

PLANNING COMMITTEE

THURSDAY 28 FEBRUARY 2013 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 31 January 2013 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: NINE

Date: 20 February 2013

<u>Ref No.</u>	<u>Application/Report</u>
3/10/13/001 Outline Planning	Land at Ellicombe Farm, Ellicombe Land, Ellicombe, Minehead Erection of Veterinary Practice
3/21/12/141	Land at Solitaire, Bircham Road, Alcombe, Minehead Demolition Of Existing Detached Dwelling And The Development Of Six Dwellings With New Access Road, Landscaping And Parking
3/26/12/015	Land Adjacent to the Railway Line at Washford Creation of Cycle Path from Old Cleeve to Washford
T/3/119	Located on Property at 48a/49a Brendon Road, Watchet Confirmation of Tree Preservation Order

6. **Exmoor National Park Matters**

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

8. **Appeals Lodged**

Appellant	Proposal and Site	Process
Mrs Collier	Land at Trendle Lane, Bicknoller Erection of Storage Barn, Re-siting of Field Shelter and COU of Land for Grazing of Horses	Written Reps
Dr P Rawson	9 Copse Close, Watchet Two Bedroomed House with Car Parking on Part of the present property.	Written Reps

9. **Appeals Decided**

Appellant	Proposal and Site	Decision
Mr M R Grainger	Land to the east of Capton Road, Sampford Brett Construction of Six Houses, Two of which to be Affordable, Four to be Open Market, together with Associated Estate Road	Dismissed 06/02/2013
Mr & Mrs Bryant Enforcement Appeal	Shurton Inn, Shurton, Stogursey, Bridgwater Breach of Planning Control as Alleged in the Notice is Without Planning Permission a Material Change of Use from a Public House to a Single Dwellinghouse	Allowed 13/02/2013
Mr K Forsyth	66 Cleeve Park, Chapel Cleeve, Felling of Trees Subject to a TPO	Split Decision 18/02/2013

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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

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

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

Application No:	3/10/13/001
Parish	Dunster
Application Type	Outline Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 298498 Northing: 144732
Applicant	Mr Gliddon, White Lodge Veterinary Clinic
Proposal	Erection of Veterinary Practice
Location	Land at Ellicombe Farm, Ellicombe Lane, Ellicombe, Minehead, TA24 6TR
Reason for referral to Committee	At the request of the Chairman and Vice Chairman of the Planning Committee

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:

Land at Ellicombe Farm, Ellicombe Lane, Ellicombe, Minehead, TA24 6TR

Description of development:

Erection of veterinary practice

Consultations and Representations:

The Local Planning Authority has received the following representations:

Dunster Parish Council

Dunster Parish Council held a site meeting on 19th January and voted to support the application providing there is no permanent residential accommodation or domestic building on the site.

Highways Liaison Officer

I refer to the above-mentioned planning application received on 15th January 2013 and following a site visit on 16th January 2013 have the following observations on the highway aspects of this proposal:-

The site lies outside the Development Boundary Limit for Minehead, and is in a location where it is likely that the majority of all staff, deliveries and customers will be reliant on their private motor vehicles to access the site. It is accepted however, that customers of such a use would be unlikely to use public transport to access such a facility, (especially if this proposed clinic is specifically to deal with farm and equine animals), and such a use is not necessarily suitable for a town centre location. As such, it must be a matter for the Local Planning Authority to decide whether this is a suitable location for such a use.

In terms of detail it is noted that this is an Outline Application with all matters reserved for subsequent approval. As such, it is not worth making too many comments on the specific details shown on the submitted plans, (as an entirely different scheme could be submitted as Reserved Matters stage). However, with regard to what is shown on the proposed site plan (drawing no. 1704/302A) I would point out the following:

(a) There are two new accesses shown proposed from Ellicombe Lane, with the existing

access being closed up. The Highway Authority does not normally like to see developments served by multiple accesses, especially on small sites such as this where they would be in such close proximity to each other. Ideally the site should be served by a single point of access (unless adequate justification can be provided as to why a second access is necessary). Whilst the reason behind the fenced off area is understood (i.e. to provide a loading/unloading area for horses which is fenced off from the rest of the site/car park) it is unclear why it is necessary for this area to have a separate access to the highway, rather than just being a fenced off area within the site.

(b) The three spaces shown on their own to the east of the site would not be acceptable, as parallel parking spaces need to have minimum dimensions of 2.4m x 6m (with the spaces shown as only being 4.8m long).

(c) There needs to be a minimum of 6m to the rear of parking spaces, in order for them to be accessible, and the eastern 5 spaces of the block of 10 have marginally over 4m to their rears, and would not therefore be accessible if there were vehicles parked in the three spaces opposite.

(d) It is unclear what the four spaces closest to the highway are for (given that the design and access statement refers to 13 parking spaces and 2 horse box parking spaces, whereas there appear to be 13 parking spaces shown plus these 4 spaces). However, if they are intended to be used for parking their accessibility should be considered (as well as how the entrance gate(s) will open into the site – which is not shown), with the one closest to the entrance gate likely to be awkward to use.

It is also noted that the site (as shown within the red line area) has an access directly from the A39. The Highway Authority would not wish to see any development at the site accessed directly from the A39, and therefore would wish to see this access permanently stopped up to vehicles as part of any proposed development at the site. There would be a Policy objection to any proposed development at this site that proposed access directly from the A39, and whilst the submitted drawing proposes access from Ellicombe Lane, which is acceptable to the Highway Authority, without a requirement to stop up the existing A39 access there would be nothing to prevent it being brought into use at a later date if permission is granted.

Given the above, in the event of permission being granted I would recommend that the following conditions be imposed:-

- Prior to the commencement of the development hereby approved the following details shall be submitted to and approved in writing by the local planning authority:
 - Means of access
 - Surfacing
 - Visibility splays
 - Provision of parking and turning within the site
 - Provision for the disposal of surface water within the site

The use permitted shall not be commenced until the above details have been fully constructed and provided in accordance with the approved details.

- The use hereby permitted shall not commence until the existing access from the A39 has been stopped up and its use permanently abandoned in a manner to be agreed in writing by the Local Planning Authority.

Note:

Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Somerset County Council, West Somerset Area, Mart Road Industrial Estate, Minehead, Somerset, TA24 5BJ (Telephone 0845 3459155). Application for such a permit should be made at least four weeks before

access works are intended to commence.

Planning at Exmoor National Park - No comments received.

Environmental Health Officer - No comments received.

Parrett Drainage Board - No comments received.

Somerset Drainage Board Consortium - No comments received.

Environment Agency

Thank you for referring the above application that was received on 16 January 2013. The Environment Agency has no objection to the application subject to the following conditions and informatives being included within the decision notice:

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.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion

Note:

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Reason: To prevent the increased risk of flooding, both on and off site.

Condition:

No development shall be commenced until such time as details of the existing and proposed finished ground floor levels of the new veterinary practice have been submitted to and approved by the LPA. The development shall be carried out in accordance with the approved finished floor levels.

Reason: To minimise the risk of flooding to the development.

Condition:

No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the environment by ensuring separation of clean and foul waters.

Informatives:

There must be no interruption to the existing surface water and/or land drainage arrangements 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.

The site is located within the Internal Drainage Board's area. The Somerset Drainage Board Consortium (01278 789906) should be consulted as the site may be prone to problems of high water table and possible flooding, or exacerbate the Board's flooding problems elsewhere due

to additional runoff.

Foul drainage should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.

Emergency Planning:

LPA's should consult their Emergency Planners with regard to specific emergency planning issues relating to new development. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users. We would recommend the applicant signs up to the Environment Agency's Flood Warning service by calling 0845 988 1188.

The applicant/developer is strongly advised to ensure that a Flood Warning Evacuation Plan is prepared for the occupants of the site. The provision of such a plan may help to protect life and property during a flooding incident. For commercial properties a Flood Warning Evacuation Plan should form part of the Health and Safety at Work Register maintained by the operator of the site. Advice on how to prepare a Flood Warning Evacuation Plan can be found on Somerset County Council's website.

The following Environment Agency document: Flooding Minimising the Risk: Flood Plan Pack for Communities and Groups (dated April 2009) may help in preparing your Flood Warning and Evacuation Plan.

Flood Proofing:

We recommend that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Floodline Publication 'Damage Limitation'.

Reference should also be made to the Department for Communities and Local Government publication 'Preparing for Floods' as well as the Communities and Local Government publication 'Improving the flood performance of new buildings'.

Advice to LPA:

In accordance with the National Planning Policy Framework, the proposed development is appropriate provided that the site meets the requirements of the Exception Test. Our comments on the proposal relate to the part of the Exception Test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal satisfies the other part of the Exception Test that the development provides wider sustainability benefits to the community that outweigh flood risk.

It is for the local planning authority to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

Public Consultation

The Local Planning Authority has received 2 letters of objection/support making the following comments (summarised):

- The application states the development is on Ellicombe Lane, It is not the map clearly shows it is on the old A39 road.

- This is a classic example of 'ribbon building between Minehead and Dunster, and with this proposed development there is now nothing to stop the further development of land between Dunster and Minehead completely spoiling access to the town.
- Cannot comment on the need for Equestrian facilities, however, there is nothing on the application to stop the whole of White Lodge Practice near Tesco moving to this new site.
- If both Dunster and West Somerset District Council are not prepared to protect Green Belt Land what hope is there in future of protecting Green Belt Space in West Somerset.
- Have worries about the Drainage Strategy, Human waste, foul drain system septic tank and the supporting leech field.
- It is proposed to reuse the existing soakaway next to the adjacent field.
- Not sure the boundary is correct between the adjoining fields.
- If this development goes ahead I may not be able to participate in the West Somerset Strategic Housing Land Availability Assessment for Housing Sites.
- I am surprised that White Lodge Clinic did not mention their plans to adjoining land owners.

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 & Exmoor National Park Joint Structure Plan Review (adopted April 2000), Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Local Plan (adopted February 2005) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

61	Development in Areas Liable to Marine Flooding
W/6	Flood Plains
5	Landscape Character
7	Agricultural Land
1	Nature Conservation
48	Access and Parking
49	Transport Requirements of New Development
STR1	Sustainable Development
STR6	Development Outside Towns, Rural Centres and Villages
SP/1	Settlement Hierarchy
SP/5	Development Outside Defined Settlements
BD/1	Local Distinctiveness
BD/2	Design of New Development
BD/5	New Industrial and Commercial Buildings
E/5	New Business Developments Outside Settlements
LC/1	Exmoor National Park Periphery
LC/3	Landscape Character
T/3	Transport Requirements of New Development
T/7	Non-Residential Development Car Parking
W/5	Surface Water Run-Off
W/1	Waste Water, Sewage Management and, Infrastructure

National Policy

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

Planning History

There is no relevant planning history for this site.

Proposal

This application seeks outline planning permission for the erection of a veterinary practice, to be used as a branch clinic of White Lodge Veterinary Clinic for the treatment of large animals (equine and live stock). All matters have been reserved for future consideration, however indicative information has been provided showing a site layout and an indication of the massing of the buildings. The indicative information shows a new entrance is to be formed off of the old A39, and associated parking/delivery areas as well as a feed storage area, office,

pharmacy first floor accommodation, laundry, equipment and plant rooms, 2 x exam pre/ x ray areas, recovery scrub room and theatre, knockdown area and separate block of recovery stable, 4 further stables, loose box and loading platform plus outside exercise areas. The indicative information shows the provision of buildings on a similar footprint and off a similar scale to the current range of buildings on site.

Within the supporting documentation the applicant states that the proposal will support the expansion of the existing business which has been in operation for the past 20 years and that there is local demand for the treatment of equine animals and livestock. The applicant goes on to state that there are currently no specialist large animal clinics in the surrounding area and the nearest equine/large animal clinics are located in Cullompton, Chard and Ilfracombe some 35 miles from Minehead.

Site Description

The existing site is located within a narrow green wedge of agricultural land that stretched from the Ellicombe roundabout on the outskirts of Alcombe to the outskirts of Dunster Marsh. The land is fronted by the adjacent A39 County route between Minehead and Williton, and to the rear of the site is the old main A39 road which leads out onto the main road. Part of this old road also terminates in a dead end at the foot of the land beneath Conygar Tower.

The land to the south on the opposite side of the old A39 is the boundary between with Exmoor National Park. Also sharing this access road is a large residential dwelling, a nursery belonging to West Somerset Garden Centre and West Somerset Community College's Community Farm Unit.

On the southeast part of the site there are a series of agricultural buildings. Also within the application site, to the northwest is an area of land used as agricultural grazing land. The existing agricultural sheds are in a poor state of repair and various lean to additions have been added to the original 'Dutch barn' and adjacent dual pitched storage shed. In front of the existing farm buildings is a yard area surfaced in broken concrete to the southwest and to the rear (northwest of the buildings) the immediate area is overgrown with brambles.

