- 12 No works in respect of the construction of the building hereby approved shall commence unless the vehicular access to the site off Robert Street has been provided in accordance with details (including a program of implementation and completion) to be submitted to and approved in writing by the Local Planning Authority. On completion, the access shall be thereafter retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 13 No works shall take place on site unless a scheme detailing the phasing of the provision of additional public open space comprising the proposed multi use games area the immediate surrounding area enclosed by the hedge and bank to the south east. The scheme shall include works that shall be completed prior to the substantial completion of the building hereby approved, means of ensuring public access thereto and ongoing maintenance. The approved works, maintenance scheme and agreed level of public access shall be retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide additional compensatory open space to accord with Saved Policy R/3 of the West Somerset Local Plan (2006).

- 14 Finished floor levels of the building hereby approved must be set no lower than 29.60m AOD.

Reason: To reduce the impact of flooding on the proposed development and future occupiers to accord with Saved Policy W/6 of the West Somerset Local Plan (2006).

- 15 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of how the scheme shall be managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 16 The development hereby permitted shall not be commenced until such time as a *scheme for Flood Resilience* has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance

with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

- 17 No works shall be undertaken in relation to the construction of the proposed multi use games area (MUGA) or the delivery of the area surrounding the MUGA as additional public open space, pursuant to condition 13 unless details of a scheme to ensure that reptiles are safeguarded, including details for the method of search and relocation have been submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details. The relocation of slow works shall be carried out in accordance with the approved details.

Reason: To ensure that harm does not arise to the protected species during development having regard to the provisions of saved Policy NC/4 of the West Somerset District Local Plan.

- 18 The development hereby approved shall be carried out in accordance with the findings and mitigation proposed within section 5.3 and 5.4 of the Extended Phase 1 habitat Survey dated April 2014 unless otherwise approved in writing by the Local Planning Authority. In the event that work does not commence on the construction of the proposed multi use games area (MUGA) the area surrounding the MUGA including the existing badger sett shall be re surveyed for the presence of Badgers prior to commencement of any works. The report shall be submitted to the Local Planning Authority and shall include detailed mitigation measures in the event that badgers are present. A scheme of mitigation measures shall be agreed in writing with the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: To safeguard badgers and their setts having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 19 No works shall be undertaken on site unless details for the provision of habitat enhancements for reptiles, bat roots and bird nesting sites and a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. The habitat retention and enhancements shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure habitats for protected species are maintained and enhanced having regard to the provisions of saved Policy NC/4 of the West Somerset District Local Plan and Policies within the National Planning Policy Framework.

20 No works shall be undertaken on site unless details for the disposal of refuse, including a refuse management plan and bin store has been submitted to and approved in writing by the Local Planning Authority. The use of the building hereby approved shall not commence until the refuse storage has been provided in accordance with the details so approved. No refuse shall be stored outside the building other than in the approved refuse store. The disposal of refuse shall be carried out and managed in accordance with the approved management plan.

Reason: In the interests of the appearance of the development and of the amenity and character of the area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