Existing boundaries at the site consist of mature hedgerows to the northeast boundary and these are shown to remain as well as existing hedging on the east and southern boundaries of the site. The western boundary at the site consists of a low post and rail fence with adjoining paddock beyond.

The adjoining land to the east is in separate ownership and is also agricultural land, the existing uses currently in the immediate area is agricultural and horticultural, recreational use (rugby field) opposite and further to the west residential and further to the east agricultural and educational use.

Existing access to the site is via a single field gate off of the old A39 road and there also currently exists a field gate as access off of the main A39 County route.

Planning Analysis

1. Principle of Development

Policy STR1 in the Structure Plan requires, amongst other matters, that development should create a pattern of land use and transport which minimises the length of journeys and the need to travel, and maximizes the potential for the use of public transport, cycling and walking. Policy STR4 of the Structure Plan directs that new development should be focused on towns with priority given to the reuse of previously developed land. Policy SP/1 of the Local Plan designates Minehead as a town. Policy SP/2 of the Local Plan permits commercial or residential development within the development limits of Minehead subject to a range of criteria.

Collectively the settlement policies within the Structure and Local Plan seek to focus the majority of development within the towns (Minehead in the case of West Somerset). The Local

Plan specifically identifies the extent of the development limits. The application site is located outside, but in very close proximity to, the development limits of Minehead. The site falls within the parish of Dunster. Dunster Marsh is classed as a village within the local plan, but the site lies significantly beyond the development limits of Dunster Marsh.

When dealing with sites outside of the development limits Policies STR/6 of the Structure Plan and SP/5 of the Local Plan are the relevant settlement policies. These policies direct that development on sites outside of the development limits are strictly controlled and limited to development that benefits social or economic activity, maintains or enhances the environment and does not increase the need to travel.

Policy E/5 of the Local Plan deals with new business developments outside settlements and as such is relevant to this proposal. The Policy states the following:

The Local Planning Authority will permit small scale employment development proposals outside but adjacent to the development limits of villages where:

- There is no suitable site available on existing or planned employment land within the village;
- The development does not lead to the dispersal of activity on such a scale as to prejudice town or village vitality;
- The design and use of materials are sensitive to the local landscape setting;
- The development is compatible with the amenities of neighbouring properties;
- The development does not have an adverse affect on landscape, wildlife or nature conservation interests; and,
- Access roads are able to accommodate any increase of traffic generated.

The development limits for Minehead extend to Ellicombe Roundabout. The application site is located about 160 metres from the development limits. Although not directly adjoining the development limits for Minehead, the site is in very close proximity to the development limits. It is considered that the aims of this policy are relevant.

The proposal is for the provision of a veterinary practice specialising in the care of large animals. There are practical reasons why such a use could not easily be accommodated within the confines of a built up area. An edge of town site seems an ideal location for this type of development as it avoids the need for large vehicles transporting animals to pass through the town, but the site remains relatively sustainable in transport terms given the proximity to the town. Due to the nature of the development some pasture land for turn out and exercise space would be required. A degree of separation of this type of use from residential development would also be necessary. In view of the specialist nature of the use proposed it is considered that there are no other suitable sites within the development limits of Minehead.

In view of the specialist nature of the proposed use and its close proximity to the town, it is considered that this proposal would not produce the vitality of Minehead or any nearby village.

The other aspects of this policy will be considered elsewhere in the report under the relevant headings.

The application site contains a range of agricultural buildings and hard surfacing. The indicative information submitted with the application shows a layout and scale of buildings similar to the existing built development at the site. As the use of the site was historically for agricultural use, the site is not previously developed land (as defined by the NPPF). Nevertheless the reuse of a site which contains operational development is a factor that weighs in favour of the approval of the proposal.

Overall having regard to the nature of the proposed use and the proximity of the site to Minehead it is considered that this proposal is acceptable in principle. It is considered necessary that there is a condition that limits the use of the property to a veterinary practice for large animals only. There would not be a special justification for a veterinary practice in this location that dealt small animals and domestic pets.

2. Character and Appearance of the Area

The existing area around the proposal site has existing uses including agriculture, horticulture leisure, residential and educational. The proposal site is not in a designated conservation area and there are no listed buildings in the near vicinity. To the south of the site is the old A39 road and beyond the boundary to Exmoor National Park,. To the north of the site is the main A39 linking Minehead and Williton with agricultural fields and marshland beyond. To the north east is the Ellicombe roundabout and the adjacent residential area located between Bircham Road and Seaward Way. The nearest residential properties to the site is a single dwelling some 160m from the existing field gate known as Dunstercombe and also opposite the site adjacent to the nursery buildings is a property known as Under Penny Wood some 110m from the field gateway. Both of these residential properties are within Exmoor National Park.

Policy STR1 of the Structure Plan seeks to ensure that development is of a high quality, good design and reflects local distinctiveness. Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. Policy BD/5 of the Local Plan deals with new commercial buildings and requires that there is sufficient land for the functional needs of the business, the siting of buildings and that boundary treatments and landscaping has regard to the relationship with adjoining buildings and area and that the general design and mass are in scale and character with adjoining buildings and the area as a whole. Policy LC/1 ensures that development in areas bordering Exmoor National Park will not be permitted if it would harm the character of the Park. Policy LC/3 of the local plan requires that, where development is proposed outside of the development limits, particular attention will be given to the protection of the scenic quality and distinctive local character of the landscape.

This application is in outline form and as such the layout of the site, the design, scale and use of materials for the buildings and the landscaping would fall to be considered through a reserved matters application. However at this outline stage a view must be reached as to whether the site could accommodate the proposed use and scale of buildings indicated within the submitted information.

A part of the application site contains a range of agricultural buildings. The information which supports the application suggest that the site could be developed with buildings on a similar foot print and to a similar scale as the existing buildings. The nature of the proposed use is such that the buildings are likely to have an appearance that is similar to agricultural buildings, as stables and feed stores will be included. It is considered that the site could accommodate the proposed use and buildings within the scale set out in the application information. Control of the detailed design, siting, materials, landscaping etc would be dealt with at the reserved matters stage. It is considered that, in so far as it relates to the considerations at this outline stage, the above mentioned policies which deal with landscape character and design would be complied with.

It is noted that concern has been raised that this proposal would result in ribbon development between Minehead and Dunster. However, it must be borne in mind that the site contains a range of agricultural buildings and the indicative information in respect of scale and layout suggests that the proposed development would result in buildings of a similar scale. As such, and for the reasons given above, it is considered that the development of the site is acceptable.

It has also been suggested that this site is located within the Green Belt. The site is not located within the green belt, in fact there is no green belt within West Somerset. The site is

located outside of the development limits of Minehead and this issue has been addressed above.

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).

Due to the distances involved between the application site and the two nearest residential properties, located over 100m from the site, buildings on this site within the indicative scale parameters will not give rise to overlooking or cause loss of light or have an overbearing impact on residential properties.

If the site and buildings were used for agricultural purposes there could be a significant amount of vehicle movements associated with that use of the site and buildings. In respect of vehicle movements of visitors/clients the submitted information states that the applicant expects that there would be up to 6 incoming animals per day, transported in vehicles with trailers or small lorries and it being unlikely that there would be more than two boxes visiting the site at any one time. Smaller vehicles by clients/visitors are likely to be 10-20 visits per day to collect prescriptions and visit horse in care. This level of traffic would not give rise to an undue amount of disturbance.

In view of the nature of the use there could be a degree of noise and smell associated with the keeping of animals at the site. The nature of the use and the size of the site would result in the number of animals on site being fairly limited. This site is located within an agricultural area and if the buildings were used for agricultural purposes similar issues could arise. In view of the distance to the neighbouring properties it is considered that the impact on amenity would be acceptable.

There has been a concern raised by a neighbouring land owner that the development of the site for the proposed use would inhibit the neighbouring landowners ability to partake in the Strategic Housing Land Availability Assessment. Granting permission for the proposed development would not result in the adjoining land owner being unable to promote his land for future housing development. However the proximity of a neighbouring land use which has the ability to impact on residential development (through noise and smell) would be a consideration and any future development for sensitive land uses would need to take account of neighbouring land uses and it may not be appropriate that some development is located in close proximity to this site. However this is not a sound reason to withhold planning permission for the current application. The adjoining land is agricultural land and it is not currently allocated for any form of development.

4. Light Pollution

The impact of lighting from the site potentially has implications in respect of the impact on the character of the area and residential amenity. In respect of lighting at the site, the applicant states that artificial external lighting is to be directed at the entrances and yard area to the south and southwest with only security lighting to the east to avoid light glare and spillage into the sky. It is considered that a suitable solution to provide adequate lighting to the site but also protect the character of the area and residential amenity could be found. This matter can be controlled via a condition.

5. Highway Safety and Drainage

Policy 49 of the Structure Plan requires that development provides safe access to roads of an adequate standard.

This application is in outline form with all matters, including the access, reserved for later consideration. Indicative access points have been shown on the submitted plans.

The Highway Authority has not raised any objection to the scheme in terms the ability to achieve a suitable access to the site or the traffic generation likely to be brought about by the development. It is also considered that adequate parking can be accommodated within the site. The Highway Authority have raised various comments in respect of the indicative layout and this information will be passed to the applicant via informative notes. The Highway Authority has requested two conditions, one of which seeks details of the access to be submitted and the other seeks the stopping up of the existing access onto the A39. As this is an application for outline consent, with access reserved, there will be a condition that, among other things, requires details of the access to be approved. During the approval of access as a reserved matter consideration of the details of the access will be given. The comments made by the Highway Authority in respect of not providing access onto the A39 and that this access should be stopped up will be passed to the applicant so that this can be included with the reserved matters submission. In the approval of the reserved matters it is likely to be appropriate that there is a condition to stop up the access on to the A39.

6. Flood Risk

Policy 61 of the Structure Plan seeks to direct development away from areas vulnerable to flooding unless the development is needed in that area, no alternative location for the development exists and adequate measures can be provided to protect the development from 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 site is located within both Flood Zones 2 and 3a. Where development is proposed in flood zones 2 and 3 it is sometimes necessary for a sequential test to be carried out. To pass the sequential test it is necessary to demonstrate that (within a reasonable area of search) there are no available sites within an area of lower flood risk. The applicant has looked at sites surrounding Minehead. It is considered that this is an appropriate area of search, in view of the links with the existing veterinary practice and in terms of transport sustainability it is more appropriate that the development is sited close to Minehead (the only town within the district).

The applicant has looked at three broad areas of search and discounted these. The following information has been provided by the applicant:

Site A; Located to the west of the centre of Minehead outside of the current defined settlement limits and up to the adjoining boundary of Exmoor National Park. This area also borders current residential use in Minehead and has been considered as sites for future residential development in the emerging West Somerset Local Plan 2012-2032. Many sites within this location fall within flood risk zone 3 with risk of flooding from rivers from Bratton and the Hopcott Stream. Road access to this area would also require horse boxes to travel from the existing clinic on the Minehead Enterprise site in Stephenson Road or outside the area to travel through residential areas in the centre of Minehead or via Alcombe and the Periton area of development and therefore would not be as convenient as the currently proposed site. The topography of the land in this area is undulating ground that is steeply sloping in some areas which would require excavation and alteration to the existing landscape character in order to provide exercise areas for the animals following treatment and during their recovery. Alteration to the existing landscape would be contrary to local policy.

Site B; Is a larger area in terms of size with many of the landscape issues as area A. This land covers the land on the lower slopes of Hopcott woods and stretches eastwards to include Alcombe coombe and Staunton Quarry towards Penny Hill and over to the Ellicombe area of Alcombe and the outskirts of Minehead. This area has also been identified in the emerging West Somerset Local Plan 2012-2032, and is adjacent to the A39 and existing residential development in Alcombe and Periton. Similarly, as in the previous area, the transport links would not be as convenient as the proposed site and the siting of the veterinary unit would not easily sit alongside existing or proposed residential development.

Site C; Is located on the edge of the marsh/coastal area of Alcombe and Dunster and the area in which the proposed development is sited. Again this area has been identified for some additional housing as part of the emerging West Somerset Local Plan. Due to the flat nature of the land and its proximity to the coast, it is largely within both flood zones 2 and 3 (Coastal Zone), apart from a small area to the southwest being located in flood zone 1 around the lower slopes of Conygar tower at Dunster. The NPPF Chapter 10 is also relevant with regards to national policy for meeting the challenge of climate change, flooding and coastal change as the zone is deemed as being of high landscape conservation and marine natural habit value.

It is considered that the applicant has gone some way to demonstrating that other, sequentially preferable sites are not suitable and available.

Within the technical guidance to the NPPF uses of land and buildings is separated into various vulnerability classes. These classes are: essential infrastructure, highly vulnerable, more vulnerable, less vulnerable and water compatible. From the technical guidance it is not clear which vulnerability category a veterinary surgery should fall within as a veterinary practice is not specifically mentioned. It would either fall within the "less vulnerable" or the "more vulnerable" category. "Less vulnerable" development includes buildings used for shops, financial, professional and other services, offices, general industry, non-residential institution, assembly and leisure and land and buildings used for agriculture and forestry. "More vulnerable" development includes dwellings, hospitals and non-residential uses for health services. If the proposal falls within the less vulnerable category then it would not be necessary to pass the sequential test as there would be no change in vulnerability category. On the one hand it is possible to draw comparisons between a veterinary practice and health services. However it is also reasonable to draw a comparison with a professional service and even agricultural uses (given that the proposal involves animals being kept on site). This proposal does not include the provision of on-site accommodation (such as a flat for a worker to stay on site). The supporting information suggests that it may be necessary for a person to stay over night on occasions but that a sofa bed in the staff room would be used for this purpose. As such any on site occupation would be genuinely ancillary to the use of the building as a veterinary practice. It is considered that, on balance, the appropriate classification is as "less vulnerable". The Environment Agency has confirmed that they agree with this classification of the development. Had formal on-site accommodation been proposed, it may well be appropriate to categorise the development as "more vulnerable". Having regard to the technical guidance to the NPPF, "less vulnerable" development is appropriate within flood zone 2 and 3a.

The application is required to be supported by a flood risk assessment (FRA). The Environment Agency has considered the FRA and not raised any objections to the scheme. Several matters need to be controlled via condition. These relate to approval of the finished ground and floor levels, control over the disposal of foul drainage and the means of disposing surface water drainage from the site and how this will be maintained and managed after completion.

It is noted that there have been some concerns raised in respect of drainage. This matter can be dealt with via condition.

7. Ecology

Policy 1 of the Structure Plan requires that biodiversity is maintained and enhanced. 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.

This proposal involves the loss of agricultural buildings which have potential to provide habitat for protected species. There are also rough areas of scrub on the site and hedgerows which are likely to provide habitat for protected species. The application is supported by an ecological appraisal report. The site does have the potential to provide habitat for a range of species, however it is considered that suitable means of mitigation could be put in place to

ensure that protected species are not harmed and the biodiversity value of the site is maintained and enhanced. As this is an outline application with all matters reserved it is not appropriate to be specific about the means of mitigation. It would be appropriate to secure a detailed mitigation strategy so that the applicant can take account of the final design and site layout once this has been prepared.

Conclusion and Recommendation

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

Reason for Approval:

Although the site is located outside the development limits where development is strictly controlled, the nature of the proposal (a veterinary practice specialising in large animals) is such that a site within the development limits is unlikely to be appropriate to meet the needs of the proposed business. The application site is located in very close proximity to the development limits of Minehead and is a site that contains agricultural buildings of a similar scale to the new buildings proposed. These factors are material considerations that weigh in favour of the grant of permission. The scale parameters of the proposed buildings and the distance of the site from the nearest residential neighbours are such that the development can be accommodated on the site without harm to the character of the area or neighbour amenity. Adequate access and parking arrangements could be achieved within the site and suitable mitigation methods can be put in place to ensure that protected species are not harmed and the biodiversity value of the site is maintained/enhanced. Although the site is located within an area at risk of flooding the category of flood risk vulnerability would not change from the current use. Suitable flood risk mitigation methods and an appropriate drainage scheme can be achieved. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policies STR1, STR6, 1, 5, 7, 48, 49, 61, SP/1, SP/5, BD/1, BD/2, BD/5, LC/1 LC/3, T/3, T/, E/5, W/1, W/5, W/6 of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000) and the West Somerset District Local Plan (adopted December 2006).

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 and to avoid the accumulation of unimplemented planning permissions.
- 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 (d) access 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 veterinary practice hereby approved shall only be used as a large animal (equine and livestock) veterinary practice and shall not be used for treating small animals and domestic pets.
Reason: The application site is located outside of the development limits of Minehead and as such is in a location that is unsustainable in transport terms. The specialist nature

of the practice (dealing with large animals) is such that a site is required that allows easy access for large vehicles, provides outside space for the keeping/recuperation of large animals and is located some distance from residential properties. A site with such parameters could not easily be accommodated within a town. The use of the site for other veterinary purposes would not require these parameters and could be accommodated within a town and therefore in a more sustainable location. Such a use of the site would not accord with the provisions of Policies STR1 and SP/1 of the Somerset & Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan.

- 5 No works shall be undertaken on site unless 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. Such a scheme shall include a program of implementation. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding, both on and off site having regard to the provisions of Policies 61, W/1, W/5 and W/6 of the Somerset & Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan.

- 6 No works shall be undertaken on site unless details for a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. Such a scheme shall include a program of implementation. The scheme shall be implemented as approved.

Reason: To protect the environment by ensuring separation of clean and foul waters having regard to the provisions of Policies W/1 and W/2 of the West Somerset District Local Plan.

- 7 No works shall be undertaken on site unless details of the existing and proposed finished ground floor levels of the new veterinary practice have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved finished floor levels.

Reason: To minimise the risk of flooding to the development having regard to the provisions of Policies 61, W/1, W/5 and W/6 of the Somerset & Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan.

- 8 No works shall be undertaken on site unless a detailed scheme for habitat and wildlife mitigation and enhancement has been submitted to and approved in writing by the local planning authority. The scheme shall take account of the assessment, recommendations and mitigation contained within the Ecological Appraisal Report (dated December 2012). The development shall be carried out in accordance with the approved scheme.

Reason: To ensure protected species are not harmed during the development of the site and that 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.

- 9 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.

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. 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 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 Although access is a matter which was reserved, the Highway Authority have provided some comments on the indicative site layout which should be taken into account in the preparation of an application for the approval of reserved matters:

(a) There are two new accesses shown proposed from Ellicombe Lane, with the existing access being closed up. The Highway Authority does not normally like to see developments served by multiple accesses, especially on small sites such as this where they would be in such close proximity to each other. Ideally the site should be served by a single point of access (unless adequate justification can be provided as to why a second access is necessary). Whilst the reason behind the fenced off area is understood (i.e. to provide a loading/unloading area for horses which is fenced off from the rest of the site/car park) it is unclear why it is necessary for this area to have a separate access to the highway, rather than just being a fenced off area within the site.

(b) The three spaces shown on their own to the east of the site would not be acceptable, as parallel parking spaces need to have minimum dimensions of 2.4m x 6m (with the spaces shown as only being 4.8m long).

(c) There needs to be a minimum of 6m to the rear of parking spaces, in order for them to be accessible, and the eastern 5 spaces of the block of 10 have marginally over 4m to their rears, and would not therefore be accessible if there were vehicles parked in the three spaces opposite.

(d) It is unclear what the four spaces closest to the highway are for (given that the design and access statement refers to 13 parking spaces and 2 horse box parking spaces, whereas there appear to be 13 parking spaces shown plus these 4 spaces). However, if they are intended to be used for parking their accessibility should be considered (as well as how the entrance gate(s) will open into the site – which is not shown), with the one closest to the entrance gate likely to be awkward to use.

(e) It is noted that the site (as shown within the red line area) has an access directly from the A39. The Highway Authority would not wish to see any development at the site accessed directly from the A39, and therefore would wish to see this access permanently stopped up to vehicles as part of any proposed development at the site. There would be a Policy objection to any proposed development at this site that proposed access directly from the A39, and whilst the submitted drawing proposes access from Ellicombe Lane, which is acceptable to the Highway Authority, without a requirement to stop up the existing A39 access there would be nothing to prevent it being brought into use at a later date if permission is granted.

4 Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Somerset County Council, West Somerset Area, Mart Road Industrial Estate, Minehead, Somerset, TA24 5BJ (Telephone 0845 3459155). Application for such a permit should be made at least four weeks before access works are intended to commence.

5 In respect of conditions 5 and 6 there must be no interruption to the existing surface

water and/or land drainage arrangements 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.

The site is located within the Internal Drainage Board's area. The Somerset Drainage Board Consortium (01278 789906) should be consulted as the site may be prone to problems of high water table and possible flooding, or exacerbate the Board's flooding problems elsewhere due to additional runoff.

Foul drainage should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.

- 6 In areas at risk of flooding consideration should be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Floodline Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on the Environment Agency's website click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for Communities and Local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy, as well as the Communities and Local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.

- 7 In respect of condition 4 surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.
- 8 The applicant/developer is strongly advised to ensure that a Flood Warning Evacuation Plan is prepared for the occupants of the site. The provision of such a plan may help to protect life and property during a flooding incident. For commercial properties a Flood Warning Evacuation Plan should form part of the Health and Safety at Work Register maintained by the operator of the site. Advice on how to prepare a Flood Warning Evacuation Plan can be found on Somerset County Council's website via the following link:
<http://www.somerset.gov.uk/irj/public/council/departments/department?rid=/wpcconte nt/Sites/SCC/Web%20Pages/Council/Departments/Somerset%20Local%20Authoritie s%20Civil%20Contingencies%20Partnership>

The following Environment Agency document: Flooding Minimising the Risk: Flood Plan Pack for Communities and Groups (dated April 2009) may help in preparing your Flood Warning and Evacuation Plan. This can be found by visiting the following link:

<http://www.environment-agency.gov.uk/homeandleisure/floods/38329.aspx>



Application No 3/10/13/001
Erection of veterinary practice
Land at Ellicombe Farm,
Ellicombe Lane, Ellicombe,
Minehead, TA24 6TR
8 January 2012



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

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Easting: 298498 Northing: 144732

Scale: 1:2500

Application No:	3/21/12/141
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Alex Bullock
Grid Ref	Easting: 297813 Northing: 145096
Applicant	Rogers & Jones Architects Ltd
Proposal	Demolition of existing detached dwelling and the development of six dwellings with new access road, landscaping and parking
Location	Land at Solitaire, Bircham Road, Alcombe, Minehead, TA24 6BQ
Reason for referral to Committee	At the request of a Local Ward Member and the Chairman and Vice Chairman of the Planning Committee

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:

Land at Solitaire, Bircham Road, Alcombe, Minehead, TA24 6BQ

Description of development:

Demolition of existing detached dwelling and the development of six dwellings with new access road, landscaping and parking

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Minehead Town Council recommend that this application be refused. They make this recommendation for the following reasons:

- Size of the properties being built will be out of scale with the site;
- Increase in traffic in an already busy area used by pedestrians and drivers from the college;
- Destruction of a well used wildlife habitat;
- Out of keeping development would abut a conservation area that dates from 900AD;
- Climate change will bring about more flooding and this development will obstruct the flow of water from The Coombe; and
- Complete over development of the area.

Highways Liaison Officer

I refer to the above mentioned planning application received on 8th January 2013 and following a site visit on 22nd January 2013 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of 6 dwellings and formation of new access.

From the details shown on Drawing No. 1247 [PL-]01 the proposal will be creating a new access onto Bircham Road, which forms part of the A39. The A39 is designated as County

Route under Policy 51 of the Somerset and Exmoor National Park Joint Structure Plan (The Structure Plan). Policy 49 of the Structure Plan states that direct access to a County Route is strictly prohibited unless there is an overriding need or benefit.

In regards to this development the proposal would see a reduction in accesses onto Bircham Road as the existing dwelling known as 'Rosslea' will be served via the proposed access road rather than having their own independent access. As a consequence the new access may be considered acceptable.

Turning to the proposed development, the accesses would be located within the existing 30mph speed limit and as such, the proposed site access should incorporate visibility splays based on dimensions of 2.4m x 43m in both directions. The full extent of the visibility splays will be adopted by Somerset County Council and there shall be no obstruction to visibility within them that exceeds a height greater than 300mm above the adjoining carriageway level. The applicant should note allowances shall be made to resurface the full width of Bircham Road where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Core holes of the existing carriageway will need to be taken to determine the depths of the existing bituminous macadam layers.

In regards to the internal site layout, the applicant should be aware that it is likely that 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 legislation. It has been indicated that the internal access road will remain within private ownership. It would be appreciated if the applicant could provide comprehensive details of the management committee, outlining exactly what aspects of the site will be maintained by them.

The applicant will need to be aware that no surface water from the development site will be allowed to discharge out onto the existing publicly maintained highway and that if lighting units are to be installed along the access road then they shall be energized by a private power source and not one being used by Somerset County Council.

Taking into account the above, it was noted from reading the Design and Access Statement that section 4.01 states that *'buildings have been designed as traditional two storey dwellings, to allow a better relationship with the rear gardens in the sloping topography of the site, around a centralised adopted shared access road with parking areas off the highway.'* It is unclear from the submitted plans where exactly the aforementioned adopted shared surface road will be located. It is presumed that the applicant is referring to the area of carriageway serving plots 1-4 and shown as hatched within drawing number 1247/PL-01. If this is the case the applicant should note that this will not be adopted by Somerset County Council due to the fact that it will not have an adopted link onto Bircham Road, as the internal access is to be privately maintained.