## Notes

### 1 **STATEMENT OF POSITIVE WORKING**

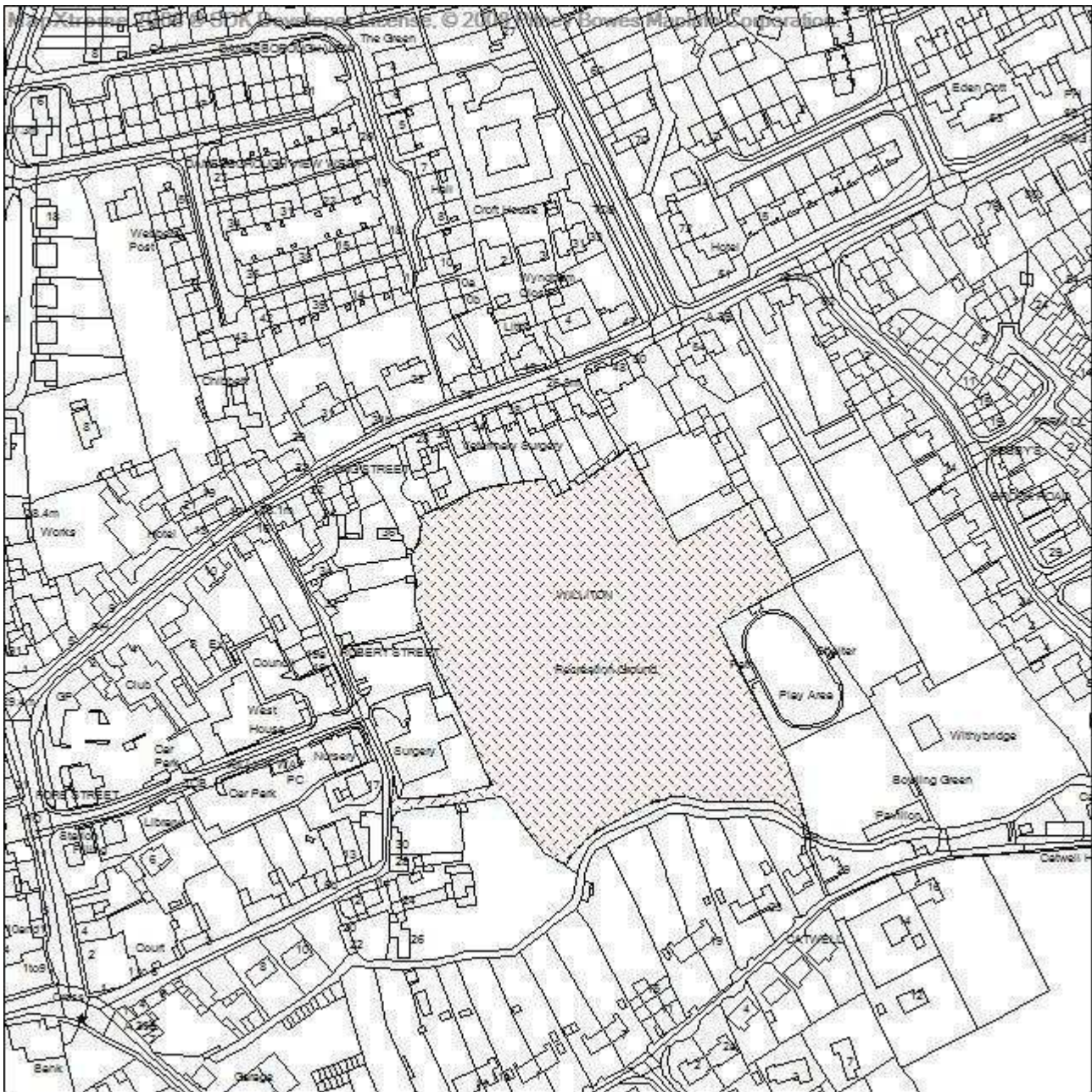
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively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

- 2 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.
- 3 The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on a tree, work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

- 4 There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.



Application No 3/39/14/011  
The erection of a pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disabled and service vehicle access from Robert Street and associated parking facilities.

Williton War Memorial Recreation Ground, Williton, Somerset  
6 May 2014

West Somerset Council  
Killick Way  
Williton TA4 4QA



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Scale: 1:2500

<b>Application No:</b>	<b>3/39/14/015</b>
<b>Parish</b>	Williton
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 308495      Northing: 141649
<b>Applicant</b>	Mr John Slade
<b>Proposal</b>	Change of Use from B1 and B2 category to B8 and A1 for the Storage and sale of motor spares and accessories.
<b>Location</b>	Unit 6, Roughmoor Enterprise Centre, Roughmoor Trading Estate, Williton, Somerset TA4 4RF
<b>Reason for referral to Committee</b>	The existing unit is owned by West Somerset Council.

### Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

### Site Location:

Unit 6, Roughmoor Trading Estate, Williton, Somerset TA4 4RF

### Description of development:

It should be noted that the title of the proposal has been amended by the applicant following consultation from "Change of use from business use (B1, B2 and B8) to the sale of motor spares and accessories (A1)", to Change of use from B1 and B2 category to B8 and A1 for the storage and retail of motor car spares and accessories.