It has been noted that the proposed private access road to be constructed in block paving. The longitudinal gradient of the block paved carriageway should not be steeper than 1:14. The applicant should note that the first 10m of the private access road, as measured from the back edge of the existing carriageway, must not be steeper than 1:20. Although rather than having the proposed block paved carriageway abutting the existing highway and increasing the possibility of the blocks becoming dislodged, it would be preferable to lay a 6.0m length bitumen macadam carriageway between the back edge of the existing highway and the commencement of the block paved carriageway.

Regarding the internal footways, it would be preferable if the footways that extend between plots 1-3 were constructed to a minimum width of 1.5m. In terms of the proposed footway adjacent to the private access road, should be constructed to a minimum width of 2.0m.

Turning to the site drainage, the applicant would need to adhere to Section 50 of the NRSWA 1991 (Sewer Connection) which requires that works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from Mr Mark Fitzgerald, Streetworks Co-ordinator (01823 483135).

Where an outfall, drain or pipe is to discharge into an existing drain, pipe or watercourse not maintainable by the Highway Authority, written evidence of the consent of the authority responsible for the existing drain will be required with a copy forwarded to Somerset County Council. Any soakaways should be located at least 5.0m away from any structure. They must not be located within 3.0m from any existing or prospective footway/footpath and 5.0m from any existing or prospective carriageway.

The site has made provision for 20 parking spaces (including garages) for the new builds whilst providing two spaces for the existing dwelling. Somerset County Councils Parking Strategy requires that both three and four bed units have to make provision for 3 parking spaces, this equates to a total of 18 spaces. As a consequence the site currently has an over provision of parking for the new builds. However, reducing the level of parking may lead to vehicles parking on Bircham Road which may have highway safety implications. As a consequence in this instance the level of parking can be considered acceptable.

Finally, in regards to refuse collection it has been presumed that the collections will be made via the internal private access road. Can the applicant please submit to Somerset County Council a swept path analysis for a refuse within the proposed turning head.

Therefore to conclude, in terms of policy the proposal will create a new access onto a County Route. This would normally be a cause of concern to the Highway Authority, however the proposal will actually see a net loss in the number of accesses onto Bircham Road. As such it is considered to be acceptable. Regarding the internal site layout it is understood that the access road will remain private although it will be subject to APC design codes.

Therefore on balance I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- The applicant shall ensure that all vehicles leaving the site are in such a 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 jointly carried out by and agreed with the Highway Authority prior to works commencing on site. Any damage caused to the existing highway as a result of this development is to be remedied by the developer prior to occupation of the development. It is recommended that contact be made with the Area Highway Service Manager (West Area) 0845 345 9155 to make arrangements.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include.
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road

Network.

- Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
- The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.
- Provision shall be made within the site for the disposal of surface water so as to prevent discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and maintained at all times.
- 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.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.
- There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Notes:

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

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. This works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

SCC - Ecologist

First response:

The application has been submitted with a Phase 1 Ecological Survey Report by Acorn Ecology dated 5 December 2012. I note that this report recommends further protected species surveys, notably for reptiles, but if these have been carried out they have not been submitted

with the application.

The Phase 1 Habitat Report indicates the presence of legally protected species within the proposed development site, which should be a material consideration in the determination of the application. I will address the different species that may be affected under separate headings below.

Badgers – According to the Phase 1 Survey Report, there is a burrow under a shed within the application site, which is likely to be the entrance of a badger sett. A photograph of the shed has been supplied and the hole appears to me to be consistent with badger setts that I have seen in very similar situations in other locations. I am aware of a history of badger activity in and around Bircham Road and one neighbour has written to the planning authority regarding this application with a photograph of a badger in his garden.

My interpretation of Drawing 1247 submitted with the application is that the shed would be removed, so I assume that there is a strong possibility that a Badger sett would be disturbed/destroyed during construction. In relation to this I would recommend that the applicant be asked to provide more information concerning whether there is an active sett, the extent of its use (e.g. is it a main sett, subsidiary or outlier?) and the extent of use of the site and surrounding land by badgers as foraging habitat. If it is established that an active sett is present, an outline mitigation scheme should be presented also so that the planning authority can gain some reassurance that disturbance and/or loss of habitat can be avoided, mitigated or compensated.

Slow-worms – Slow-worms have been recorded in the past on rough ground in localities in and around Bircham Road. Photo 4 in the Phase 1 Ecology Report shows suitable reptile habitat, so it would seem reasonable to conclude that Slow-worms could be present on the application site. I am unclear to what extent that habitat will be affected by the proposed development, but if there is going to be re-landscaping or construction-related activities over the area shown in Photo 4 then there will need to be a mitigation strategy in place to ensure reptiles are not at risk of being injured or killed. Ideally a mitigation strategy would be prepared following a survey to assess the size of population present.

Bats – The Phase 1 Habitat Survey drew attention to a possible access point for bats associated with a dormer window that is part of the property to be demolished. However, the surveyors report having made a thorough search of the buildings and there was little evidence from this that would indicate bats occupying any of the buildings that will be demolished, so it would not be appropriate to object to the proposal because of bats or to suggest that conditions be imposed. An informative note ought however to be placed on any planning certificate issued to remind the developers of their obligations towards bats under legislation and advising them what to do in the unlikely event that bats are discovered during demolition.

Birds – The Phase 1 Habitat Survey recommends shrub planting and installation of bird boxes as mitigation for loss of nesting opportunities due to the development. I have no particular objection to this proposal but it should be secured through planning condition if the planning authority decides mitigation is necessary.

Second response:

I am satisfied with the content of the badger Report (dated February 2013) and I suggest that (if you are minded to approve the application) a condition is imposed requiring the development to be carried out in accordance with the mitigation plan that is set out in section 3 of the report subject to any changes that may be required due to protected species licensing. I think that it would be advisable to include an informative note drawing the developers' attention to the Protection of Badgers Act 1992 and the need to obtain a licence from Natural England for any work that might disturb an active badger sett.

The Reptile Mitigation Plan is broadly OK, although I would be happier if the receptor site was identified in advance. The plan seems to indicate that reptiles could be moved up to 20km from the development site and I do not think this is either acceptable or necessary. I am disappointed that room cannot be found within the development to accommodate the small

number of reptiles it is anticipated might be found, but if animals have to be moved off-site I believe that there ought to be plenty of suitable habitats within 1km (2km at most) of the application site.

Third Response:

There are clearly local solutions, so I would be satisfied with what has been suggested provided the mitigation strategy can be altered so it is clear that these are the sorts of options that will be pursued rather than the rather open-ended proposals that are currently on the table. It may be that no reptiles will be found so there will not be any need to require that anything is implemented but it is as well for all parties to be clear on the mitigation strategy.

I would have no objection to the reptile mitigation strategy being adopted.

Public Consultation

The Local Planning Authority has received 6 letters of objection/support making the following comments (summarised):

- Further infill development will have an adverse impact upon local services;
- Consideration and impact on the Alcombe Conservation Area should be given;
- Provision of additional houses with a new access will cause further traffic hazard in close proximity to the College;
- Impact on local badger population;
- Provision of more modern housing, and less open land, will have a detrimental impact on the business of Alcombe House;
- No real need for further housing particularly as they will not be low cost housing;
- Large intrusive 'back garden' development;
- Considerable visual impact on the historic environment i.e. Grade II Listed Hotel;
- The setting of a precedent for further mini estates;
- Loss of gardens can impact on personal quality of life;
- Additional traffic along the Bircham Road will cause further traffic congestion;
- Increase of run off from the loss of vegetation;
- Inconsistencies within some of the supporting documentation i.e. wrong road names etc;
- Position of Plot 3 relative to the Listed Building known as The Hermitage; and
- Potential increase in risk of accident by provision of further junction on the Bircham Road.

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 & Exmoor National Park Joint Structure Plan Review (adopted April 2000), Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Local Plan (adopted February 2005) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- AH/3 Areas of High Archaeological Potential
- 11 Areas of High Archaeological Potential
- 9 The Built Historic Environment
- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- STR1 Sustainable Development
- STR2 Towns
- NC/4 Species Protection
- NC/5 Wildlife Habitats
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- 1 Nature Conservation

- 33 Provision for Housing
- 39 Transport and Development
- 48 Access and Parking
- 49 Transport Requirements of New Development

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:

3/21/06/083	Extension over existing garage to form bedroom single storey extension at rear to form kitchen. As amended by plans received on 09/08/06.	Grant	29/09/2006
3/21/76/122	Extension of house for domestic use.	Refuse	06/12/1976
3/21/75/110	Erection of two storey dwelling and private garage.	Grant	03/12/1975
3/21/75/045	Erection of two storey dwelling and private garage.	Refuse	20/06/1975
3/21/75/015	Conversion into self-contained flats	Withdrawn	15/07/1975
3/21/74/101	Erection of two storey dwelling and private garage.	Grant	28/12/1974

Proposal

The application is for residential development comprising the demolition of the existing detached dwelling at Solitaire and the construction of 6 dwellings with new vehicular access from Bircham Road and associated parking. The application comprises of 2 three bedroom semi-detached dwellings which will face onto the Bircham Road (including exterior parking) and 4 four bedroom detached properties with integral garages.

Site Description

The site is located within Alcombe, Minehead and is situated within a largely residential area. The site is bounded to the north (front of the site) by Bircham Road and to the east by Chapel Street.

The site itself currently accommodates the detached property known as Solitaire. This property is set within substantial grounds and sits in-between two pairs of semi-detached properties (which are in the applicants control), namely Rosslea and Tikoh to the east and Cedarwood and Fircroft to the west. A portion of land which currently forms part of Rosslea is included to help form the new access whilst a sizeable chunk of the rear gardens of Cedarwood, Fircroft, Rosslea and Tikoh are also included as part of the application site.

Planning Analysis

1. Principle of Development

The NPPF provides the national planning policy framework. Section 6, paragraph 49 notes that *"housing applications should be considered in the context of the presumption in favour of sustainable development"*. Although the NPPF, does not define sustainable development explicitly it does within paragraph 7 highlight that it comprises of three roles; economic, social and environmental. It notes that as part of the social role is to provide the supply of housing required to meet the needs of present and future generations, but at the same time this must not be to the detriment of the local environment and such housing should in turn help support the economic function of a settlement.

The proposed development site is located within the town of Minehead. Minehead is the principal town within the District of West Somerset and is likely to be the settlement which takes the greatest proportion of new housing within the District over the next plan period. Development within Minehead is subject to assessment against Local Plan Policy SP/2: Development in Minehead and Rural Centres. Policy SP/2 supports residential development providing that it complies with the following criteria:

- *"It does not result in the loss of land specifically identified for other uses"* - in this instance

the application site is not designated for any other use.

- *"There is safe and convenient access by bus, cycle or on foot to facilities or employment"*. The site lies within the suburban area of Alcombe which itself benefits from a small range of shops including several restaurants, a public house and a small supermarket amongst many others. The site is just a couple of hundred meters away from a couple of bus stops and Alcombe is a relatively short walk to the main centre of Minehead.
- *"It involves infilling or small groups of dwellings, conversion, sub-division or redevelopment of an existing building or buildings or the redevelopment of previously used land"*. This proposal sees the redevelopment of an existing plot and seeks to provide a small amount of infill development.

It is therefore considered that the proposed development is acceptable in principle.

2. Character and Appearance of the Area

The proposal sees the demolition of a single detached dwelling which is currently positioned between two pairs of semi-detached properties and through the introduction of a small cul-de-sac 6 dwellings can be provided. In doing so the applicants proposed to amend the length of the gardens of the properties of Cedarwood, Fircroft, Rosslea and Tikoh. In addition a portion of the front garden including the access for Rosslea is also lost. All of these properties are within the applicant's ownership.

It is important to note that the development site directly abuts the Alcombe Conservation Area on its eastern and southern sides. Therefore special consideration must be given as to whether the proposal will materially affect the setting of the conservation area, particularly views into and out from the conservation area. Furthermore the site directly abuts the property known as The Hermitage which along with the Lodge is Grade II Listed, slightly further away but potential still impacted by the development are the listed properties of Alcombe House and Hall (incorporates Mulberry Cottage). The properties along Brook Street Mews are considered also to be curtilage listed. Consideration of the impact on the setting of Listed Buildings is also vitally important. These considerations are in addition to the impact the development has on the general character and appearance of the area, in effect they raise the bar of acceptability which must be reached.

Conservation areas are areas of special architectural or historical interest, the character and appearance of which it is desirable to preserve or enhance. As noted above the proposed development site is located outside of the boundary of the Alcombe Conservation Area but on two sides directly abuts this boundary. In considering the developments impact consideration should also be given for the existing use of the site, which is currently a residential property. As such views from the Bircham road to the conservation area are greatly restricted whilst views from within this direction already look out onto the rear elevations of the existing semi detached properties. The development will result in a higher level of density on this boundary of the conservation area, although the design of the properties and views into and out of the conservation area will largely be unchanged in terms of the general outlook. The proposed materials are considered to be akin to many properties which fall outside of the conservation area. The design of the proposed properties are considered to be of a higher architectural quality to that of the existing property of Solitaire and that of the neighbouring semi-detached properties. Therefore it is considered there is no adverse impact on the setting of the Alcombe Conservation Area.

In terms of 'The Hermitage' the development site directly abuts the rear garden of this property. The closest plots are numbers 3 and 4 which are positioned within the garden of Solitaire, although the garden of plot 4 is formerly that of Cedarwood and Fircroft. Views of The Hermitage from the Bircham Road is nigh on impossible from public view points, given the existing vegetation, the existing surrounding properties and the routes of many of the public footpaths. The provision of the additional dwellings will further re-enforce this by reducing further any mere glimpses of the property.

'The Hermitage' benefits, within its curtilage, a large rear garden, this will be maintained if the

proposals are consented. The main architectural enjoyment of this property is observed from Comberland Road with views from this road are unaffected. Given the existing layout views from Brook Street Mews of the property are also unaffected by this development. Therefore the setting of this listed building is maintained.

The other group of Listed Buildings which are potentially impacted by this proposal are those that comprise Alcombe House and Hall, as well as those of Mulberry Cottage. The main enjoyment of these properties is made from views from the Bircham Road, these views will not be hindered by the proposed development given the existing building line along the Bircham Road will be maintained. The proposed properties are at considerable distance from this group of listed buildings with the open space in the form of the gardens is largely maintained as plot 4 which backs onto these properties benefits from a large garden. Views from Dene Gardens of these buildings are heavily restricted and as such no adverse impact on their setting will result from this proposal.

Finally, it is also important to consider whether there will be an adverse impact on the character and appearance of the wider area of the Bircham Road. Bircham Road benefits from a small number of cul-de-sacs off it in the form of the Shires and Spring Gardens. Whilst Comberland Road which is the next road over again has a number of small cul-de-sacs and link roads. As a result from an aerial perspective there is no clear development form (i.e. a grid pattern). What is clear is that the properties affected by this proposal do benefit from substantial gardens and this element will be lost if consent is granted for these 6 additional houses, as the gardens will be in filled. This infilling will not change significantly views from the Bircham Road to the site and the development line along the Bircham Road will be maintained.

The overall quality of the properties in this part of the Bircham Road are not architecturally important, this is especially the case of the property which is to be demolished (Solitaire). The proposed properties in terms of their materials are sympathetic to materials used within the wider area, although the overall design is not outstanding but broadly an improvement on the existing.

The proposal is considered to have an acceptable impact on the character and appearance of the area.

3. Residential Amenity

The proposal sees the demolition of an existing detached dwelling and the formation of a new access road from the Bircham Road and the construction of six dwellings, which is considered to be infill development. The site is surrounded by a number of other residential properties, principally a pair of semi-detached properties on either side (within the applicant's ownership) and properties known as The Heritage and Sunnyside to the rear. A number of other properties within Dene Gardens and those along Brook Street Mews back onto the development site. As a result the issue of residential amenity requires careful consideration, especially as are dealing with multiple plots.

For ease of reference each plot will be considered in turn in respect of the impact that plot has on neighbours residential amenity.

Plot 1 - This plot is located to the rear of the property known as Tikoh as it lies some 11m to its rear. Plot 1 is on the extreme east of the development site and abuts the public footpath through to Dene Gardens. As is the case on the western side of the development site a portion of the gardens of Rosslea and Tikoh are being sacrificed to allow for room

The closest property to this dwelling would be that of plot 2 which at its closest point is only 3m. Plot 1 does not benefit from any windows in its northern elevation (closest to the rear of Tikoh). Therefore the ability for overlooking is greatly reduced. Whilst the potential overlooking to plot 2 is considered not to be an issue due to the relative positioning and due to the there being no windows in the side elevation of plot 2.

It is noted that plots 1 and 2 appear to be a lot closer to each other than other plots within the site and some of this results from the positioning of the combined sewer, although it is not considered to be a material planning issue but would undoubtedly impact on the desirability of the two plots.

Plot 1 also backs onto Dene Gardens which forms part of a small cul-de-sac of Combeland Road. At the bottom of Dene Gardens lies Dene Lodge (nursing home) which is accessed from the Bircham Road. It is the property of Dene Lodge that would be the closest neighbour to that of Plot 1. The residential units in Dene Gardens are located a significant distance away from the plot so as not to be impacted. A small footpath runs between the application site and Dene Lodge which provides clear separation and a significant gap reducing the impact of any overlooking. Furthermore plot one is set well within the application boundary with well established vegetation close to its rear elevation. It is considered that there is no possibility for overlooking nor an overbearing impact.

Plot 2 - This plot is positioned directly to the rear of Rosslea (some 26m) and is set further back than plot 1. The plot, like plot 4, will not benefit from any windows in its side elevations. Therefore the potential for overlooking is not considered to be an issue. As noted above the closest property to plot 2 would be plot 1, and similar comments to those made above are directly applicable here regarding potential desirability although not a planning consideration.

Taking that issue a side, plot 2 is relatively well positioned well away from all other residential receptors meaning that this plot would not adversely impact on the residential amenity of any neighbouring property.

Plot 3 - This plot is located at the back of the site, in close proximity to the boundary with rear garden of The Hermitage. The property of The Hermitage is located at some considerable distance from the proposed plot 3. However, during the consultation on this application concern was raised by the owner/occupier of The Hermitage regarding the potential for overlooking between their property and that of plot 3. The owner/occupier of The Hermitage also raised concerns with regards to the loss of their view. The right to a view is not a material planning consideration.

As a result the applicants decided to move the proposed dwelling at plot 3 an additional 2m away from the boundary (which was initially only 1m from the boundary) in a bid to compensate for the difference in topography and as a gesture of goodwill. It should be noted that moving the property much further into the site would then impinge in the existing combined sewer system and in all likelihood would have resulted in an objection from Wessex Water who during pre-app confirmed they were content with this layout.

Plot 3 will benefit from three windows at the rear at ground floor level (1 in the kitchen and two in the double garage), whilst at first floor level a window is provided within the bathroom which will be obscured glazed. There are also three rooflights within the rear elevation of plot 3, it is considered that due to their height (approximately 1.7m above floor level) there is no significant overlooking potential. The potential for overlooking from this property into The Hermitage is considered unlikely due to the distance between the properties and the topography of the site and boundary treatments. It would be possible within the garden of the Hermitage to look into the property if an individual were to linger although this is considered minimal in all probabilities and is the case for almost every property, in so far as at some point within a garden you could look either back onto a neighbouring property or onto the garden of a property which backs onto yours. The key test is whether residential amenity is maintained and in this instance it is considered that this is the case.

Plot 4 - This plot is positioned just to the rear of where the existing property of Solitaire finishes. The proposal sees a portion of the gardens of Cedarwood and Fircroft hived off in order to provide the garden for this property. The closest properties to this plot would be those that form other components of this application namely plots 3, 5 & 6. Plot 4 lies approximately 13m to the rear of plot 5 and 5 m to the north of plot 3. As with the majority of the other plots, plot 4 has limited numbers of windows within its side elevations. On the side of plot 3 there is a

single window within the en suite bathroom, which will be obscure glazed and a window within the side of the garage at ground floor. No windows are proposed on the opposite elevation. Taking these facts into account, in addition to the proximity of other dwellings it is considered that there are no adverse impact on the residential amenity of any adjoining property. The properties of Cedarwood and Fircroft are located at a significant distance beyond, although their gardens will be greatly reduced.

Plots 5 & 6 - These two plots form the only semi-detached plots incorporated within the proposals. These dwellings are to be built in front of Solitaire (to be demolished) and will be built in approximate line with the semi-detached properties of Cedarwood and Fircroft. The principal elevation of these properties face out onto the Bircham Road. From the floor plans and elevational drawings no windows are proposed within the eastern side elevation, reducing any potential impact of overlooking to Fircroft.

The properties will be marginally closer to the side elevation of Fircroft than is currently experienced, however due to their positioning, in line with Fircroft, the potential for an overbearing impact and loss of light is not considered to be significant. The distance between the Fircroft and the side elevation of plot 5 is about 3.6m which is considered to be acceptable.

As discussed above the potential for an adverse impact on the residential amenity of any existing neighbour is considered to be minimal. Careful consideration has been given to the relative orientation of the plots and the positioning of windows within side elevations. The level of residential amenity which will be enjoyed within the development will probably be less than between the site and its existing neighbours, but is still would be acceptable. It is considered that the proposed development would have an acceptable impact on residential amenity of all neighbouring properties to the development site.

4. Highway Safety

The Highways Authority notes that the proposal sees a reduction in the number of accesses onto the Bircham Road, given at present the property of Solitaire benefits from an in-out drive and the property of Rosslea also benefits from its own separate access. The proposals see a portion of the land which currently comprises Rosslea (within the applicants ownership) will be used to help form a single new access which will serve the six new properties as well as Rosslea. The Highway Authority notes that normally direct access onto a County Route (Bircham Road) is contrary to Policy 49 of the Structure Plan. However the proposal in effect does not add to the independent access points and the Highway Authority considers this acceptable.

The Highway Authority does not comment specifically on the additional vehicle movements generated by this development (a net increase of 5 properties). The site is well served by means of public transport and access is provided directly onto a County Route with a modest increase in dwellings there is no significant adverse impact. The additional traffic generated by the development would not be significant.

In terms of detail, the accesses would be located within the existing 30mph speed limit and as such the proposed site access should incorporate visibility splays based on dimensions of 2.4m x 43m in both directions. The Highway Authority notes that the County Council will adopt the full extent of the splays and that no obstruction to visibility within the splays which exceeds 300mm will be allowed.

With regard to the internal site layout it is likely that this will result in the laying out of a private street and that the proposed private access road to will be constructed in block paving. The Highway Authority notes that the longitudinal gradient of the block paved carriageway should not be steeper than 1:14. Whilst the first 10m of the private access road, as measured from the back edge of the existing carriageway must not be steeper than 1:20. The Highway Authority go onto note the provision of an intermediate surfacing to reduce the possibility of blocks being dislodged which should be provided.

With regards to parking the site has made provision for a total of 20 spaces (including garages) for the six new builds whilst providing two spaces for the existing dwelling of Rosslea. The County Council Parking Strategy requires that for both three and four bedroom units a provision of 3 spaces per property should be provided. On this basis a total of 18 spaces should be provided which sees a net over supply of spaces within the site. The Highway Authority considers that by seeking to reduce this amount may lead to vehicles parking on the Bircham Road which would have more severe highway safety issues. Therefore the over provision of parking is considered acceptable.

The Highway Authority concludes that the proposal is considered acceptable given the reduction in terms of accesses onto a County Route whilst the internal site layout will remain in private ownership but will be subject to Advance Payment Code design code legislation. The Highways Authority propose a number of conditions which have been considered and on the whole are recommended to be included in the decision notice.

It is considered that the proposal has an acceptable impact in terms of highway safety.

5. Flood Risk

The site is located within Flood Zone 1 which is the zone of lowest risk, as the development proposed is additional residential development, onto a predominantly residential plot there is no increased risk from flooding. There was no requirement to consult the Environment Agency on this type of application. Concern has been raised to the fact that the provision of additional housing on the site will increase the risk of run off as a result of vegetation. Whilst there will be a loss in vegetation an appropriate mitigation scheme to prevent run-off onto the road will be secured through condition and given that the site falls into the zone of lowest risk it is considered not to be a significant issue.

Therefore the proposed development is acceptable in this regard.

6. Ecology

The applicants within their submitted documentation include a Phase 1 Habitat Survey. This report indicates the presence of legally protected species within the proposed development site which are a material consideration in the determination of the application. The two principle species which may be present on site are badgers and slow worms.

The initial survey work identified two possible setts one within the garden of Solitaire and the second with the garden of neighbouring Tikoh. Further survey work was undertaken during the course of the determination of the application and proved that at present the potential sett under the shed in the garden of Solitaire was not active at present. The Sett within Tikoh is believed to still be in use. The applicant has proposed a mitigation strategy which involves the continued monitoring of the sett within Solitaire to observe if any badgers return here prior to work commencing. They also propose to temporarily close (under a Natural England licence) the sett within Tikoh during the ground works to Plot 1. With measures then being put in place once the sett has been reopened to ensure the new property is not undermined.

In terms of slow worms during the initial survey work potentially suitable habitat for slow worms was identified on site. It has been acknowledged that during any potential construction of these 6 dwellings that the majority of this on-site habitat would be disturbed/removed. The applicant has proposed a mitigation strategy to deal with slow worms should they be found during the proposed works. This would involve the translocation of any slow worms found to a receptor site. The applicants have submitted a mitigation strategy which can be controlled by condition.