### Consultations and Representations:

The Local Planning Authority has received the following representations:

**Williton Parish Council** - No comments received

**Highways Development Control** - No comments received.

**Environment Agency** - No comments received

### Public Consultation

The Local Planning Authority has received 1 letter of comment making the following comments (summarised):

Comments on the proposal have been received raising the following points;

- If the application is for the Enterprise Centre, am concerned that business would be conducted in a similar way as in Fore Street, i.e. repairs done in road/car park, outside/behind premises.
- Williton Autos already operate on the site and all repairs are conducted inside their premises and not blocking access for other units/users on site.
- Impact assessment.

### Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging

Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in late summer 2014 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- W/6 Flood Plains
- SP/1 Settlement Hierarchy
- SP/3 Development in Villages
- SH/4 Retail Development in Watchet and Williton
- SH/6 Retail Development Outside Settlements
- E/7 Retention of Employment-Use
- AD/1 Access for Disabled People
- T/3 Transport Requirements of New Development
- T/7 Non-Residential Development Car Parking

**National Policy**

The National Planning Policy Framework (March 2012) is a material planning consideration.

**Planning History**

The following planning history is relevant to this application:

3/39/77/021	Generator House	Grant	20/06/77
3/39/05/009	Partial demolition of existing industrial buildings, refurbishment of retained buildings, construction of new to create multi occupancy site as amended by letter & plan rec. 13/06/05.	Grant	23/06/05
3/39/09/035	COU to retail	Grant	28/01/10
3/39/12/008	COU from office area to dog grooming room	Grant	26/04/12

**Proposal**

It should be noted that the original description of the proposal was "Change of Use from business use (B1, B2 and B8) to the sale of motor spares and accessories (A1)". Following consultation with the applicant it was discussed that the title could be misleading and was changed to "Change of Use from B1 and B2 category to B8 and A1 for the Storage and sale of motor spares and accessories".

**Site Description**

The site consists of a single unit on an industrial estate. The existing unit is currently vacant but was formerly occupied by plastics company and has a gross internal floor area of 51m2. The interior of the unit has a WC and kitchen which will be screened by free standing storage shelving and a free standing shop counter.

**Planning Analysis**

*1. Principle of Development*

Principle of development

The site lies within the development limits of Williton. The proposed business use is a town/village centre use and as such a proposal to be located outside of the centre would only be acceptable if it does not impact the vitality and viability of the rural centre.

Guidance contained within the NPPF (National Planning Policy Framework) with regards to sustainable development identify's three main dimensions to sustainable development, which are Economic, Social and Environmental.

Economic roles, contribute towards building a strong, responsive and competitive economy of the right type of development in the right place and time in order to support growth.

Social roles, contribute to supporting strong, vibrant and healthy communities and by creating a high quality built environment with accessible local services which reflect the needs of the community and support health social and cultural well-being.

Environmental roles, contribute to protecting and enhancing the natural built and historic environment, to help improve biodiversity, use natural resources wisely and minimise waste/pollution to mitigate and adapt to climate change.

All of these roles must not be considered separately, as they are mutually dependant on each other.

In chapter 2 of the NPPF, Ensuring the vitality of town centre, national policy guidance, paras 24 and 26, requires that applicants should provide a sequential and impact assessment to demonstrate that no suitable town centre sites were available. An assessment of the proposed development should provide details of any impacts on the existing town centre uses in terms of vitality and viability of that centre and the wider area.

Information provided by the applicant in support of the proposal states that following his previous business in Robert Street and no. 3. Fore Street closed due to temporary health reasons together with the lack of available parking outside the premises.

There is currently a lack of suitable commercial premises apart from units 1 and 2, at 26 Long Street although neither has parking available for this particular trade and no. 3. Long Street has no parking and an extremely awkward entrance and egress at the rear and has no disabled access.

Following a response to the Council sending out a newsletter advertising the commercial units in Killick Way (part of the former Toilet block) which were quickly let, units at Roughmoor were offered as an alternative venue. The floor space of unit 6, Roughmoor is equivalent to the floor space of the applicants former premises in Fore Street.

Unit 6, has the benefit of 1 dedicated existing car parking space and there is also some on-street parking available nearby for customers visiting the site. By providing this type of outlet in Williton, customers would not need to travel to Minehead, Taunton or Bridgwater and therefore this would be of benefit to the local community. The ratio of the proposed business would be approximately 60% storage and 40% sales ratio.