The County ecologist has reviewed the two submitted strategies and confirmed that these meet with the requirements to safeguard the previously identified protected species. As such the proposal is acceptable in principle.

7. Affordable Housing/S106 obligations

West Somerset Council adopted a Planning Obligation Supplementary Planning Document

(December 2009). This document provides guidance on when it is appropriate for the Council to seek both affordable housing and other contributions i.e. recreation through a Section 106 Agreement. The document states that the threshold for Minehead where affordable housing and any other contributions should be sought is on development sites of 8 or more dwellings. Given that this site is only for 6 dwellings it is not appropriate in this instance to seek affordable housing or any other contribution.

8. Precedent

Concern has been raised within the consultation responses that granting this application could result in a precedent being set whereby 'mini estates' are deemed suitable. It should be noted that the granting of permission in one instance does not in itself guarantee that a similar application within the local area would also be permitted. Each planning application is treated in isolation and each site would be subject to its own constraints which would need to be assessed and a different conclusion could well be reached.

9. Housing Market and Local Economy

Several consultation comments have made reference to the fact there is no need for further housing, given that many properties sit idle on the housing market. Specific reference is made to the provision of the need for low cost housing rather than luxury homes which are being brought forward under this application. It is not within the remit of planning to decide to grant or refuse permission based on the current state of the housing market, as individual landowners are freely able to bring forward sites at their own risk. It should be noted that there is a genuine housing need within the West Somerset District (up to 2032) to bring forward at least 2,500 dwellings. Therefore in this context the provision of 6 dwellings could be considered favourably.

In addition comments have been put forward that allowing this development would have an adverse impact on local services and the existing business of Alcombe House. It is assumed that the adverse impact upon services would result if services were stretched by way of the additional housing. Given that this development results in only a modest increase (5 dwellings) this is unlikely to have a detrimental impact on local services as any increase in population will be minimal.

The impact on Alcombe House relates to the assertion that some rooms are let at a premium due to the open views that can be enjoyed. The proposed development has been assessed as having an acceptable impact on the character and appearance of the area. The land on which it is to be developed are former gardens and not large swathes of open countryside. In addition, no individual is entitled to the right to a particular view, although in this instance it is not understood how a small scale infill would be detrimental to views of the wider local landscape.

10. Back Garden Development

Many consultation comments have made reference to the fact that the proposal sees existing gardens used for housing and that this is inconsistent with Government policy and will have a detrimental impact on the appearance of the area.

The NPPF, in paragraph 53, does indicate that Local Planning Authorities could consider implementing policies to "*resist inappropriate development of residential gardens*". The first point to make here is that a Local Planning Authority could choose to adopt such a policy, in West Somerset Council's case no such policy exists. Secondly the policy would only be able to resist inappropriate development, for the reasons provided within section 2 of this report the development is considered to have an acceptable impact.

Finally, one response noted that the loss of the garden space would have a detrimental impact on the quality of life of residents. It is true that the properties directly adjacent to the site along the Bircham Road will see reduced gardens, but these gardens were already quite substantial and the development does provide ample gardens to all the new and existing dwellings. Therefore all residents will be able to enjoy some outdoor space.

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.

Reason for Approval:

The proposal accords with the Council's settlement strategy for the location of new development. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The setting of the Conservation Area would be preserved. The setting of adjoining Listed Buildings would not be harmed. The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking arrangements meet the required safety standards and will ensure the free flow of traffic on the highway. The proposal makes satisfactory arrangements for the protection of biodiversity. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policies STR1, STR2, 49, SP/1, SP/2, CA/1, LB/1, BD/1, BD/2, NC/4, NC/5, T/3 & T/8 of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000) and the West Somerset District Local Plan (adopted December 2006).

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 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 1247/(PL)01B (30th January 2013), 1247/(PL)02, 1247/(PL)03 & 1247/(PL)04 submitted on 7th January 2013.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The applicant shall ensure that all vehicles leaving the site are in such a 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 during the construction period.
Reason: To safeguard the amenities of local residents and in the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset Local Plan (2006).
- 4 No works shall be undertaken on site unless a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, 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, LB/1 & CA/1 of the West Somerset District Local Plan (2006).
- 5 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to

be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the hard surface treatment of the open parts of the site; and a programme of implementation. All hard and 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: To ensure the provision of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 6 No works shall be undertaken on site unless details for the proposed boundary treatments on the application site 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, the existing and proposed site and floor levels and details of the height, type, materials, finish and colour of the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the occupation of the dwellings hereby approved.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

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

Reason: In the interest of highway safety and to meet the requirements of Policy 49 of the Somerset and Exmoor Joint Structure Plan Review

- 8 The dwellings shall not be occupied unless a properly consolidated and surfaced access has been constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: To prevent loose material being carried on to the highway, in the interests of highway safety, having regard to the provisions of Policy T/3 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), any garage hereby permitted as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation.

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

- 10 The development hereby approved shall be carried out in accordance with the findings and mitigation proposed within the Badger Survey Report and Mitigation Plan (February 2013) unless otherwise approved in writing by the Local Planning Authority.

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).

- 11 The development hereby approved shall be carried out in accordance with the findings and mitigation proposed within the Reptile Mitigation Plan (February 2013) unless otherwise approved in writing by the Local Planning Authority.

Reason: To avoid unnecessary killing or injuring of adders/grass snakes/slow worms

having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 12 The proposed windows in the bathroom and ensuite to bedroom 1 on the western elevation of Plot 3, as shown on drawing 1247[PL-] 02 shall be non-opening and glazed with obscure glass and permanently retained as such.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).
- 13 The proposed window in the ensuite to bedroom 4 on the north eastern elevation of Plot 4, as shown on drawing 1247[PL-] 03 shall be non-opening and glazed with obscure glass and permanently retained as such.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).
- 14 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), no window, dormer window, roof light, door or other opening, other than those expressly authorised by this permission, shall be constructed in the western elevation of plot 3 as shown on drawing 1247[PL-] 02 without obtaining planning permission from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).
- 15 The area allocated for parking and turning on the submitted plan (drawing no 1247[PL-]01B) shall be fully provided within the site (to include being properly consolidated and surfaced) in accordance with details which shall have been submitted and approved in writing by the Local Planning Authority. Such parking spaces and turning areas shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the associated plot.
Reason: To ensure suitable parking and turning space is provided and retained at the site, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).
- 16 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: To prevent loose material being carried on to the highway, in the interests of highway safety, having regard to the provisions of Policy T/3 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 issues/concerns were raised by a statutory consultee and a neighbour in respect of ecological and overbearing issues respectively. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and additional information 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

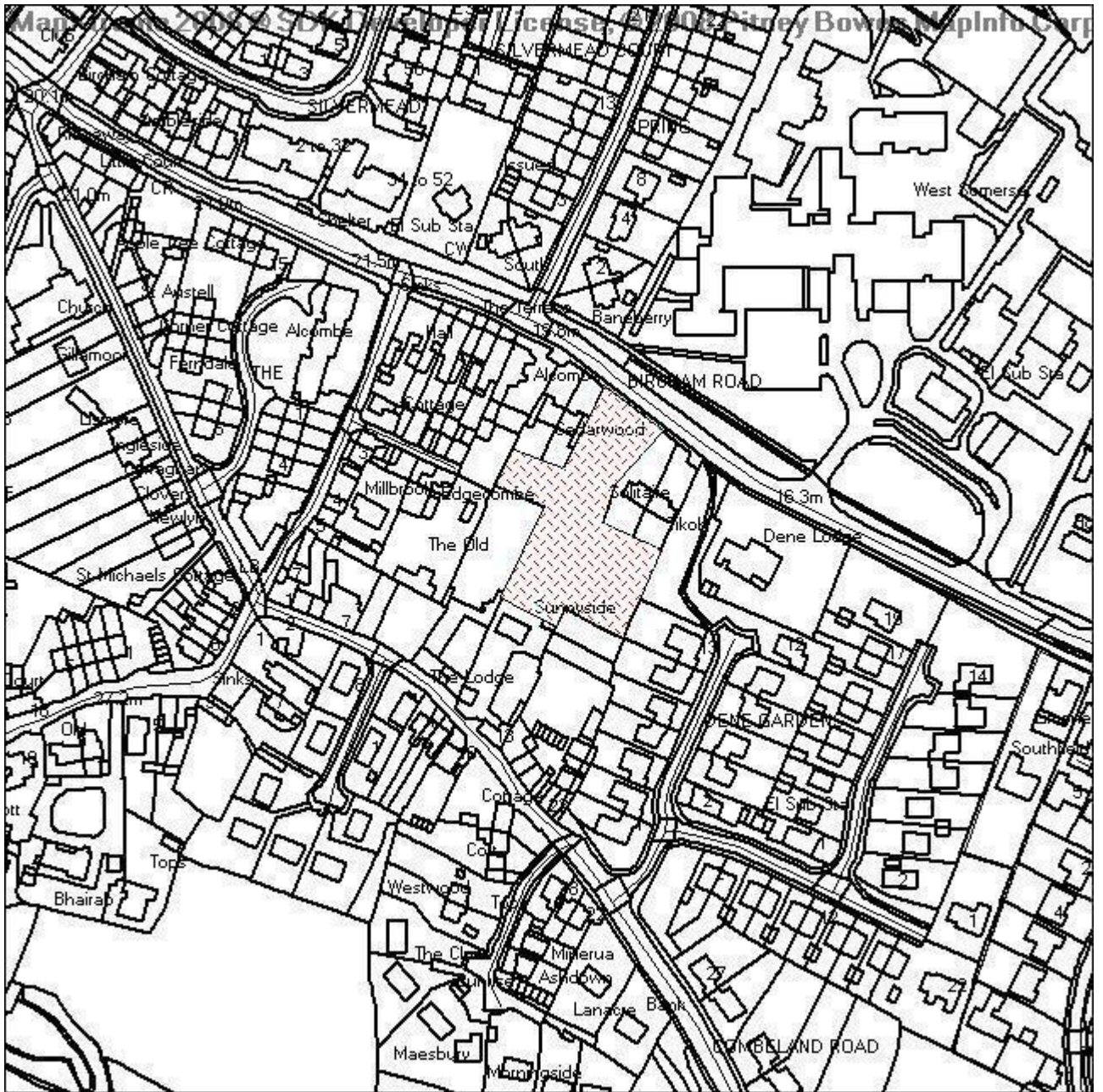
and suitably disposed of. Your co-operation in this matter is greatly appreciated.

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

4 Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. This works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

5 The applicant's attention is brought to the provisions of the Protection of Badgers Act 1992 which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. Under Section 10(1) (d) of the Act, Natural England has authority to issue licences to interfere with a badger sett for the purpose of development, as defined by Section 55(1) of the Town and Country Planning Act 1990. The applicant is therefore positively encouraged to follow due process in the event that there is a need to interfere with a badger sett as a consequence of this application.



Application No 3/21/12/141
 Demolition of existing detached dwelling and the development of six dwellings with new access road, landscaping and parking
 Land at Solitaire, Bircham Road, Alcombe, Minehead, TA24 6BQ
 7 January 2012
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Application No:	3/26/12/015
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Kenneth Taylor
Grid Ref	
Applicant	Mr Crosbee Sustrans Ltd
Proposal	Creation of a cycle path from Old Cleeve to Washford
Location	Land adjacent to the railway line at Washford
Reason for referral to Committee	Having regard to the nature of the proposed development and the 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 measurers have been actioned and after they have.

Site Location:

Land adjacent to the railway line at Washford

Description of development:

Creation of a cycle path from Old Cleeve to Washford

Consultations and Representations:

The Local Planning Authority has received the following representations:

Old Cleeve Parish Council

1. There would be an initial impact but nature will soon re-establish
2. Possible danger to cyclists entering onto the Blue Anchor Road, poor visibility and speeding vehicles.
3. It will provide a better/safer means of walking/cycling away from a busy dangerous road.
4. A positive step for tourism.
5. Whilst we appreciate that some signing could be needed we must point out that this is open countryside where excessive signage has not and should not be allowed.

Highways Liaison Officer

The proposal relates to the creation of a cycle path which will link Old Cleeve with Washford.

From a policy prospective Somerset County Council are supportive of the principle of the cycle path link. In terms of the details I have the following comments to make.

Although the proposed route is to remain private the Highway Authority has to address issues over how pedestrians and cyclists will access the proposed cycle path. In terms of the access at Old Cleeve, this will be located to the north of Dragon's Cross and will be via an un-named Classified Un-numbered highway. This section of highway can be characterised as sinuous in nature with high hedges on either sided and not of sufficient width to allow for two way vehicle flow. From visiting the site it is apparent that the proposed cycle path would be accessed via an existing agricultural access. It was observed that there is a sizable change in gradient between the road level and the top of the field.