The applicant has confirmed that he would not be undertaking repairs other than fitting car wiper blades or light bulbs if required, as Williton Auto Services are located nearby who undertake repairs and servicing of motor vehicles.

The applicant has demonstrated that the proposal would not have an unacceptable impact on the vitality or viability of the centre and that a sequentially preferable site is not available and therefore in principle the proposal is acceptable.

The proposal accords with local plan policy E/5 (Business development outside settlements), for small scale employment development proposals but adjacent to development limits providing the following can be demonstrated;

- There are no suitable sites available in existing or planned employment land in the area.
- The development would not lead to dispersed activity to a scale which would prejudice town or village vitality.
- The design and use of materials are sensitive to local landscaping setting.
- The development is compatible with amenities in neighbouring properties.
- The development does not have an adverse impact on landscape, wildlife or nature conservations interests.

Access roads are able to accommodate any increase of traffic generated.

## *2. Character and Appearance of the Area*

The proposal site is not located in a designated Conservation Area and there are no Listed Buildings in the vicinity.



The site is located on a trading estate with various industrial/business uses. The proposed use and allocated parking would therefore not be out of character of the area.

### 3. Residential Amenity

There will be no adverse impacts to surrounding units which are all of business use. Comments have been received from a nearby occupier, raising concerns of proposed customer parking, the undertaking of repairs and the lack of the applicant providing an impact assessment. These issues have been addressed within this report.

No residential units are located within the vicinity where the impacts of noise and smell might be considered and therefore the level of residential amenity in the area is acceptable.

### 4. Highway Safety

No comments have been received from the Highways department on the proposal.

The existing unit is located on level ground and therefore would be easily accessible by customers with mobility problems. Trips to the proposed business could be combined with visits to the Recycling Centre, and other established businesses at the site including the vets, pet shop, auto services and carpet shop.

### 5. Flood Risk

The unit (6) is partly located within flood zone 2 . The applicant has provided a brief Flood Risk Assessment which confirms that the existing floor levels of the unit will not change and therefore there would not be any significant impact on surface water flooding. Both the existing roller shutter door and the pedestrian door located to the front of the unit and in the event of a flood sandbags would be deployed

There is no rear access from the building.

### Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

### Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

### Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Site location plan, block plan, Floor plans and section, dwg. no. 042833-21 and elevations and roof plans, dwg no. S001-WX21856-E submitted on 15/05/14.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the premises shall be used only for (the storage and sale of motor spares and accessories) and for no other purpose in Class (B8 and A1) of the schedule to that Order, without the prior written approval of the Local Planning Authority.  
Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority having regard to the provisions of Saved Policies (BD/1, SH/4, SH/6, E/7 and PC/2) of the West Somerset District Local Plan (2006).4
- 4 The use hereby approved shall not be carried on and no customers shall be served or remain on the premises outside the hours of (09.00 - 17.00 hours Monday to Friday and 09.00 - 13.00 on Saturdays only). .

Reason: To safeguard the amenities of nearby occupiers having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).

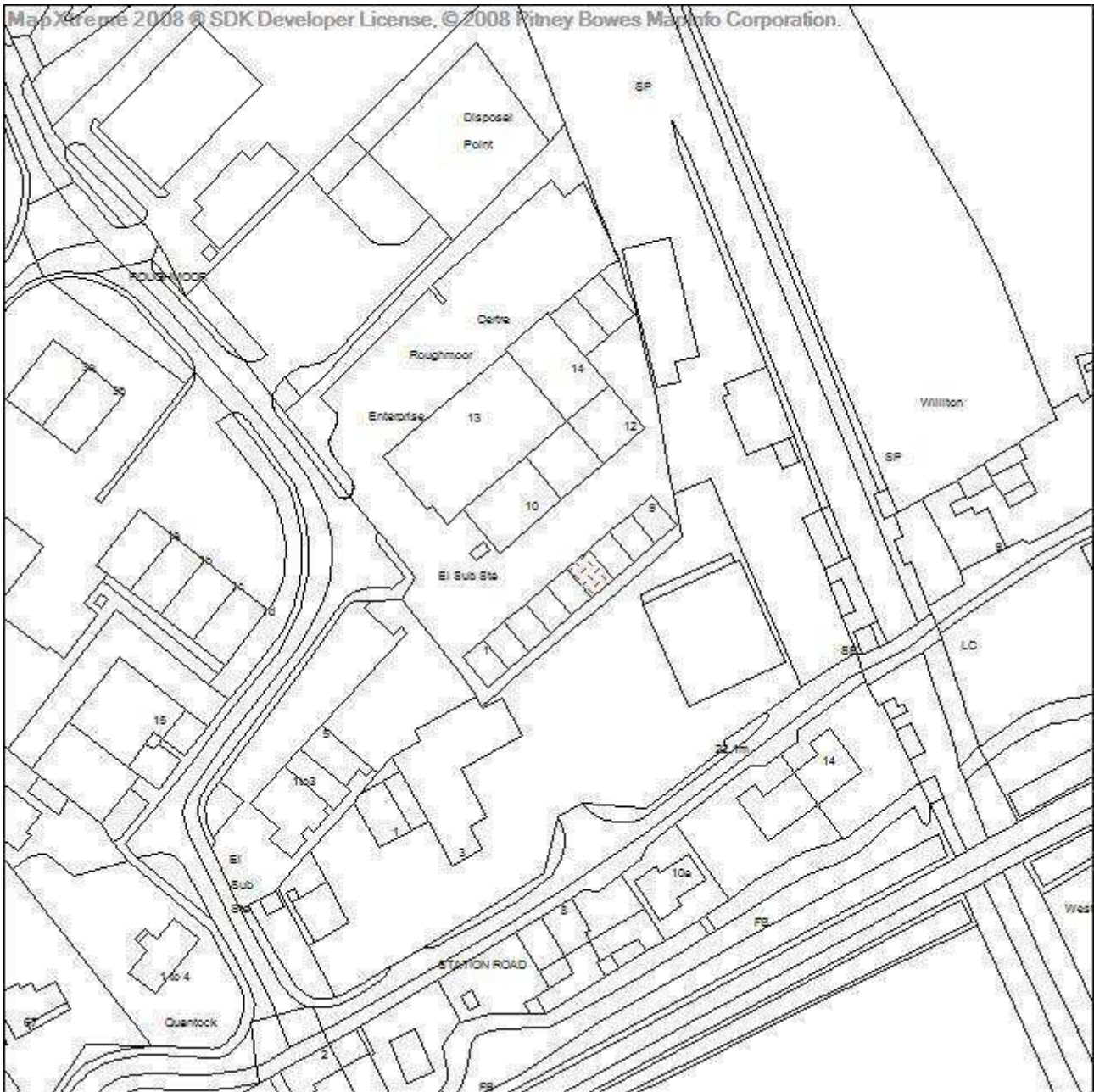
**Notes**

- 1 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.

**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.

It is recommended that the applicant signs up to the Environment Agency's Flood Warning service, who can be contacted on 0845 988 1188.



Application No 3/39/14/015  
Change of use from business  
use (B1, B2) to B8 and A1 retail  
for the storage and retail of motor  
spares and accessories.

Unit 6, Roughmoor Trading  
Estate, Williton, Somerset TA4  
4RF

15 May 2014

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



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Easting: 308501      Northing: 141549  
1:1250

Scale:

### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/01/13/007	Harthill House, 24 Church Lane, Bicknoller, TA4 4EL	Lawful Development Certificate for the existing use of the Annexe at Harthill House as an independent residential planning unit.	29 May 2014	Grant	<a href="#">MH</a>
3/02/14/001	Oddwell Cottage, Parks Lane, Brompton Ralph, TA4 2SE	Proposed replacement windows	20 May 2014	Grant	<a href="#">EP</a>
3/04/14/009	Stocklinch, Station Road, Brushford, Dulverton, TA22 9AD	Lawful Development Certificate for an existing extension	23 May 2014	Grant	<a href="#">SK</a>
3/05/14/002	St John the Baptist Church, Main Road, Carhampton, TA24 6NT	Replacement of plywood panels in porch doors with glass and the provision of external heat exchange units against the north wall of the Nave	21 May 2014	Grant	<a href="#">LB</a>
3/05/14/007	23 Hillview Road, Carhampton, Minehead, TA24 6LS	Construction of a double garage on the north side of the house.	27 May 2014	Grant	<a href="#">SK</a>
3/21/14/018	Land at 1 Moorlands, Moor Road, Minehead,	Outline application for a proposed	28 May 2014	Grant	<a href="#">SK</a>