The applicant has indicated that the point of access will be finished in a non-slip surface. Although this access will still be utilised by agricultural vehicles so it is likely to become muddy especially in the winter months. At the point where the cycle path will join the adopted highway visibility is limited to the extremities of the access. The Highway Authority has concerns over the limited levels of visibility that is provided at the access. This is both for cyclists exiting out onto the highway and also the forward visibility of vehicles already on the highway. From the submitted plan it is noted that the applicant is proposing to provide a mirror directly opposite the access to aid visibility for cyclists. The Highway Authority does not allow the use of mirrors on highway safety grounds as such this element of the proposal should be removed. It is also noted from the insert that cycle warning signs would be provided to warn on coming vehicles of the access. It is noted that these signs are located in the carriageway, although this maybe a drafting error. No details have been provided on the signage detail and this would need to be approved by the Highway Authority as it would be located on the adopted highway.

Turning to the other point of access this is located off of Willow Grove in Washford. This section of highway is designated as an unclassified and does allow for two-way vehicle flow although at the point where it passes the access to the proposed cycle path it does narrow to single width. From visiting the site it was noted that the access is located on the outside of a bend as a consequence visibility can be considered to be adequate in either direction.

In terms of the actual path itself, from a cycling perspective what has been proposed can be considered reasonable given the location and the type of use, which can be expected. However it is unlikely that the County Council would look to adopt this route, consequently it is the concern of the applicant make sure the route is safe for its end users.

Therefore to conclude although the Highway Authority has no objection in principle to this proposal the Highway Authority has concerns over the points where the proposal will join the adopted highway in particular the proposed access at Old Cleeve. The Highway Authority has serious concerns over the limited visibility provided in both directions and the lack of forward visibility for vehicles on the carriageway. Therefore taking into account the above information I raise objections to this proposal for the following reason:

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) as visibility is severely restricted in either direction for cyclists accessing the highway at Old Cleeve and therefore the access is considered unsuitable for use in connection with this proposal.

Somerset Wildlife Trust

No response.

West Somerset Railway

Many thanks for allowing us to comment on the Planning Permission on the new cycle path from Old Cleeve to Washford.

We have the following concerns:

1. What measures will be taken to ensure that the new standard DBM path construction does not affect the flooding of the railway at the boundary fence on Location Plan two?
1. What Risk Assessments and preventative measures will be in place to ensure the Farm Crossing at Washford Station does not become a short cut to the Washford Arms Public House?

The WSR supports the scheme outside of our leased land but would wish the concerns are noted and do not impact on the safe operation of the West Somerset Railway.

Ramblers Association (West Somerset)

No response.

Ecologist

The Design and Access Statement states that Natural England has been consulted but no

details of who and the response is given by them are included with the application.

An Extended Phase 1 Ecological Survey accompanies the application and I have the following comments on it:

First it appears only part of the route has had an ecological survey carried out on it, from the east stopping at the footbridge crossing of the railway line. Further surveys would be required to assess the ecological impact of the scheme to the west of the footbridge.

Secondly, although evidence of survey was not found during the walk over survey the consultant does not state by which method this evidence was sought. It is also not clear how much and where shrubs and trees would have to be cleared or trimmed back from the report. Given the presence of dormice on the south side of the railway, as noted in the Extended Phase 1 report, a survey using nest tubes should be carried out on the north side in hedgerow and woodland affected by the scheme to determine presence / absence. Hazel dormice are capable of crossing open ground during dispersal and are present in the central reservation of a dual carriageway in Devon. Research has shown them capable of covering up to 500 metres through arable fields. Therefore as there would be some shrub or tree clearance at some point along the route it must be determined whether the species is present or not using methods set out in the Dormouse Conservation Handbook (English Nature, 2006).

Hazel Dormice are listed on Schedule 5 of the Wildlife and Countryside Act 1981 for protection against individual disturbance and as a European protected species on Schedule 2 of the Conservation of Habitats and Species Regulations 2010 affording them protection against killing, injury and disturbance, and their nests from damage or destruction. It is also an offence to deliberately disturb them in such a way as to be likely to impair their ability to hibernate or migrate or significantly the local distribution or abundance of the species to which they belong. I do not consider that the local population are likely to be compromised by the scheme, if present. However, presence needs to be determined so that the correct avoidance/mitigation measures can be employed with respect to other offences and a licence obtained if necessary.

Thirdly, it should be noted that vegetation clearance should not take place during the bird nesting season, which is between March and August inclusively.

To conclude further surveys as outlined above are likely to be required before the application can be determined based on the submitted information. Surveys for European protected species cannot be conditioned (ODPM Circular 05/2006).

SCC - Archaeology

No response.

Public Consultation

The Local Planning Authority has received 46 letters of objection/support making the following comments (summarised):

Objection

- Concern in respect of railway safety - the users of the path may use the agricultural crossing to cross the railway line to access the pub at Washford.
- The cycle path will provide the opportunity for metal thieves to attack the museum site at Washford Station. Padlock on the gate will delay legitimate use of the agricultural access.
- At the western end of the cycle path it is proposed to empty walkers, cyclists, wheelchair users onto a narrow sunken, narrow, busy lane. It appears reckless onto this road. The proposed convex mirror will do little to help as it is difficult to judge speed and distance of traffic. The slope of the approach path will make this situation worse.

Support

- The A39 is far too dangerous to cycle on
- The path will remove cyclists from the road reducing conflicts with vehicles
- The route would encourage cycling
- The route would make it easier for children to cycle safely

- The route would be very popular
- Health benefits
- Increase enjoyment of the environment
- Encourage eco-friendly modes of transport
- Improve the image of the area
- The proposal would bring visitors to the area and wider benefits (success of the Tarka Trail in Devon).
- Improve access to the Old Mineral Line
- Improve infrastructure and help regenerate West Somerset
- The route should be provided as soon as possible

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 & Exmoor National Park Joint Structure Plan Review (adopted April 2000), Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Local Plan (adopted February 2005) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- STR1 Sustainable Development
- STR6 Development Outside Towns, Rural Centres and Villages
- 5 Landscape Character
- 1 Nature Conservation
- 23 Tourism Development in the Countryside
- 38 Sport and Recreation in the Countryside
- 42 Walking
- 44 Cycling
- SP/5 Development Outside Defined Settlements
- NC/4 Species Protection
- NC/3 Sites of Local Nature Conservation and Geological Interest
- R/12 Informal Recreation Facilities
- 49 Transport Requirements of New Development

National Policy

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

Planning History

There is no relevant history for this site.

Proposal and Site Description

The Steam Coast Trail is designed to link the settlements of Williton, Watchet, Washford, Blue Anchor, Carhampton, Dunster and Minehead with traffic free paths suitable for walking, cycling and wheelchair access to serve the needs of the local population and visitors to the area. This application relates to the section between Washford and Old Cleeve Road. In Washford the path begins to the north of the railway line on Willow Grove a little to the south and west of Verdun Terrace. From this access the path is proposed to follow the line of the railway on its northern side to rear of the station and railway museum. Where Old Cleeve Road heads north from the A39 the track would follow the road for approximately 215M on the eastern side of the road. The track would then join with the road at the location of an existing field entrance. At this point the field where the track is proposed is approximately 2-3m higher than the road level. It is proposed that a field gate, set 5m back from the road, would be installed with a chicane to the side for access to the track. It is also proposed that a convex mirror is installed opposite the access point. A give way line is proposed where the track meets the road with bollards with a reflective strip denoting the access. Cycle warning signs are proposed either side of the access. From this point users of the Steam coastal trail would utilise the existing highway network past Old Cleeve, Chapel Cleeve and join onto the B3191 through Blue Anchor. At Blue Anchor the trail would begin again and link to Dunster Beech. The Blue Anchor – Dunster Beech section of the track has been granted planning permission

under application reference 3/10/12/003 although work has not yet begun on the track.

The path would have a width of 2.5m in most places, but does reduce to 1.5m at a pinch point near the railway station and at a field boundary. The surface of the path is proposed to be bitumen macadam. The application is supported by an ecological survey which covers a portion of the route.

Planning Analysis

1. Principle of Development

There is general encouragement for the provision and enhancement of public rights of way, including for cycling, in the NPPF, Structure Plan, and Local Plan. The proposal is therefore acceptable in principle subject to the consideration of specific details and local constraints.

2. Character and Appearance of the Area

Policy STR1 of the Structure Plan seeks to ensure that development is of a high quality, good design and reflects local distinctiveness. Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments.

For the most part the path follows the line of the existing railway set on the edge of the agricultural land that abuts the railway land. Where the path turns north, it would follow the hedge line of the field where it abuts the Old Cleeve Road. Although the cycle path will add some additional hard surfacing and fencing in the area, the location of the path is such that this will not be particularly intrusive to the wider area. It is also considered that any harm to the character of the area would be outweighed by the benefits brought about by the provision of the cycle path.

3. Residential Amenity

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).

The location of the track is such that it is on the opposite side of the highway (A39 and Old Cleeve Road) than any residential dwelling. For the majority of the length of the path the railway line would also separate the proposal from the nearest residential dwellings. It is considered that at this degree of separation there would not be any substantive amenity issues.

4. Highway Safety

4.a. Overview/general

Policy 49 of the Structure Plan requires that development provides safe access to roads of an adequate standard.

In general terms the proposed path will be safe and appropriate for the proposed use.

4.b. Access at Washford

Having regard to the comments from the Highway Authority it is considered that at this access point there is adequate visibility although the road does narrow to a single width at the point of the access to the track. Ultimately the Highway Authority did not raise an objection to the scheme on the basis of the access to the highway at the Washford end of the track and it is considered that this part of the scheme is acceptable.

4.c. Access at Old Cleeve Road

In the initial Highway Authority response concern was raised in respect of this access. The road from Dragon's Cross to Old Cleeve and beyond is a classified, un-named, un-numbered highway. The highway is sinuous in nature with high hedging along either side of the road. The road is single width for the majority of its length.

The access point is at the location of an existing field entrance. At this point the field is located significantly above the road level (around 2 – 3 m) and therefore the access is on a significant gradient. The access would still provide access for agricultural vehicles as well as access to the track. As such it is likely that the access will become muddy in winter months.

There is limited visibility in either direction at the access point. The Highway Authority has raised significant concerns over the limited visibility. This concern relates to visibility for cyclists and pedestrians exiting the track and emerging onto the highway and in respect of the forward visibility afforded to vehicles already on the highway. For these reasons the Highway Authority considers that safe access to the highway cannot be achieved and as such this proposal is contrary to Policy 49 of the Structure Plan.

The applicant is proposing the use of a convex mirror to seek to alleviate some of the issues in respect of the visibility limitation. However the Highway Authority is not supportive of the use of mirror on safety grounds and has requested that the mirror is removed from the proposal (as it would be sited on the highway verge). The applicant has confirmed that the mirror would not be placed on the highway verge but set to the rear of the highway verge. This land is not included within the application site and is on land outside of the applicant's control. As such it would not be possible to secure the provision of a mirror via condition or secure the on-going maintenance of the mirror. In any event the use of a mirror would not overcome the highway safety concerns in respect of the limited visibility.

Council Officers have discussed this issue with the applicant and suggested that an alternative access point is sought. The applicant provided an amended plan that showed a chicane set 5m back from the carriageway edge and confirmed that the convex mirror would be sited on land off the public highway. However the applicant has not been able to submit proposals for a revised access point and has requested that the application be determined as submitted.

5. Ecological Issues

The application site lies adjacent to a County Wildlife site which is located from Dragon's Cross encompassing land from the A39 to the northern edge of the railway land and extending from Old Cleeve Road to the station buildings. At the eastern end of the track, where access is gained onto Willow Grove, the track would pass through a County Wildlife site.

Policy 1 of the Structure Plan requires that biodiversity is maintained and enhanced. 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.

Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system) makes clear, in paragraph 99, that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after the planning permission has been granted."

An ecological survey has been carried out for only part of the application site. Further surveys are required for the remainder of the site. The report does not make clear how much and where trees and shrubs would have to be cleared or trimmed back. There are dormice (a protected species) present on the south side of the railway. Dormice are capable of covering open ground. As there would be some scrub or tree clearance it must be determined whether dormice are present. This would require a survey using nest tubes. Having regard to the comments from the County ecologist, it is unlikely that the dormice population, if present, would be compromised by the scheme. However their presence needs to be determined so that correct avoidance and mitigation can be employed. Prior to planning permission being granted further surveys will need to be carried out. The applicant has been informed of this,

but to date the additional information has not been submitted. There does not appear to be any exceptional circumstances which would result in it being appropriate that such survey work is conditioned. As such it must be recommended that planning permission is refused on the basis that it has not been demonstrated that the proposal can be carried out with biodiversity being maintained and enhanced nor has it been demonstrated that protected species will not be harmed.

The County ecologist has noted that vegetation should not be cleared during the nesting season. This matter could be handled by condition.

6. Other Implications

6.a Agricultural railway crossing

There have been concerns raised that users of the track, may seek to use the crossing, used to give access to the agricultural land, as a means of accessing the Washford Inn. While this concern is understood it is not considered that this is a sufficient reason to withhold planning permission. The access to the track in Washford is not too far from the Washford Inn. It would be possible to reduce the likelihood of users of the track using the crossing by suitable means such as signage and the locking of the crossing gates where only legitimate users held the keys / codes. It is not considered that this is significantly burdensome on the legitimate users of the crossing and not to the degree where this would outweigh the benefits of providing a cycle track.

6.b Security issues

There are concerns that the track could give rise to increased security issues at the station and museum. It has been suggested that security fencing and improved CCTV should be provided by the applicant.

The nature of the station and museum site is quite open. Unauthorised access could be achieved under the current layout. It is not considered that the increased risk of access from the northern boundary is such that it would warrant the provision of fencing and increased CCTV.

6.c Land stability

Concern has been raised in respect of a possible land stability issues in relation to drainage near the station. This matter could be addressed by a condition.

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 unacceptable and it is recommended that planning permission be refused.

Reason for Refusal:

- 1 Policy 49 of the Structure Plan requires that development should provide safe access to roads of an adequate standard. At the access from the proposed cycle track to the highway (Old Cleeve Road) visibility is severely restricted in either direction for users of the path accessing the highway. The access is considered to be unsuitable for the proposed use. This proposal is contrary to the provisions of Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000).
- 2 Policy 1 of the Structure Plan requires that biodiversity is maintained and enhanced. 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 National Planning Policy Framework is "helping to improve biodiversity" (paragraph 7). Within chapter 11 of the NPPF the overarching aim is that in making decisions on planning

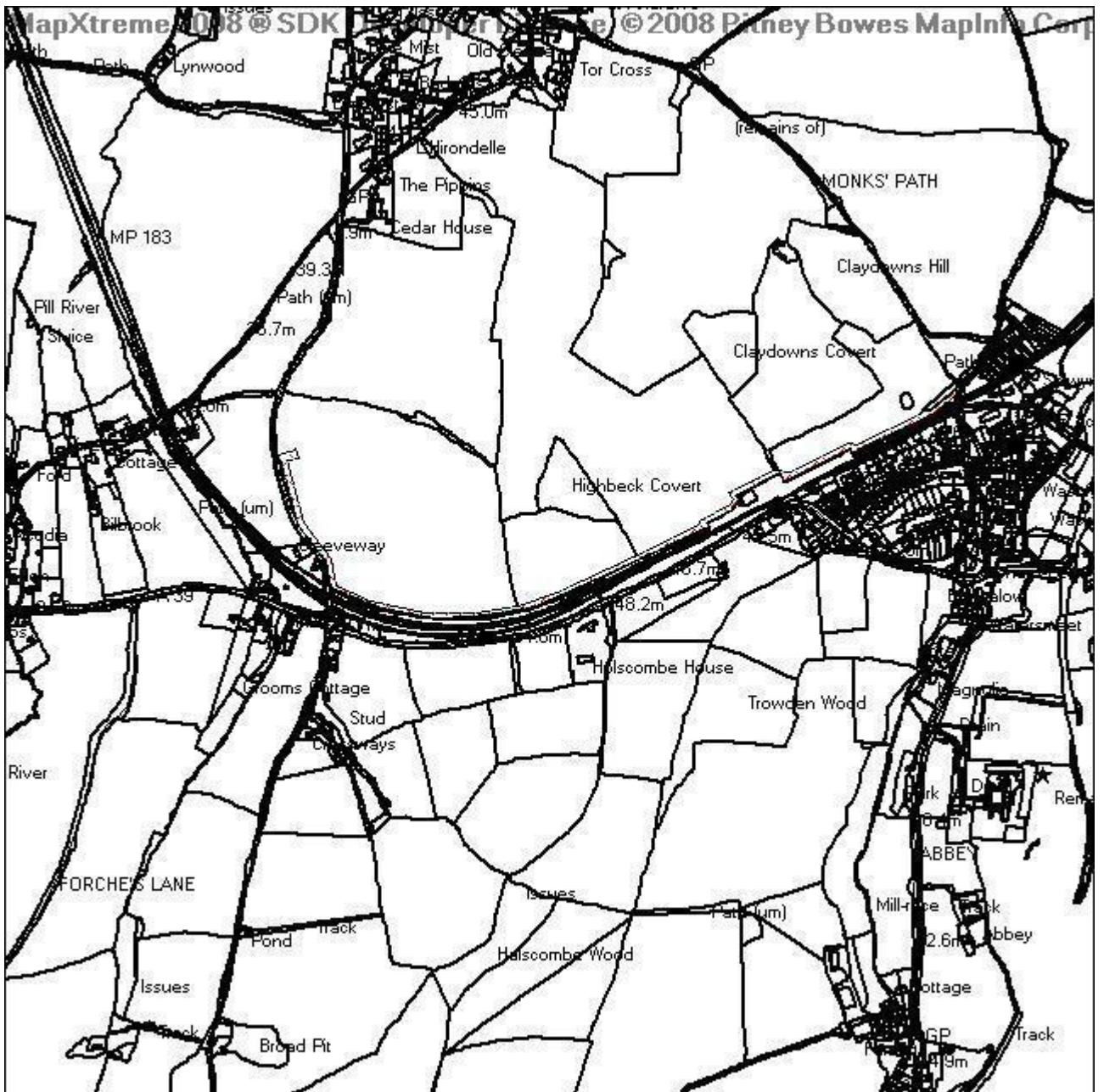
applications biodiversity should be maintained and enhanced. Ecological surveys have only been conducted for a portion of the application site. There is potential for dormice to be present on the application site and affected by shrub and tree clearance. The presence of dormice has not been properly established which is essential in order that correct avoidance and mitigation methods can be employed. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Additional surveys would be required before planning permission can be granted and currently the applicant has not demonstrated that the proposal can be carried out with biodiversity being maintained and enhanced and it has not been demonstrated that protected species will not be harmed. This proposal is contrary to Policy 1 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), Policy NC/4 of the West Somerset District Local Plan, Policies within the National Planning Policy Framework and advice within Circular 06/2005.

Notes

1 This decision relates to the Overview map, Location Plan One and Two, Map 1 of 2 and Map 2 of 2, Standard DBM path cross section, the Extended Phase 1 Ecological Survey (dated March 2012) and Design and Access Statement received 08 June 2012 and Sketch of gate arrangement at Old Cleeve Access received 23 October 2012.

2 **STATEMENT OF POSITIVE WORKING**

In the determination of this application the local planning authority complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. During the consideration of the application certain elements of the proposal were deemed to be unacceptable concerns were raised by consultees in respect of ecological and access issues. The local planning authority contacted the applicant to inform them of the concerns at an early stage. The Local Planning Authority suggested that the applicant seek to deal with the omission in respect of the ecological surveys and seek an alternative means of access at the Old Cleeve end of the track. Although the applicant made modest amendments to the access, these did not address the fundamental concerns with the access. The applicant did not submit any additional ecological surveys. The applicant requested that the application be determined as submitted. For the reasons given above and expanded upon in the planning officer's report, the application was deemed to be unacceptable and planning permission was refused.



Application No 3/26/12/015
 creation of a cycle path from Old
 Cleeve to Washford
 Land adjacent to the railway line
 at Washford
 08/06/2012



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

West Somerset Council
 Licence Number: 100023932

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Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/01/12/010	Woolston Dairy, Woolston, Taunton, TA4 4LN Erection of additional agricultural dwelling for a Dairy Herd Manager	07 February 2013	Grant
3/01/12/022	30A The Coach House, Trendle Lane, Bicknoller, Taunton, TA4 4EG Erection of garden room(amended scheme to 3/01/11/011)	21 January 2013	Grant
3/04/12/019	Croft Farm, Brushford, Dulverton, TA22 9RS Conversion of barn into holiday accommodation	30 January 2013	Grant
3/04/12/020	Ellesboro, Brushford Lane, Brushford, Dulverton, TA22 9AW To alter roof pitch and utilise the available space to provide additional living accommodation and to reconfigure the ground floor into more suitable sized rooms (resubmission of 3/04/12/009)	21 January 2013	Grant
3/07/12/028	Cookley Wood, Cookley Lane, Crowcombe, Taunton, TA4 4BH Variation of condition 2 of planning permission 3/07/11/002 to replace drawing 07.27.14A with 07.27.14B to allow a change of roof covering from zinc to slate and to provide details of timber boarding	23 January 2013	Grant
3/17/12/009	New House Cottage, Huish Champflower, Taunton, TA4 2HJ Erection of replacement porch	21 January 2013	Grant
3/21/11/135	8 Church Steps, Minehead, TA24 5JS Approval of details reserved by condition 8 (relating to details of plaster), Condition 11 (relating to details of stairs), Condition 10 (relating to bedroom details), condition 4 (relating to of replacement Wattle and daub) in relation to Listed Building Consent ref: 3/21/10/071	29 January 2013	Refuse
3/21/12/123	6 Brook Street, Alcombe, Minehead, TA24 6BP	13 February 2013	Grant

Installation of gas combi-boiler central heating system including external flue, removal of five storage heaters & replacement with radiators plus replacement of an MDF window sill with Oak.

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/12/135	5 Church Street, Minehead, TA24 5JX Erect two steel handrails from the front door to the bottom step	18 February 2013	Grant
3/21/12/140	The Flat, The Wheelhouse Restaurant, 27 The Avenue, Minehead, TA24 5AY Replacement of existing timber windows with PVCu windows	21 January 2013	Refuse
3/21/12/142	Thatchcot, The Holloway, Minehead, TA24 5PB Widen existing vehicular entrance including rebuilding pier and fitting gates (resubmission of 3/21/12/121)	30 January 2013	Grant
3/21/12/143	Thatchcot, The Holloway, Minehead, TA24 5PB Widen existing vehicular entrance including rebuilding pier and fitting gates (resubmission of 3/21/12/122)	30 January 2013	Grant
3/21/12/146	17 Trinity Way, Minehead, TA24 6GE Erection of rear single storey extension	29 January 2013	Grant
3/21/13/001	20 Falklands Rise, Minehead, TA24 8UA Erection of conservatory to rear elevation	07 February 2013	Grant
3/21/13/004	1 Bowsprit Close, Minehead, TA24 6GR Rebuilding of first floor flat destroyed by fire damage	20 February 2013	Grant
3/24/12/008	Raleghs Cross Inn, Raleghs Cross, Brendon Hill, Watchet, TA23 0LN Display of three sets of two signs advertising pub facilities	13 February 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/31/12/022	Orchard End, Vellow Road, Stogumber, Taunton, TA4 3TL Proposed rear extension, new roof and replacement dormers	07 February 2013	Grant
3/32/12/073	Priors Cottage, Stolford, Stogursey, Bridgwater, TA5 1TW Erection of oak framed garden room extension	07 February 2013	Grant
3/32/13/003	Knighton Farm, Burton, Stogursey, Bridgwater, TA5 1QD Erection of replacment livestock building	14 February 2013	Grant
3/39/12/052	12 Bridge Street, Williton, TA4 4NR Installation of secondary glazing to the inside of six windows.	07 February 2013	Grant
3/39/12/053	End of the Road, 16 Catwell, Williton, Taunton. TA4 4PF Erection of a four bedroom dwelling following outline approval (resubmission of 3/39/12/043)	08 February 2013	Grant
3/39/13/001	Lloyds Bank plc, 23 Fore Street, Williton, Taunton, TA4 4QF Display of illuminated and non-illuminated signage	14 February 2013	Grant
CA/21/12/003	Kenella House, 7 Tregonwell Road, Minehead, TA24 5DT Pollard the tree to match all the other limes in tregonwell road.	31 January 2013	Raise No Objection
CA/21/13/001	Burgundy Road, Minehead T1-T7 Remove epicormic growth from trunk and main stems to a height of 6 metres. Remove any deadwood and rubbing branches. Inspect and adjust cobra braces as required. T4 Shorten three minor lateral branches from over the garden of properties on north-west side.	04 February 2013	Raise No Objection
CA/21/13/003	The Northfield Hotel, Northfield Road, Minehead, TA24 5PU	06 February 2013	Raise No Objection

Removal of leylandii

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
CA/32/13/001	The Bungalow, 13 Lime Street, Stogursey, Bridgwater, TA5 1QR Removal of damaged branch on Macrocarpa	07 February 2013	Raise No Objection

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
NMA/32/13/ 002	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF non material amendment to 3/32/10/037 for changes to the alignment of the fencing, to the North and East of the North car park	07 February 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
T/21/12/003	Clanville, Clanville Road, Minehead,, TA24 5PD Fell cyprus tree due to structural damage to adjoining garages and replant with 1 cyprus tree in the same place.	08 February 2013	Grant