TA24 5RT dwelling

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/14/021	Land at Ellicombe Meadow, Minehead, Somerset	Display of ground standing sign	30 May 2014	Grant	<a href="#">MH</a>
3/21/14/026	9 Blenheim Road, Minehead, TA24 5PZ	Alterations to form two ground floor flats	09 June 2014	Grant	<a href="#">SK</a>
3/21/14/028	12A Vennland Centre, Mart Road, Minehead, TA24 5BJ	Extension to existing industrial unit (resubmission)	20 May 2014	Grant	<a href="#">MH</a>
3/21/14/032	Apple Tree Cottage, Church Street, Alcombe, Minehead, TA24 6BL	Replacement of life expired slate rooves, installation of gas central heating system and replacement of damaged cement render on front elevation with lime render	05 June 2014	Grant	<a href="#">EP</a>
3/21/14/033	Brakeridge, Middlecombe, Minehead, TA24 8SP	Demolition of existing timber garage and car port and erection of new garage and workshop	20 May 2014	Grant	<a href="#">SK</a>
3/21/14/034	Blagdon, Hopcott Road, Minehead, TA24 5SU	Variation of condition 2 (drawing nos) on planning permission 3/21/13/086 in order to increase the	05 June 2014	Grant	<a href="#">MH</a>

height of the retaining wall and entrance pillars and reposition the boundary fence between Blagdon and Little Stoke

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/14/036	75 Parkhouse Road, Minehead, TA24 8AE	Removal of existing polycarbonate roof between bungalow and annexe and provision of 'pitched tiled roof' to enable the annexe to be used as part of the bungalow	03 June 2014	Grant	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/14/038	Bampton Court, 8 Bampton Street, Minehead, TA24 5TR	Installation of new boiler with flue routed through existing roof.	05 June 2014	Grant	<a href="#">EP</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/14/044	The Coach House, Manor Road, Minehead, TA24 6EJ	Erection of an open fronted detached single garage to the north east of the existing dwelling	12 June 2014	Grant	<a href="#">MH</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/37/14/005	Land at Parsonage Farm, Brendon Road, Watchet, Somerset, TA23 0AX	Removal of existing 12.5m O2 only mast housing 3 antennae and replacement with a 15m mast housing 6 antennae and 1 x 0.3m dish for the shared use of O2 and	09 June 2014	Prior approval not required	<a href="#">JH</a>

Vodafone. Plus replacement of two existing equipment cabinets

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/38/14/004	Tara, Staple Lane, West Quantoxhead, Taunton, TA4 4DE	Single storey side extension	29 May 2014	Grant	<a href="#">LB</a>
3/39/14/009	26 Shutgate Meadow, Williton, Taunton, TA4 4TJ	Erection of single storey rear extension and retention of balcony to master bedroom	27 May 2014	Grant	<a href="#">SK</a>
3/41/14/003	Lower Cottage, Lower Street, Withycombe, Minehead, TA24 6QA	Proposed change of use for the existing garage building to a workshop for the repair/fabrication of saddlery equipment and leathersgoods (retrospective)	30 May 2014	Grant	<a href="#">SK</a>
T/21/14/004	8 The Cedars, Minehead, TA24 5PE	Pruning and removal of four limbs of one Monterey Pine (T2)	05 June 2014	Grant	<a href="#">SK</a>
T/26/14/003	Land adjacent to The Coach House, 4 Cleeve Park Mews, Chapel Cleeve, TA24 6JH	Fell Spruce and replace with Scots Pine.	20 May 2014	Grant	<a href="#">SK</a>
T/26/14/004	1 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JA	Pollarding of Evergreen Oak by no more than 50%	05 June 2014	Grant	<a href="#">SK</a>